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UNADILLA TOWNSHIP

RESOLUTION APPROVING ORDINANCE NO. 03-5,  
AMENDMENT TO THE UNADILLA TOWNSHIP  
DISTURBING THE PEACE ORDINANCE, ORDINANCE NO. 03-4

At a special meeting of the Township Board of Unadilla Township, Livingston County, Michigan, held at the Township Hall in said Township on September 2, 2003 at 6:00 p.m., Eastern Standard Time.

PRESENT: WILLIAMS, TOPPING, MAHLER, KRUEGER

ABSENT: COWAN

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_

**WHEREAS**, excessive noise constitutes a serious hazard to the public health, safety, welfare, and the quality of life of its citizens and property owners;

**WHEREAS**, a substantial body of science and technology exists in which excessive noise may be accurately measured and substantially abated;

**WHEREAS**, people and property owners in Unadilla Township have a right to an environment free from unreasonable, unnecessary, and excessive noise that may jeopardize the health, safety, welfare of others, or otherwise degrade the quality of life of its citizens and property owners;

**WHEREAS**, the Township adopted the Disturbing the Peace Ordinance, Ordinance No. 03-4 to protect the health safety and welfare of Township residents; and

**WHEREAS**, the Township desires further revisions in order to provide additional guidance and protection to Township residents.

**NOW, THEREFORE**, the Township Board of Unadilla Township, Livingston County, Michigan hereby resolves as follows:

1. The Township resolves to approve and adopt Ordinance No. 03-5, Ordinance Amending the Disturbing the Peace Ordinance, No. 03-4, attached as an Exhibit to this Resolution.
2. Any and all motions or resolutions or portions thereof that are inconsistent with this Resolution are hereby rescinded.

YEAS: Williams, Topping, Mahler, Krueger

NAYS: None

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN            )  
  )  
COUNTY OF LIVINGSTON    )

I, the undersigned, the duly qualified and acting Township Clerk of Unadilla Township, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Unadilla Township Board at a special meeting held on the 2<sup>nd</sup> day of September 2003 at 6:00 p.m.

Linda Topping  
Linda Topping, Unadilla Township Clerk

ORDINANCE NO. 03-5

ORDINANCE AMENDING THE DISTURBING THE PEACE ORDINANCE,  
ORDINANCE NO. 03-4, OF UNADILLA TOWNSHIP

UNADILLA TOWNSHIP ORDAINS:

Section 1. Purpose. The Township adopts the following revisions for the health, safety and welfare of Township residents. The purpose of this Ordinance is to prohibit and make unlawful the committing, creating, or maintaining of unreasonable or unnecessarily loud noise or disturbances that are injurious to the health, peace, and quiet of residents and property owners of the Township, and otherwise provide for the health, safety, and welfare of residents and property owners of the Township by the prohibitions described in this Ordinance.

Section 2. Amendment of Section a(5). Section a(5), entitled Animals and Bird Noises of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township is hereby amended as follows:

(5) *Animal and Bird Noises.* Owning, possessing, or harboring any animal or bird that frequently or for continued duration howls, barks, meows, squawks, or makes other sounds at any time or place so as to annoy or disturb the quiet, comfort, or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital, or residence.

Section 3. Amendment of Section a(11). Section a(11), entitled Discharge of Firearms of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township is hereby deleted.

Section 4. Amendment of Section b. Section b, entitled Exceptions of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township is hereby amended by deleting the current subsection 4, adding a revised subsection (4) and new subsections (5) and (6) as follows:

(4) *Animals and Bird Noises as part of Farming Operation.* Any animal or bird noises that are necessary and incidental to lawful farming or agricultural operations or as otherwise protected under the Michigan Right to Farm Act.

(5) *Firearms.* Noise emanating from the discharge of a firearm; provided, however, that the discharge of the firearm was authorized under state law and local ordinance.

(6) *License or Permit Obtained.* Any act done on a temporary basis that is permitted by law and for which a license or permit therefore has been issued by the Township or another proper governmental entity.

Section 5. Amendment of "Penalty" Section: Section entitled "Penalty" of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township shall be amended as follows:

(c) *Penalty- Misdemeanor.* Any person, firm or corporation found violating this provisions of this ordinance, shall upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such find and imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 6. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 7. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. Effective Date. This Ordinance shall be 30 days after publication.

TOWNSHIP OF UNADILLA  
COUNTY OF LIVINGSTON  
MICHIGAN

(RESOLUTION TO APPOINT ORDINANCE ENFORCEMENT OFFICER FOR MULTI-LAKE SEWER USE AND SEWAGE DISPOSAL ORDINANCE]

At a regular meeting of the Township Board of the Township of Unadilla, County of Livingston, Michigan, held on the 14/11 day of em 2006, in the Township Hall in said Township at 7:00 p.m., Eastern Daylight Time.

