

TOWNSHIP OF ODESSA
COUNTY OF IONIA, MICHIGAN

At a regular meeting of the Board of Trustees of the Township of Odessa, Ionia County, Michigan, held at the Township offices, 3862 Laurel Drive, Lake Odessa, Michigan, on the 14th day of September, 1998, at 8:00 p.m.

PRESENT: Adams, Williams, Rohrbacher, Possehn and Buche

ABSENT: none

the following ordinance was offered by Adams and supported by Rohrbacher.

The Township of Odessa ordains:

ODESSA TOWNSHIP ORDINANCE NO. 11

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS, PROPERTY OWNERS AND OTHER PERSON WITHIN THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, BY REGULATING, PREVENTING, REDUCING OR ELIMINATING JUNK, TRASH, RUBBISH, GARBAGE AND REFUSE MATERIAL UPON PRIVATE PROPERTY IN THE TOWNSHIP OF ODESSA AND TO PROVIDE SANCTIONS FOR VIOLATION OF THE ORDINANCE.

Section 1: TITLE AND PURPOSE

- 1.1 This ordinance shall be known and may be cited as the Odessa Township Junk Ordinance.
- 1.2 The Township of Odessa has determined that the continued existence of accumulations of junk, trash, rubbish, garbage or refuse material may result in nuisance conditions, the impairment of property rights, the destruction of property values and a threat to the public health, safety and welfare of the residents of the Township of Odessa. It is the intent and purpose of this ordinance to protect the general health, safety and welfare of the residents, property owners and other persons within the Township of Odessa by reducing or eliminating accumulations of junk, trash, rubbish, garbage or refuse material which exist or which may in the future exist in the Township. The terms and provisions of this ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare within the Township.
- 1.3 This Ordinance amends Odessa Township Ordinance No. 2 entitled "An Ordiance (sic) To Control And Regulate the Accumulation of Refuse Material, Junk, Rubbish and Garbage Upon Private Property in the Township of Odessa" which became effective October 20, 1979, by entirely replacing the same; provided, however, that this amended Ordinance shall not be construed to repeal by implication any other Ordinance of Odessa Township pertaining to the same subject matter.

Section 2. DEFINITIONS.

- 2.1 The following words and terms are defined for the purpose of their use in this Ordinance. Any word or term not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.
- 2.2 "Junk, trash, rubbish, garbage or refuse of any kind" shall include, without limitation, motorized or non-motorized vehicles as defined herein, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, unusable trailers, televisions, furniture, food waste matter and discarded food containers or any other scrap or waste material of any kind, including parts of any of the above, but not including domestic refuse stored for a period not exceeding thirty (30) days in a sanitary manner so as not to create a nuisance, and not including firewood stored in an orderly manner.
- 2.3 "Junk vehicle" shall mean any motorized or non-motorized vehicle including but not limited to cars, trucks, tractor trucks and trailers, motorcycles, boats, mobile homes, recreational vehicles, travel trailers, campers, trailers, snow mobiles and other similar vehicles which are not licensed for use upon the highways of the State of Michigan, and shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all of its main component parts attached.

Section 3. OFFENSES DESIGNATED.

- 3.1 After the effective date of this Ordinance no person, firm, corporation or entity of any kind shall maintain or allow to be maintained upon any property within the Township which is owned, leased, rented or occupied or possessed by any person, firm, corporation or entity any of the following uses, activities or conditions:
- (a) The storage or accumulation of junk, trash, rubbish, garbage or refuse of any kind outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license issued by the Township is in effect) for a period in excess of thirty (30) days.
 - (b). The parking or storage of any "junk vehicle" outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license issued by the Township is in effect) for a period in excess of thirty (30) days.

Section 4. PENALTIES, NUISANCE, ENFORCEMENT.

- 4.1 Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:
- (a) Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not more than \$100.00, plus other costs, damages, expenses, and other sanctions for each infraction.

- (b) Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any one year period (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - 1) The fine for any offense which is a first repeat offense shall be not more than \$250.00, plus costs.
 - 2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not more than \$500.00, plus costs per offense.
- (c) Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- (d) Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

- 4.2 Nuisance. Maintenance of, or allowing the maintenance of, any cause of condition prohibited by this Ordinance is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Odessa Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.
- 4.3 Continuing Offenses. Each day on which a violation of the Ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.
- 4.4 Parties Liable. Any person who violates any of the provisions contained in this Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, employee or in any other capacity, shall be liable as a principal.
- 4.5 Enforcement Actions. This Ordinance shall be enforced by the person or persons designated by the Odessa Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.
- 4.6 Non-Exclusive Penalties. The prohibitions and penalties provided by this Ordinance shall be in addition to, and not exclusive of, prohibitions and penalties provided by other applicable laws, finances, rules or regulations.

Section 5. SEVERABILITY.

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsections, sentence, phrase or clause is adjudged, unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 6. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Odessa, Ionia County, Michigan.

AYES: Members: Adams, Williams, Rohrbacher, Possehn and Buche

NAYS: Members: none

ORDINANCE DECLARED ADOPTED.

Lisa Williams
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law. I further certify that said ordinance became effective on October 21, 1998, 1998 having been published on September 22, 1998 in the Lakewood News, a newspaper circulating within said Township.

Date _____
Township Clerk