

**OSCEOLA TOWNSHIP ORDINANCE NO. 5-B:**

**AN ORDINANCE TO AMEND ORDINANCE NO. 5-A**

ORDINANCE NO. 5-A IS HEREBY AMENDED TO READ AS FOLLOWS:

**AN ORDINANCE TO PREVENT, REDUCE, AND ELIMINATE BLIGHT AND CAUSES OF BLIGHT WITHIN OSCEOLA TOWNSHIP, HOUGHTON COUNTY, MICHIGAN; TO PROVIDE FOR ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF, PURSUANT TO THE ENACTING AUTHORITY PROVIDED BY ACT 344 OF THE PUBLIC ACTS OF 1945 AND ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED.**

**THE TOWNSHIP OF OSCEOLA ORDAINS:**

**Section 1: Purpose**

Consistent with the letter and spirit of Public Act 344 of 1945 and Public Act 246 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce, and eliminate blight and potential blight in the platted areas of Osceola Township in an effort to promote the public health, safety, and general welfare of persons and property located in Osceola Township.

**Section 2: Causes of Blight or Blighting Factors**

It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and property in the platted areas of Osceola Township. On and after the effective date of this ordinance, no person, corporation, or association of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the platted areas of Osceola Township owned, leased, rented, or occupied by such person, corporation, or association:

A. In any platted area within Osceola Township, the storage upon any property of junk vehicles, except in a completely enclosed building or upon premises which are bounded by a fence, no less than eight (8) feet in height, which totally restricts the offending vehicles from public view. For the purpose of this ordinance, the term "junk vehicles" shall include any motor vehicle that is not registered for use upon the highways of the State of Michigan, and shall also include, whether so registered or not, any motor vehicle that is inoperative. "Inoperative" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or any other cause. Any motor vehicle which has a main component missing or unattached shall be construed as being

dismantled or in a state of disrepair. The following vehicles are excluded from this definition of "junk vehicles":

1. Unregistered, but operative, vehicles that are kept as the stock in trade of a regularly licensed and established dealer in new or used automobiles or other motorized vehicles;
  2. Operative vehicles that are used seasonally and registered with the State of Michigan for half-year use upon the highways of the State of Michigan;
  3. Vehicles upon the premises of a vehicle repair garage awaiting repair for a period of up to 120 days. Such 120-day period may be extended for additional periods of 30 days each upon the presentation to the Osceola Township Supervisor of written proof that the offending vehicle is involved in insurance claims litigation or a similar matter and that additional time is required before the vehicle can be moved off the premises;
  4. Machinery, equipment, and motor vehicles owned by and used for construction, forestry, or farming operations by licensed contractors or working farms.
  5. For each property of record, not more than three unregistered service vehicles (e.g. tractor, plow truck, wood hauler, jeep, etc.) may be kept solely on the property as long as said vehicle is in operable condition and used for its intended purpose from time to time.
  6. For each property of record, not more than one: antique, classic, or special interest vehicle, as defined by the Motor Vehicle Code of the State of Michigan, a vehicle modified specifically for organized racing, or a vehicle modified solely for off-road use as defined by the Michigan DNRE may be kept for purposes of repair, restoration, or modification to an operable state for a period not to exceed 360 days.
- B. In any platted area within Osceola Township, the storage or accumulation upon any property of junk, trash, rubbish, or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include, but shall not be limited to, parts of machinery; parts of motor vehicles; stoves, refrigerators, clothing washers, clothing dryers, and any other appliances stored in the open; printers and computers; broken or unusable furniture; remnants of woods, metal, or any other material or cast-off material of any kind; and any dilapidated or inoperative equipment and machinery.
- C. In any platted area within Osceola Township, the existence of any building, dwelling, garage, mobile home, modular home, shelter, or any other structure or part of a structure which, because of fire, wind or other natural forces, or physical deterioration or damage, is not habitable, if a dwelling, nor useful for the purpose for which such structures are customarily and reasonably intended.
- D. In any platted area within Osceola Township, the existence of any vacant building, dwelling, garage, mobile home, or modular home unless the same are kept securely

locked and protected to prevent entrance thereto by vandals or by other unauthorized persons.

E. In any platted area within Osceola Township, the existence of any partially completed structure unless such structure is in the course of construction in compliance with and in accordance with a valid building permit issued by the proper governmental inspector or authority.

### **Section 3: Enforcement and Penalties**

A. The violation by any person, corporation, or association of any provision of this ordinance is hereby designated as a municipal civil infraction.