PRESENT: Members PCter6on 1 77pp. mail ler; A01 63 er,  
cowaf,

ABSENT: Members Alone,

The following preamble and resolution were offered by Member Nall ter and supported by Member e UCV ail

WHEREAS, the Township duly adopted on Sept 14, 2004 Ordinance No. 04, pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, Act 191 of the Public Acts of 1939, as amended, Act 233 of the Public Acts of 1955, as amended, and Act 368 of the Public Acts of 1978, as amended, to regulate private and public *sewers*, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the Multi Lakes Water and Sewer Authority publicly-operated treatment works and to preserve, promote and protect the health, safety and general welfare of the persons and property within Unadilla Township; to provide for the enforcement hereof; and to provide penalties and remedies for the violation of the Ordinance, including the issuance of civil infraction fines and penalties; and

AND WHEREAS, the Township duly adopted on g.C.X(d) Ordinance No. 9, pursuant to the authority of Act 147 of the Public Acts of 1968, as amended, and Act 12 of the Public Acts of 1994, to appoint Ordinance Enforcement Officers by resolution of the Township Board;

AND WHEREAS, the Multi Lakes Water and Sewer Authority has proposed to be responsible for enforcing Ordinance No. g-0/... and to institute what ever court action is required and to bear the legal costs thereof, and hold the Township and its officers free and harmless from any action arising from such enforcement actions;

NOW THEREFORE, BE IT RESOLVED THAT the Township hereby appoints the Multi Lakes Water and Sewer Authority Superintendent and Executive Director as the Unadilla Township Ordinance Enforcement Ordinance for the purpose of enforcement of Unadilla Township Ordinance No. g434, only, and subject to the following:

- L The Multi Lakes Water and Sewer Authority shall maintain liability and errors and omissions insurance in the same limitations and coverage as carried by Unadilla Township from time to time with Unadilla Township as a named insured, and shall indemnify and hold Unadilla Township and its officers free and harmless from claims for damages to persons or property arising out of acts or omissions of the Multi Lakes Water and Sewer Authority, its Superintendent, Executive Director, and its other officers, including attorney fees and the costs of defense.
- 2. The appointment shall continue until terminated by subsequent resolution of the Township Board..
- 3. The Multi Lakes Water and Sewer Authority shall bear the administrative, legal and other costs of enforcement of Ordinance No. CM\*, and reimburse the Township for any administrative, legal or other costs incident to enforcement of Ordinance No. 4-06.

AYES: Members ott)etn , M cif)ler, Pe-Fe(6.0n i Tor I;(11

NAYS: Members (1rct.e.3er

RESOLUTION DECLARED ADOPTED.

DATED: Q-14- .00(,, Linda 1. JIA  
 Lind Topping, To • p Cle

STATE OF MICHIGAN )  
 COUNTY OF LIVINGSTON)"

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Unadilla, County of Livingston, State of Michigan, at a regular meeting held on the t/4141 day of Se.pternher, 2006, and that said meeting was conducted and 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 are kept and will be or have been made available as required by said Act.

inTeig dir:  
 Linda opping, Towns Clei t

ORDINANCE NO. 3-(0)

AN ORDINANCE TO AMEND THE UNADILLA TOWNSHIP MULTI-LAKE SEWER USE ORDINANCE, TOWNSHIP ORDINANCE NO. 7-0,0, TO PROHIBIT CONSTRUCTION WITHIN SEWER EASEMENTS, AND OTHER REGULATIONS.

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THE TOWNSHIP OF UNADILLA ORDAINS AN AMENDMENT TO THE UNADILLA TOWNSHIP MULTI-LAKE SEWER USE ORDINANCE, TOWNSHIP ORDINANCE NO. 7-0,0, AS FOLLOWS:

Section 1.

Sec. 1.0 Amendment

The Unadilla Township Multi-lake Sewer Use Ordinance, Township Ordinance No. 7-0,0 as previously adopted, is hereby amended by the addition of the following provisions:

Section 11.1 No person shall place, construct or erect on, any building, structure, foundation, or construction, over, into, under, or across any easement or right of way owned by the Authority, or place or maintain any trees, shrubs, or other vegetation which interferes with the use and operation of the easement and facilities placed therein.

Section 11.2 No person shall do any act which interferes with the Authority's right to enter and re-enter its easements or right-of-ways and to clear and keep clear the easement or right-of-way area from any building, structure, foundation, or construction, and from any interfering trees, shrubs, and other vegetation.

Sec. 2.0 The remaining sections of said Ordinance and its amendments not inconsistent herewith are ratified and reaffirmed.

