

**Oceola Township  
Livingston County, Michigan  
Ordinance**

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An ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Oceola, Livingston County, Michigan, by the regulation, prevention, reduction or elimination of litter, junk, garbage, trash, rubbish, refuse or debris, abandoned, wrecked, dismantled, unlicensed or unusable motor vehicles, and other blight, blighting factors or causes of blight upon public or private property within the Township; and to provide penalties for the violation thereof.

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**The Township of Oceola ordains:**

**Section 1. Title.**

This Ordinance shall be known and may be cited as the Oceola Township Litter, Junk, Junk or Unlicensed Vehicles, and Anti-Blight Ordinance.

**Section 2. Purpose.**

The purpose of this Ordinance is to promote and preserve the general health, safety and welfare of the residents and property owners of Oceola Township by regulating and preventing, reducing or eliminating litter, junk, trash, garbage, rubbish, refuse and debris, unlicensed vehicles, and other blight or potential blight in the Township through the prevention or elimination of certain structures, conditions or environmental causes of blight or blighting factors which exist or which may in the future exist in the Township. It is hereby determined that the unregulated storage or accumulation of trash, rubbish, garbage, litter, junk, abandoned or unlicensed or junk vehicles, and the neglect of vacant or blighted structures tends to create a nuisance and results in deteriorated neighborhoods, lowered property values, negative views, the spread of vermin and disease, and increased criminal activity, and therefore is contrary to the public peace, health safety and welfare. The intent of this Ordinance is not to hamper a normal farming operation.

**Section 3. Definitions**

For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein shall have the following meanings:

- a.. "Blighted Structure" shall include dwellings that are uninhabitable or any building that constitutes a threat to public health, safety, or welfare due to impairment from fire, wind, natural disaster, physical deterioration or vandalism.
- b. "Building Materials" shall mean lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles,

mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

- c. "Compost Pile" shall mean a mixture of various decaying organic substances.
- d. "Farm Machinery" shall include machinery, equipment, and parts thereof, other than junk motor vehicles, normally used in the farming industry whether such machinery is operable or not.
- e. "Garbage" shall mean food waste or discarded food stuff of any kind.
- f. "Junk" shall mean objects that are either worn-out, unusable or discarded, and any parts thereof, including but not limited to items such as stoves, refrigerators, appliances, fixtures, boats, campers, household goods, furniture, tires, mattresses, batteries, machinery, broken toys and bicycles, broken lawn furniture, remnants of wood and building materials, and equipment.
- g. "Junk Motor Vehicle" shall include automobiles, trucks, vans, motorcycles, motor homes and other motor vehicles that have been unlicensed for a period in excess of sixty (60) days where such vehicles are not kept or stored in an enclosed building, and shall include whether licensed or not, any vehicle which is inoperable for any reason in excess of 60 days.
- h. "Litter" shall include remnants of all types of material and shall include industrial waste, dead or decaying matter, paper products, cans, bottles, trash, rubbish and debris.
- i. "Person" shall mean an individual, firm, corporation, or other entity of any kind.
- j. "Unlicensed Vehicle" shall mean any vehicle which is not currently licensed as a vehicle by the State of Michigan or any state. There is a presumption that a vehicle is unlicensed if there are no current and valid license plates on the vehicle.

#### **Section 4. Agricultural Activities**

The provisions of this Ordinance are not intended to prevent permitted activities associated with active agricultural operations maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended), generally accepted agricultural management practices (GAAMPS) established by the Michigan Department of Agriculture, and any other applicable county or state regulations.

#### **Section 5. Regulations**

- a. Junk. It shall be unlawful for any person to store or to permit the storage or accumulation of junk on any private property except within an enclosed building, or in a rear yard and screened from view from off-site and from any road right-of-way, or upon the premises of a properly zoned and licensed or approved junk dealer or salvage yard.