B. Any person, firm, or corporation who violates any of the provisions of this ordinance shall be deemed responsible for a municipal ordinance violation and shall be punished by a civil fine established pursuant to the following schedule:

First violation within three year period	*\$50.00
Second violation within three year period	*\$125.00
Third violation within three year period	*\$250.00
Fourth violation within three year period	*\$400.00

\*Determined on the basis of the date of violation. Each week in which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

C. The Osceola Township Supervisor is hereby designated as an authorized local official who shall administer and enforce this ordinance and who is authorized to issue municipal civil infraction violation notices and citations.

D. "Municipal Civil Infraction" means a civil infraction as defined by Section 113 of the Revised Judicature Act of 1961, being Act No.236 of the Public Acts of 1961, as amended (the "Act"), involving a violation of this ordinance.

E. "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person, corporation, or association cited (the "defendant").

F. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

G. A municipal civil infraction violation notice shall be issued and served by authorized Township officials as provided by Osceola Township Ordinance No. 36.

H. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.

I. A citation shall be issued and served by an authorized local official in accordance with the provisions of Sections 8707 and 8709 of the Act.

J. A citation shall contain the information required under Section 8709 of the Act.

K. An authorized local official may issue a citation to a defendant if the official witnesses a defendant commit a violation of this ordinance; or if, based upon investigation, the official has reasonable cause to believe that the defendant is responsible for a violation of this ordinance; or if, based upon investigation of a complaint by someone who allegedly witnessed the defendant commit a violation of this ordinance, and the official has reasonable cause to believe that the defendant is responsible for a violation of this ordinance.

L. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the defendant on the municipal civil infraction.

M. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$900.00 plus court costs, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, including attorney fees, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order necessary to enforce this ordinance, in accordance with Section 8302, 8729, and 8731 of the Act, as applicable.

N. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of the Act within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of the Act, as applicable.

O. If a defendant does not pay a civil fine or costs or an ordered installment within 30 days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the register of deeds for the county in which the land, building, or structure is located. The court order shall not be recorded unless a legal description of the property is incorporated into or attached to the court order. A lien is effective immediately upon recording of the court order with the register of deeds. The court order recorded with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township by first-class mail to the owner of record of the land, building, or structure at the owner's last known address. The lien may be

enforced and discharged by the Township in the manner prescribed by Section 8731 of the Act.

P. In addition to any remedies available at law, Osceola Township may bring an action for an injunction or other process against a defendant to correct, restrain, prevent, or abate any violation of this ordinance. In the event that Osceola Township successfully pursues injunctive relief, costs incurred by the Township to bring the defendant into compliance with the ordinance may be assessed against the defendant by court order.

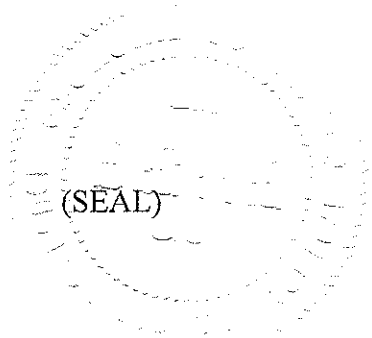
**Section 4: Severability Clause**

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any of the remaining portions of this ordinance.

**Section 5: Effective Date, Publication, and Adoption**

This ordinance shall become effective 30 days after its publication as required by law.

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Osceola Township, and qualified under state law to publish legal notices, within 15 days after its adoption, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signature of the Township Clerk.



TOWNSHIP OF OSCEOLA

By Steven P. Karpiak  
STEVEN KARPIAK  
Its Supervisor

Yeas: S. Karpiak, J. Odgers,  
M. Ringler, A. Janke,  
Don Wareham

Judy Odgers  
JUDY ODGERS  
Township Clerk

Nays: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 5-B, duly adopted by the Township Board of the Township of Osceola, County of Houghton, State of Michigan, at a regular meeting held on August 11, 2014, and that said meeting was conducted and a public notice of said meeting was given, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes of said meeting were kept and will be or have been made available, as required by said Act.

I further certify that the following members were present at said meeting: \_\_\_\_\_

Steve KarpiaK, Judy Odgers, Mary Ringler,

Aaron Janke, Don Wareham

and that the following members were absent: none

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township, and that such recording has been authenticated by the signatures of the Township Supervisor and the Township Clerk.

Judy Odgers  
JUDY ODGERS  
Township Clerk