Section 3.0. The within amending ordinance shall be effective twenty (20) days after adoption and publication as provided by law.

STATE OF MICHIGAN )  
COUNTY OF LIVINGSTON)SS

I, LINDA TOPPING, Clerk of the Township of Unadilla, a Michigan Township, do hereby certify that at a regular meeting of the Unadilla Township Board, held at the Unadilla Town Hall, 126 Webb Street, Gregory, Michigan 48137, in said Township at \_\_\_:07\_\_\_ p.m., Eastern Standard Time, on the kik day of hi, 2007, that the above Ordinance was adopted and that the following Members were present:

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The following members were absent: \_\_\_\_\_

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That upon motion made bylakin, and seconded by COW ojn\_\_\_\_, said Ordinance was adopted on the following roll call vote:

AYES Counni cbto-tht,TO-proted *extizioopt-)*

NAYES

further certify that on the 264-day of rin r c k , 2007,1 caused a true copy of said Ordinance to be published in lice lot, on e l , a newspaper circulated in the Township of Unadilla, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Unadilla, is effective Mare I-, 2.1 , 2007, and is available for public use and inspection at the offices of the Unadilla Township Clerk, 126 Webb St, P.O. Box 120, Gregory, MI 48137 Phone 734-498-2502 Fax 734-498-2372, during regular business hours.

  
LINDA TOPPING

Dated: Mar. 8 , 2007.

## WOODBURN LAKE ORDINANCE

An ordinance to regulate the speed of vessels and to provide for the safe use of the waters in Unadilla Township, Livingston County; enacted under the authority of Act 303, Public Acts of 1967 (M.S.A. 18.1287 (17)), being identical to State Administrative Rules filed in the Office of the Secretary of State.

THE TOWNSHIP OF UNADILLA ORDAINS:

## SECTION 1

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P.A. 1967, M.S.A. 18.1287.(8).

## SECTION 11

Regulation No. 47, Livingston County.

R. 281.747.11 Woodburn Lake; high-speed boating and water skiing prohibited.

11. On the waters of Woodburn Lake, sections 26 and 36, town 1 north, range 3 East Unadilla Township, Livingston County, it is unlawful to:

- (a) Operate a vessel at high speed, or
- (b) Have in tow or otherwise assist in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance.

R. 281.747.12 Artificial canals connected to Woodburn Lake; slow- no wake speed.

12. On the waters of the artificial canals connected to Woodburn Lake in section 36, town 1 north, range 3 east, Unadilla Township, Livingston County, it is unlawful for the operator of a vessel to exceed a slow- no wake speed.

R. 281.747.13 Channel connected to Patterson Lake; slow-no wake speed.

13. On the waters of the channel connected to Patterson Lake, section 36, town 1 north, range 3 east, Unadilla Township, Livingston County, it is unlawful for the operator of a vessel to exceed a slow- no wake speed.

## SECTION 111

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

## SECTION IV

Violations of this ordinance are a misdemeanor and may be punished by a fine not to exceed one hundred dollars (\$100) together with costs of prosecution or imprisonment in the county jail or such other place of detention as the court may prescribe, for a period not to exceed ninety(90) days, or said fine, costs of prosecution, and imprisonment, at the discretion of the court.

## SECTION V

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

## SECTION VI

This ordinance shall take effect 30 days after its publication in the Town Crier newspaper.

We, the undersigned Supervisor and Clerk of the Township of Unadilla, do hereby

Ordinance No. 6

Woodburn Lake Ordinance (con't)

certify that the above ordinance was passed by the Unadilla Township Board on the 12th day of June, 1973, and that it was published in the Town Crier newspaper on the 20th day of June, 1973.

Arnold R. Seigel  
Unadilla Township Supervisor  
William G. Barber  
Unadilla Township Clerk

Adopted by the Unadilla Township Board at a regular meeting held June 12, 1973, Motion of Turstee VanSlambrook, Suppt. by Trustee Caskey.  
Yeas: Seigel, Jacobs, VanSlambrook, Caskey, Barber. Nays: None.  
Ordered published in the Town Crier June 20, 1973.

Filed with County Clerk June 15, 1973

William G. Barber  
William G. Barber, Unadilla Twp. Clerk

**STATE OF MICHIGAN**

**COUNTY OF LIVINGSTON**

**TOWNSHIP OF UNADILLA**

**LAND DIVISION ORDINANCE NO. 38**

Adopted: 1- g- 98

Effective: 98

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

**TOWNSHIP OF UNADILLA**

**LIVINGSTON COUNTY, MICHIGAN,**

**ORDAINS:**

**SECTION 1**

**TITLE**

This Ordinance shall be known and cited as the Unadilla Township Land Division Ordinance.