- b. Litter and Garbage. The owner or occupant of any private premises within Oceola Township shall maintain that premises free of litter and garbage. Provided however, that this section shall not prohibit the storage of litter and garbage in receptacles designed specifically for such use. Storage shall be in such a manner as to prevent litter being carried or deposited by the elements on any road, street, highway, sidewalk, or other public place or private property. Receptacles containing garbage shall be kept covered.
- c. Unlawful Disposal. No person shall dump, deposit, store, place, throw or leave, cause or permit the dumping, depositing, storing, placing, throwing or leaving of litter, garbage, junk, trash, rubbish, refuse or debris of any kind on any public or private property within Oceola Township, other than property legally designated and set aside for such purposes, whether owned by that person or not. Litter or garbage acquired or caused to exist on public property and deposited into receptacles provided for such public use on the same property shall be exempted.
- d. Compost Piles. Compost piles, as defined in Section 3. of this Ordinance, shall be permitted if such piles do not constitute a nuisance or annoyance to adjoining property owners or occupants.
- e. Storage or Accumulation of Building Materials. It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or where the building materials are part of the stock in trade or business located on the property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit. Scrap wood, block, brick, iron or metal material that is neatly stacked in the rear yard of an occupied premises may be permitted subject to all such materials being 1) in compliance with all applicable Township fire code and other ordinance requirements, 2) setback a minimum of 100 feet from any side or rear lot line unless screened from view off-site, 3) screened from view from any road right-of-way, and 4) not exceeding 2,000 cubic feet in volume in the AR District and 1,000 cubic feet in the RR, R-1, R-2, R-3, MHP, or RM Districts.
- f. Junk and/or Unlicensed Motor Vehicles. The parking, storage or accumulation of junk and/or unlicensed motor vehicles, or parts thereof, is prohibited, except under the following circumstances: 1) located in a completely enclosed building or otherwise screened from view off-site and any road right-of-way, or 2) located upon the premises of a properly zoned and licensed or approved motor vehicle dealer, motor vehicle parts dealer, automobile repair shop or garage, junk dealer or salvage yard, or 3) unless there is in force a valid permit issued by the

Township Zoning Administrator for storage of unlicensed and or inoperative motor vehicle(s).

g. Temporary Storage Permit.

- (1) The Zoning Administrator may grant permits for the controlled storage of unlicensed and or inoperative motor vehicles, or usable building materials where:
  - i. Such vehicle, vehicles or usable building materials are stored so as to negate the possibilities of breeding vermin and insects and,
  - ii. Such vehicle or vehicles are sealed in such manner as to preclude any damage or injury to children and usable building materials are stored neatly and covered, and
  - iii. Such vehicle, vehicles or usable building materials are stored in an inconspicuous portion of the property to avoid having a negative effect on local property values.
- (2) All permits granted for the storage of unlicensed and/or inoperative motor vehicles shall be effective for a period of 1 (one year from the date of issuance)
- (3) Permits granted for storage of usable building materials as identified under Section 5 e. above, shall be limited to no longer than 1 (one) year in duration.
- (4) A fee in accordance with the duly adopted schedule of fees shall be paid to the Zoning Administrator at the time of application and inspection. The purpose being to cover the administration and inspection costs incurred with such permits.

h. Vacant, Blighted Buildings and Structures.

- (1) Any building, structure or part of a building or structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended shall be prohibited.
- (2) It shall be unlawful for any person to own or keep a blighted structure, dwelling or other building on any property, or to keep or own a vacant dwelling or other building on property where no one resides unless such buildings and structures are securely locked, windows are either glazed or neatly boarded up, and such buildings and structures are otherwise protected from entrance by unauthorized persons, unless such structures are in the process of construction, rehabilitation, or repair and in accordance with a valid building permit where required by Livingston County. Vacant, unblighted and securely locked buildings being offered for sale or rent shall be exempted.

- i. Exemption. Notwithstanding any of the foregoing this Ordinance shall not apply to a use or activity which is licensed or allowed by, and conducted pursuant to, the Solid Waste Management Act, being 1978 Public Act 641, as amended.

