

**ROSE LAKE TOWNSHIP
OSCEOLA COUNTY, MICHIGAN**

**NUISANCE, LITTER AND JUNK ORDINANCE
ORDINANCE NO. 2020- 110420-1**

PREAMBLE

AN ORDINANCE TO ESTABLISH THE "NUISANCE, LITTERING AND JUNK ORDINANCE" OF THE TOWNSHIP OF ROSE LAKE; TO ESTABLISH PENALTIES FOR VIOLATION; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE TOWNSHIP OF ROSE LAKE, OSCEOLA COUNTY, MICHIGAN, ORDAINS:

SECTION 1. TITLE.

This Ordinance shall be known as "*Rose Lake Township Nuisance, Litter and Junk Ordinance.*"

SECTION 2. PURPOSE.

This ordinance is intended to promote the public health, safety and general welfare; to provide penalties for maintaining public nuisances, litter and junk; to provide for the abatement of public nuisances, litter and junk by the township and the collection of costs thereof.

SECTION 3. DEFINITIONS.

"*Junk*," as used herein, shall include, but not be limited to, dismantled motor vehicles, parts of machinery or motor vehicles; unlicensed or inoperative trailers; or mobile recreational vehicles or unoccupied and uninhabitable, abandoned, dismantled, or fire-damaged, mobile homes/trailers, unused stoves, refrigerators, water heaters or other appliances; scrap metal; scrap building materials; garbage, trash or other cast-off material; organic refuse; food wastes; ashes; dead animals; fish; animal bones; hides; rotten soap; grease, tallow, offal; shells, food containers or wrappings; cans, bottles, jars, crockery; discarded furniture, cartons, boxes, crates, rags; discarded clothing, bedding, floor covering; wallpaper; sweepings; waste paper, newspaper or magazines; excrement; rot; construction debris (including, but not limited to, lumber, bricks, blocks, plumbing or heating materials, concrete, cement, electrical materials or siding); yard debris, litter or rubbish (including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches); industrial waste; unclean or nauseous fluids or gases.

"*Junk motor vehicles*" shall include any motor vehicle:

- a. Which is not currently licensed for use upon the highways of this state;
- b. Which does not display a current, valid license plate;
- c. Which is for any reason disabled or not lawfully operative on the highways of this state or which is not repairable;
- d. Which has remained on the premises of another without the consent of the owner or occupant of the property or after the consent of the owner or occupant of the property has been revoked.

"Litter" means any of the following:

- a. Rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances.
- b. A vehicle that is considered abandoned under section 252a of the Michigan vehicle code, 1949 PA 300, MCL 257.252a.
- c. An abandoned vessel as defined in section 80130f.
- d. An ORV that is considered abandoned under section 80130f as made applicable in section 81151.
- e. A snowmobile that is considered abandoned under section 80130f as made applicable in section 82161.

SECTION 4. LITTER, JUNK, NUISANCES PROHIBITED.

1. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance. No person shall commit, create or maintain any public nuisance, or maintain litter and junk on his/her property.
2. It shall be unlawful, punishable and subject to the remedies provided herein for any person, corporation, partnership, combination or association of persons to engage in conduct (including both acts of commission and omission), to act or maintain, create or accumulate the conditions prohibited herein. No person within the Township of Rose Lake shall:
 - a. Store, maintain or permit to remain outside of a completely enclosed building on any property owned or occupied by him, or throw, place, leave or permit the throwing, placing or leaving on the premises of another any litter, refuse, trash, junk or junk motor vehicles.
 - b. Leave or keep in an area open and accessible to the public or children any abandoned, unattended, unused or discarded icebox, refrigerator or any air-tight container of any kind which has a snap latch or other locking device thereon without first removing the snap latch or other locking device or the doors from such icebox, refrigerator or other such air-tight container.
 - c. Maintain, keep or permit a vacant, abandoned or unsafe building or structure on premises within the township unless such buildings are locked and secured so as to prevent entrance by unauthorized persons and children.
 - d. Keep or maintain a blighted structure. The term "blighted structure," as used herein, shall include, without limitation, any dwelling, garage, factory, shop, store, building, warehouse or any other structure or portion thereof which, due to partial demolition, fire, wind, nature disaster or physical deterioration, is no longer safe or habitable as dwelling or for the purpose for which it may have been intended.
 - e. Store, accumulate, maintain or permit the storage or accumulation of animal feces on property which that person owns, occupies or controls so that the odor of animal feces is detectable from neighboring properties. This provision shall not restrict the accumulation of animal manure on agriculturally zoned properties; provided, that the

manure is being stored and/or used for fertilizer in the course of agricultural activities on that property.

3. This section shall not be deemed to apply to the outside storage of farm machinery or parts thereof in areas of the township for agricultural use; provided, that the machinery is owned by the occupant of such premises for use on that owner's or occupant's properties, is not stored or maintained for purposes of salvage or resale and is operative.

SECTION 5. PENALTIES.