**SECTION 11**

**PURPOSE**

The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize the potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by, establishing reasonable standards for prior review and approval of land divisions within the Township.

1.

## **SECTION III**

### **DEFINITIONS**

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.

C. "Exempt Split" or "Exempt Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

E. "Governing Body" - the Unadilla Township Board.

## **SECTION IV**

### **PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS**

Land in the Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall *be* exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in-existence on March 31, 1997 or resulted from exempt splitting under the State Act.

## **SECTION V**

### **APPLICATION FOR LAND DIVISION APPROVAL**

An applicant shall file all of the following with the municipal clerk or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, or lease for more than one year, or for building development:

- A. A completed application form on such form as may be provided by the municipality.
- B. Proof of the ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 45 day statutory requirement for a decision on the application until such survey map and legal description are filed with the municipality, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application under Section V.

The governing body of the municipality or its designated agent delegated such authority by the governing body, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

- D. Proof that all standards of the Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VIII of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, - and with sufficient area to comply with all required setback provisions, minimum - floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and *sewer* service is not available), and maximum allowed area coverage of buildings and structures on the site.
- G. The fee as may from time to time be established by resolution of the governing body of the municipality for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of the Ordinance and the State Land Division Act.

## **SECTION VI**

### **PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL**

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board - or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

## **SECTION VII**

### **STANDARDS FOR APPROVAL OF LAND DIVISIONS**

A proposed land division shall be approved if the following criteria are met:

- A. All parcels to be created by the proposed division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width depth ratio, *and maximum* lot (parcel) coverage and minimum set-backs for existing buildings / structures.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create 4 or more parcels.
- D. The ration of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division Ann be measured within the boundaries of each parcel, from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
- E. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.
- F. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

## **SECTION VIII**

### **ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS**

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the municipality, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the municipal records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and or area requirements; and shall not be developed with any building or above ground structure exceeding four feet in height.
- B. Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.
- C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.

## **SECTION IX**

### **CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT**

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

**SECTION X**

**SEVERABILITY**

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 portion of this Ordinance other than said part or portion thereof.

**SECTION XI**

**EFFECTIVE DATE**

This ordinance shall take effect upon publication following its adoption.

**TOWNSHIP OF UNADILLA**

~~LA 41 I. 4/4~~  
Cl  
a1D4 /DM-6h &al.?  
Address  
a/3 - 4/9g-  
Telephone

passed May 2006

published May 16th took effect May 23

QC

## Fire And Emergency Service Charges Ordinance

UNADILLA TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN  
ORDINANCE # 5-06  
RESOLUTION # \_\_\_\_\_

An ordinance pursuant to Public Act 33 of 1951, as amended, (MCLA 41.801 et. Seq.) To establish charges for certain fire and emergency services performed by the fire department and police department of Unadilla, a General Law Township within the County of Livingston, State of Michigan, and to provide for the collection of such charges.

Member Peterson, supported by Member Mahler, moved to adopt the following ordinance:

### THE TOWNSHIP OF UNADILLA ORDAINS:

**Section 1. Purpose:** This ordinance is adopted to provide reimbursement to the Township relative to certain fire and police emergency services rendered by Unadilla Township Fire and Police Departments.

### Section 2. Definitions:

2.01. **"Fire and or Police Department Response"** means coming to the scene of a fire or hazardous materials incident, traffic or vehicular accident, or hazardous condition, or any investigation in connection with a fire, hazardous materials incident, accident or hazardous condition.

2.02. **"Hazardous Condition"** means any condition creating a concern for the physical welfare of persons, property or environment in the immediate area of the situation (including downed utility lines or gas leaks not in an occupied structure), requiring a fire or police department response.

2.03. **"Investigation"** means gathering of evidence or data in connection with arson investigations, or special investigations required to determine the responsibility of persons for fires, spills, accidents or hazardous conditions. Investigations do not include the normal investigation made to determine cause and origin of a fire as required by the State of Michigan.

2.04. **"Release"** means any leaking, spilling, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment.

2.05. **“Person”** means a natural person, corporation, partnership or other entity with legal capacity.

**Section 3. Charges For Services.** Pursuant to the authority granted by Public Act 33 of the Public Acts of 1951, as amended, and as further amended by Public Acts of 1990, found in Michigan Compiled Laws Section 41.801 and 41.806(a), the Township shall render charges to persons or properties served by Unadilla Township Fire and Police Department for certain specific services for conditions described as follows:

3.01. Any fire department or police department response started by a property owner or person, such as but not limited to, a controlled brush fire or other open burning, which becomes uncontrolled, any fires purposely or knowingly started in any building, dwelling, apartment structure, or any other structure, or any motor vehicles, when said fire has been started for the specific purpose of and with the intent of causing damage to or destruction of any such building, dwelling, apartment structure, or vehicle.