## **Section 6. Enforcement**

- a. The Township Board is hereby charged with the enforcement of this Ordinance, upon a complaint being filed in writing with the Township Supervisor or the Supervisor's designee, or upon the motion of the Township Board.
- b. When any enforcement of the Ordinance shall occur, the Supervisor shall cause written notice of same to be served upon the owner and occupant of the premises where the violation has occurred.
- c. If correction has not been completed within the time specified in the notice, then the Township Board may cause the violation to be corrected without further notice.
- d. In the event that a violation exists pursuant to Section 5 above, the Supervisor shall set a date for hearing before the Township Board at which hearing a determination shall be made by the Board whether the premises in question fall within the provisions of this Ordinance and whether enforcement action shall be taken. Notice of hearing shall be sent to the owner and or occupant of the premises by certified mail not less than ten (10) days prior to the hearing and shall set forth the following:
  - (1) A notice of time and place of hearing
  - (2) A definite factual statement of the violation charged
  - (3) Notice of the right to cross-examine witnesses and the right to produce witnesses in the owner's behalf.
  - (4) The nature of the enforcement action which may be taken by the Township if the violation is not corrected.
- e. In the event that a violation under Section 5 has been determined by the Board to exist and the owner fails to demonstrate his capacity to restore, or remove the same within the time limits prescribed by the Board, then the Board may proceed to take enforcement actions.

## **Section 7. Violations and Penalties.**

- a. Failure to comply with the requirements of this Ordinance, including failure to secure a permit or violation of the conditions of permit approval under this

Ordinance shall constitute a violation of this Ordinance and each day the violation exists shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

- b. Any person, firm or corporation which violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit, license or exception granted hereunder, or any lawful order of the Township Board issued in pursuance of this Ordinance shall be guilty of a civil infraction. If responsible for a civil infraction, penalties may be imposed in fines up to one hundred (\$100.00) dollars per day plus the costs of prosecution.

The Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this Ordinance does not limit liability of responsible parties under local Ordinance or State or Federal law, rule or regulation. The decision to charge the alleged violator with a civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township Board.

- c. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.
- d. Failure of a permit holder to comply with the requirements of this Ordinance or conditions of permit approval shall be grounds for the Township Board to redeem any performance guarantee and take such other legal action necessary to ensure restoration of parcels subject to a permit under this Ordinance to their original condition. The Township Board may also pursue any other legal remedy or appropriate action to enforce the provisions of this ordinance.

#### **Section 8. Fees.**

The Township Board may establish a fee schedule to defray costs and expenses incurred by the Township to perform functions under this Ordinance. No action shall be taken on any permit application until required fees have been accepted by the Township Treasurer.

#### **Section 9. Severability.**

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent

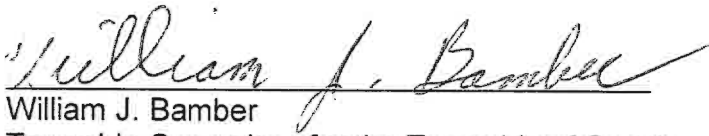
jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 10. Effective Date.**

This Ordinance shall take effect immediately upon its adoption and publication as required by law.

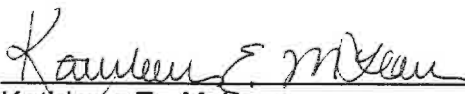
YEAS: 6  
NAYS: 0  
ABSENT: 1

**Ordinance declared adopted on May 5, 2011.**

  
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William J. Bamber  
Township Supervisor for the Township of Oceola

**Certification of Adoption and Publication**

I, Kathleen McLean, the duly elected Clerk of the Township of Oceola certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Oceola on May 5, 2011 and published in the Livingston County Daily Press and Argus, a newspaper circulated in the Township of Oceola on May 27, 2011.

  
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Kathleen E. McLean  
Township Clerk for the Township of Oceola