Any person found to be in violation of this ordinance shall be deemed responsible for a municipal civil infraction and subject to civil fine of not to exceed five hundred dollars (\$500.00) plus court costs and abatement costs.

SECTION 6. CIVIL REMEDIES.

In addition to the remedies provided herein, any violation of this ordinance shall be deemed a nuisance per se and the Rose Lake Township Board of Trustees, its officers, agents or any private citizen may take such action in any court of competent jurisdiction to cause the abatement and cessation of such nuisance, litter or junk, including injunctive relief.

SECTION 7. ABATEMENT; COSTS; ADMINISTRATIVE FEE; AUTHORITY OF OFFICERS.

1. Authority to abate nuisances. In addition to the remedies provided herein, the township supervisor, clerk, building inspector, zoning inspector, code enforcement officer or the duly authorized representatives of such officials may take appropriate acts authorized by law to abate all nuisance conditions which violate this ordinance. If the nuisance condition exists upon township property or upon the property of another municipal corporation with the boundaries of the township, the nuisance may be abated without notice.
2. Notice to abate nuisance. Whenever a nuisance condition described above shall exist on a private premises within the township, the township supervisor or Board of Trustees' agent shall give notice in writing by first class mail addressed to the owner or occupant of the property where the nuisance exists or to the person(s) otherwise responsible for the nuisance condition. The notice shall specify the location and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate or otherwise remove the nuisance condition within ten (10) days of the mailing of the notice, and shall further state that if the nuisance condition is not repaired, torn down, abated or otherwise removed, that the nuisance will be repaired, torn down, abated or otherwise removed by the township supervisor or his agent and the cost thereof charged as specified herein. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of the notice upon a conspicuous part of the property where the nuisance is located or by mailing a copy of the notice by first class mail addressed to the owner or party in interest at the address shown on the township tax records at least ten (10) days before further action by the township will occur.

3. Actions by township not to act as relief for owner's responsibility. Action by the township to abate or remove the nuisance condition shall not excuse or relieve any person of the obligation imposed by this ordinance to keep the property free from nuisance conditions or from penalties for violations hereof.
4. Costs; administrative fee; lien. All expenses incurred by the township in repairing, tearing down, securing, cleaning up, abating or otherwise removing a public nuisance under this ordinance, in addition to any administrative fee, shall be charged to the person responsible therefor, the occupant of the land in question or the person who appears as owner or party in interest upon the last local tax assessment records of the township. An administrative fee may be authorized from time to time by resolution of the township board of trustees to reflect the administrative cost and man hours incurred by the township officials, agents and employees in investigating, prosecuting and remedying violations of this ordinance. If the person fails to pay the charges within thirty (30) days after a statement is mailed to him or her, the amount of the township's expense and administrative fee may be paid from the township general fund and the amount thereof shall be assessed against the lands on which the expenditures were made on the next general assessment roll of the township and shall be collected in the same manner as other taxes are collected. The township shall have a lien upon such lands for such expense and administrative fee, and the lien shall be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.
5. Authority of officers. If, after due notice is provided as specified above, the owner or occupant or other interested person fails to repair, tear down, abate or otherwise remove the public nuisance, the supervisor or his agent is empowered to seek all measures provided by law to enter upon the lands where such nuisance is located and initiate litigation to repair, tear down, abate or otherwise remove the public nuisance, litter or junk and charge the costs therefor as specified herein.

SECTION 8. SEVERABILITY.

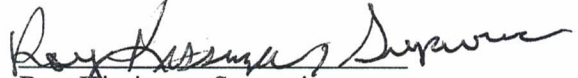
If any section, paragraph, clause, phrase or part of this ordinance is held invalid by any court of competent jurisdiction, or by any agency, department, or commission empowered by statute for such purpose, such decision shall not affect the validity of the remaining provisions of this ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

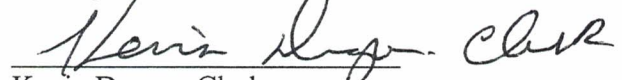
SECTION 9. REPEAL.

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; provided that any violation charged before the effective date of this ordinance under an ordinance provision repealed by this ordinance shall continue under the ordinance provision then in effect. All ordinances or parts of ordinances not expressly amended, deleted, or repealed, remain in effect.

SECTION 10. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after its passage and publication and recording as required by law.


Roy Kissinger, Supervisor


Kevin Draper, Clerk

I, Kevin Draper, Clerk of the Township of Rose Lake, do hereby certify that the above is a true action taken by the Rose Lake Township Board of Trustees as follows:

Reading:

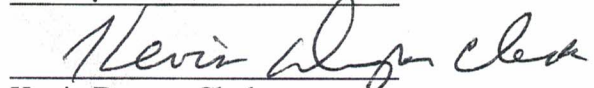
Publication

Effective Date:

11-4-2020

11-24-2020

12-24-2020


Kevin Draper, Clerk

State law reference: Similar provisions, MCL 324.8901, 324.8902, et seq.