3.02. Any fire or police department response to an incident caused by a criminal act; i.e. DUI, intentional false alarm, arson, etc.

3.03. Any fire or police department response to a fire in a structure causing a loss, ignited by accidental means shall be subject to cost recovery for damage or destruction to fire or police department equipment beyond normal wear and tear, and for all expenses incurred and paid to a third party.

3.04. Any fire or police department response requiring containment, abatements or any safety measure in connection with any hazardous or toxic material release. Charges in such case shall be made to the person responsible for the release, whether or not the release occurs on the property of the responsible party. The responsibility for the release includes releases caused by the person as well as any release from any vehicle, building, or other instrumentality, owned, occupied or utilized by the person, regardless of fault.

3.05. Any fire or police department response to a traffic or vehicular accident, including but not limited to the control of fires or spills, assistance to injured persons or ambulance crews, or extraction of persons from vehicles.

3.06. Any fire or police department response for hazardous conditions.

3.07. The cost of copies for fire or police department reports generated for any person, except for governmental entities.

3.08. Any Township response to a False Alarm due to system malfunction or maintenance issue at a property that is not a single family or duplex residence in excess of three such alarms in any consecutive 12-month period.

3.09. The provision of fire and police department equipment or personnel for the purpose of providing stand-by fire, rescue, or emergency medical services necessary to support a non-emergency event/situation hosted by a for-profit organization. When such services are requested by a non-profit organization, the Township Board will act upon a recommendation by the Fire or Police Chief to charge for services.

3.10. Failure to comply with requests made by the fire or police departments to abate hazards as specified in the fire safety codes as adopted by the State of Michigan. If compliance is not made within 3 inspection visits over a (30) day period, the Fire or Police Chief will notify the Township, who will then charge the person(s) responsible for the property the appropriate fees as provided by resolution.

**Section 4. Exemptions.** The following properties and services shall be exempt from the foregoing charges:

4.01. Fire or Police service performed outside the jurisdiction of the Township under a mutual aid contract with an adjoining municipality.

**Section 5. Responsibility for Charges.** Persons responsible for charges include:

5.01. Persons who caused the condition.

5.02. Property owners or occupants of property upon which the conditions exist.

5.03. Owners of vehicles from which occupants are extricated, owners or renters of premises from which a person or persons are rescued, and owners of vehicles receiving fire extinguishment or spill abatement shall be deemed as benefiting from the services provided.

5.04. Owners or lessees of instrumentalities involved in the condition, such as vehicle owners, utility or gas companies.

5.05. Insurers or guarantors for persons responsible or benefited.

5.06. Withstanding the foregoing, a person who is a taxpayer of Unadilla Township at the time of an incident shall not be responsible for any charges imposed under this ordinance unless those acts are considered deliberate or deemed negligent. Unadilla Township property owners pay a tax to support their Fire and Police Departments, therefore we will accept payment from their insurance company for any services provided, other than deliberate or negligent acts. These insurance company payments, whatever their policy provides shall be considered "Payment In Full".

**Section 6. Multiple Property Protection.** When a particular service rendered by the Township directly benefits more than one person or property, each person responsible as set forth above shall be jointly and severally liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Township Fire or Police Chief subject only to appeal, within the time limits for payment, to the Township Board.

**Section 7. Payment for Services.** The Township shall bill persons determined to be responsible for the incident charged for, or owners of property, for amounts set forth in the resolution determining charges. All bills rendered for charges shall be paid within (30) days of the mailing of the billing.

**Section 8. Collection of Charges.** The Township may proceed in district court by suit to collect any moneys remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

**Section 9. Charges to be Determined by Resolution.** Charges for fire or police department services enumerated above shall be determined by resolution of the Township Board.

**Section 10. Disbursement of Funds.** All funds collected as a result of this ordinance shall be used for the normal operations and maintenance of the fire and police departments and their equipment.

**Section 11. Other Remedies.** The recovery of charges and expenses imposed under this Ordinance shall not relieve or limit the liability of any person under any other local ordinance, or state or federal law, rule or regulation. The remedies provided herein shall be in addition to those remedies provided by the Hazardous Material Expense Recovery Ordinance, and nothing in this ordinance shall prohibit the Township from also proceeding under the Hazardous Material Expense Recovery Ordinance.

**Section 12. Severability.** Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

**Section 13. Effective Date.** This ordinance shall take effect within (7) days of publication.

Ayes: Peterson, Topping, Krueger, Mahler, Cowan

Nays: None

Absent: None

Motion: Carried / Denied. Ordinance # 5-06 declared ~~adopted~~ denied.

*Linda Topping*  
Linda Topping, Unadilla Township Clerk

UNADILLA TOWNSHIP ORDINANCE NO. 5  
REGULATION AND CONTROL OF OUTDOORS  
ASSEMBLIES

Ordinance adopted by the Townships listed below within the confines of Livingston County.

An ordinance to license, regulate, and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 2,000 in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent therewith.

The several townships of Livingston County ordain:

Section 1. Preamble. The Boards of the several Townships within Livingston County find and declare that the interests of the public health, safety and welfare of the citizens of the several Townships require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the several Townships.

Section 2. Definitions

a. "Outdoor Assembly", hereinafter referred to as "assembly" means any event attended by more than 2,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
2. An event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501 (c) (3) of the Internal Revenue Code of 1954, being U.S.C. 501 (c) (3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206.201 of the Compiled Laws of 1948; or
3. An event held entirely within the confines of a permanently enclosed and covered structure.

b. "Person" means any natural person, partnership, corporation, association or organization.

c. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

d. "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by rendering of services in lieu of the payment of money for admission.

e. "Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 3. A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the several Townships unless he shall have first made application for and obtained, as hereinafter prescribed, a license for each such assembly.

Section 4. Application for License. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the several Townships and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of \$100.00 and shall include at least the following:

- a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00)
- b. A statement of the kind, character, and type of proposed assembly.
- c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- d. The date or dates and hours during which the proposed assembly is to be conducted.
- e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

Section 5. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. Medical facilities and services including emergency vehicles and equipment.
- e. Vehicle access and parking facilities.
- f. Camping and trailer facilities.
- g. Illumination facilities.
- h. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

Section 6. On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for Livingston County, the state fire marshal, and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the appropriate Township Board.

Section 7. Within 30 days of the filing of the application, the Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

Section 8. A license may be denied if:

1. The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 9. A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

Section 10. In processing an application the Board shall, at a minimum, require the following:

a. Security Personnel. The Licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for Livingston County in cooperation with the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

b. Water Facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the county health officer.

c. Restroom Facilities. The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the county health officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

The licensee shall provide lavatory and drinking water facilities constructed, installed and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:100
Urinals	1:100	
Lavatories	1:200	1:200

Restroom Facilities Cont'd

Facilities

Male

Female

Drinking Fountains

1:500

Taps or Faucets

1:500

Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities

Male

Female

Shower Heads

1:100

1:100

All facilities shall be installed, connected, and maintained free from obstruction, leaks and defects and shall at all times be in operable condition as determined by the County health officer.

d. Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law,

If the assembly is distant from food service establishments open to the public, the licensee shall make such food service available on the premises as will adequately feed the attendants.

e. Medical Facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the county health officer.

f. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the county health officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act. 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

g. Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health.

Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

h. Public Bathing Beaches. The licensee shall provide or make available or

accessible public bathing beaches only in accordance with Act. 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

i. Public Swimming Pools. The licensee shall provide or make available public swimming pools only in accordance with Act. 230, Public Acts of 1966 and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

j. Access and Traffic Control. The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

k. Parking. The licensee shall provide a parking area sufficient to accomodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants.

l. Camping and Trailer Parking. A licensee whom permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. While Act 171 does not become effective until January 1, 1971, for purposes of this ordinance, its provisions shall be effective and applicable upon the adoption of said ordinance.

m. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The Licensee's lighting plan shall be approved by the public utility serving the area.

n. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$100,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of the Township in writing at least 10 days before the expiration or cancellation of said insurance.

o. Bonding. Before the issuance of a license the licensee shall obtain from a corporate bonding company authorized to do business in Michigan a corporate surety bond in the amount of \$100,000 in a form to be approved by the Township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provision of state or local law, and which shall indemnify the Township, its agents, officers, and employees and Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of the property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash or other waste resultant from the assembly.

p. Fire Protection. The licensee shall, at his own expense, take adequate steps, as determined by the state fire marshal, to insure fire protection.

q. Sound Producing equipment. Sound producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township.

r. Fencing. The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

s. Communication. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

t. Miscellaneous. Prior to the issuance of a license, the Board may impose any other conditions reasonably calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township.

Section 11. Revocation. The Board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, ordinances, regulations, statutes, or other laws incorporated herein by reference.

Section 12. Violations. It shall be unlawful for a licensee, his employee, or agent to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952. Any of the above enumerated violations is a separate offense, is a nuisance per se, immediately enjoined in the circuit courts, and is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00 or by both such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining, in the circuit, of the assembly.

Section 13. Severability. If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

Section 14 Effective Date. This ordinance shall be effective from and after December 18, 1970. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Adopted by: Deefield Township Board, Ord. No. 8, Nov. 14, 1970; Hartland Twp. Board, Ord. No. 7, Nov. 12, 1970; Putnam Twp. Board, Ord. No. 10, Nov. 10, 1970; Oceola Twp. Board, Ord. No. 7, Nov. 12, 1970; Tyrone Twp. Board, Ord. No. 3, Nov. 11, 1970; Hamburg Twp. Board, Ord. No. 13, Nov. 12, 1970; Cohoctah Twp. Board, Ord. No. 3, Nov. 13, 1970; Marion Twp. Board, Ord. No. 5, Nov. 10, 1970; Conway Twp. Board, Ord. No. 3, Nov. 11, 1970; Handy Twp. Board, Ord. No. 108, Nov. 16, 1970; Iosco Twp. Board, Ord. No. 5, Nov. 12, 1970.

Adopted by the Unadilla Township Board at a regular meeting held November 10, 1970, Motion of Trustee Breniser, Suppt. by Clerk Amerman.

Yeas: Seigel, Jacobs, Breniser, Caskey, Amerman. Nays: None.

Ordered published in the Livingston County Press November 18, 1970.

Arnold R. Seigel  
Unadilla Township Supervisor  
K. E. Amerman  
Unadilla Township Clerk

Filed with County Clerk Sept. 12, 1972

*K. E. Amerman*

K. E. Amerman, Unadilla Twp. Clerk

UNADILLA TOWNSHIP

RESOLUTION APPROVING ORDINANCE NO. 03-5,  
AMENDMENT TO THE UNADILLA TOWNSHIP  
DISTURBING THE PEACE ORDINANCE, ORDINANCE NO. 03-4

At a special meeting of the Township Board of Unadilla Township, Livingston County, Michigan, held at the Township Hall in said Township on September 2, 2003 at 6:00 p.m., Eastern Standard Time.

PRESENT: WILLIAMS, TOPPING, MAHLER, KRUEGER

ABSENT: COWAN

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_

**WHEREAS**, excessive noise constitutes a serious hazard to the public health, safety, welfare, and the quality of life of its citizens and property owners;

**WHEREAS**, a substantial body of science and technology exists in which excessive noise may be accurately measured and substantially abated;

**WHEREAS**, people and property owners in Unadilla Township have a right to an environment free from unreasonable, unnecessary, and excessive noise that may jeopardize the health, safety, welfare of others, or otherwise degrade the quality of life of its citizens and property owners;

**WHEREAS**, the Township adopted the Disturbing the Peace Ordinance, Ordinance No. 03-4 to protect the health safety and welfare of Township residents; and

**WHEREAS**, the Township desires further revisions in order to provide additional guidance and protection to Township residents.

**NOW, THEREFORE**, the Township Board of Unadilla Township, Livingston County, Michigan hereby resolves as follows:

1. The Township resolves to approve and adopt Ordinance No. 03-5, Ordinance Amending the Disturbing the Peace Ordinance, No. 03-4, attached as an Exhibit to this Resolution.
2. Any and all motions or resolutions or portions thereof that are inconsistent with this Resolution are hereby rescinded.

YEAS: Williams, Topping, Mahler, Krueger

NAYS: None

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN            )  
  )  
COUNTY OF LIVINGSTON    )

I, the undersigned, the duly qualified and acting Township Clerk of Unadilla Township, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Unadilla Township Board at a special meeting held on the 2<sup>nd</sup> day of September 2003 at 6:00 p.m.

Linda Topping  
Linda Topping, Unadilla Township Clerk

ORDINANCE NO. 03-5

ORDINANCE AMENDING THE DISTURBING THE PEACE ORDINANCE,  
ORDINANCE NO. 03-4, OF UNADILLA TOWNSHIP

UNADILLA TOWNSHIP ORDAINS:

Section 1. Purpose. The Township adopts the following revisions for the health, safety and welfare of Township residents. The purpose of this Ordinance is to prohibit and make unlawful the committing, creating, or maintaining of unreasonable or unnecessarily loud noise or disturbances that are injurious to the health, peace, and quiet of residents and property owners of the Township, and otherwise provide for the health, safety, and welfare of residents and property owners of the Township by the prohibitions described in this Ordinance.

Section 2. Amendment of Section a(5). Section a(5), entitled Animals and Bird Noises of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township is hereby amended as follows:

(5) *Animal and Bird Noises.* Owning, possessing, or harboring any animal or bird that frequently or for continued duration howls, barks, meows, squawks, or makes other sounds at any time or place so as to annoy or disturb the quiet, comfort, or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital, or residence.

Section 3. Amendment of Section a(11). Section a(11), entitled Discharge of Firearms of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township is hereby deleted.

Section 4. Amendment of Section b. Section b, entitled Exceptions of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township is hereby amended by deleting the current subsection 4, adding a revised subsection (4) and new subsections (5) and (6) as follows:

(4) *Animals and Bird Noises as part of Farming Operation.* Any animal or bird noises that are necessary and incidental to lawful farming or agricultural operations or as otherwise protected under the Michigan Right to Farm Act.

(5) *Firearms.* Noise emanating from the discharge of a firearm; provided, however, that the discharge of the firearm was authorized under state law and local ordinance.

(6) *License or Permit Obtained.* Any act done on a temporary basis that is permitted by law and for which a license or permit therefore has been issued by the Township or another proper governmental entity.

Section 5. Amendment of "Penalty" Section: Section entitled "Penalty" of the Disturbing the Peace Ordinance, Ordinance No. 03-4, of Unadilla Township shall be amended as follows:

(c) *Penalty- Misdemeanor.* Any person, firm or corporation found violating this provisions of this ordinance, shall upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such find and imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 6. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 7. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. Effective Date. This Ordinance shall be 30 days after publication.

## UNADILLA TOWNSHIP.

### LITTER AND BLIGHT ORDINANCE

#### Section 1 - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

##### **Blighted structure**

Means and shall include, without limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, office building, warehouse or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

##### **Building Materials**

Means and shall include, without limitation, lumber, brick, concrete or 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.

##### **Junk**

Means and shall include, without limitation parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.

##### **Trash and Rubbish**

Mean and shall include any and all forms of debris not herein otherwise classified.

#### Section 2 - Cause of Blight.

It is hereby determined that the storage or accumulation of trash, rubbish, junk, building materials, and the maintenance of blighted structures upon any private property within the Township of Unadilla tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and therefore contrary to the public peace, health, safety and general welfare of the community.

### **Section 3 - Open Storage Yards.**

It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, on any private property in the Township except within a completely enclosed building or upon the premises of a properly zoned licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

### **Section - 4 Vacant Structures.**

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, out-building, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by Livingston County or the Township of Unadilla, and unless such construction is completed within a reasonable time.

### **Section 5 - Building Materials Storage.**

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 except where such building materials are part of the stock in trade of a business located on said 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 issued by the Livingston County and the Township of Unadilla, and unless such construction is completed within a reasonable time.

### **Section 6 Littering.**

(a) Generally. It shall be unlawful for any person to knowingly dump, deposit, place, throw or leave, or cause to permit the dumping, depositing, placing, throwing or leaving

of litter on any public or private property or waters other than property designated and set aside for such purposes.

(b) Littering with dangerous substances. It shall be unlawful for any person to place or throw glass or other dangerous pointed or edged substances in or on any beach or waters adjacent thereto, highway, or walk, or on public property within 50 feet of a public road or state highway.

(c) Objects thrown into path of vehicles. It shall be unlawful for any person to knowingly cause any litter or any object to fall or to be thrown into the path or to hit a vehicle traveling a public road or state highway.

#### **Section 7 - Violations.**

(a) Misdemeanor. A violation of this article shall be deemed a misdemeanor penalty of law.

(b) Liability for additional costs. In addition to fine and/or imprisonment, such violators shall be chargeable with the actual costs incurred by the enforcing officer for the Township in the removal from the violators' premises of such trash, rubbish, junk, wrecked, dismantled or unusable vehicles or abandoned vehicles, together with an additional charge of 20 percent of such removal costs to reimburse the Township for incidental expenses necessitated by such removal and abatement of the nuisance. Such actual costs of removal and the 20 percent additional charge shall constitute a lien against the premises and shall initially be charged and billed to the occupant of the premises, or to the title holder of record of unoccupied premises. If said sum is not paid to the Township within a period of 30 days following such removal the total amount of such charges shall be processed as a special assessment against such property or suit be instituted for collection of such charges against the responsible party, at the option of the Township.

(c) Authority to remove trash, rubbish, junk, etc. The enforcing officer, under appropriate court order, is hereby authorized and empowered to enter upon any premises to remove trash, rubbish, junk, wrecked, dismantled or unusable vehicles or abandoned vehicles and abate the nuisance thereby created, following refusal or neglect of the owner, person in charge or occupant to comply with the terms of notice for removal thereof served upon

him and his further refusal to permit the enforcement official to remove the same from the premises.

UNADILLA TOWNSHIP  
JUNK YARD REGULATIONS

Sec. 1 Junk yard - License required

No person or other entity shall engage in the operation of a junk yard for the purchase, storage or sale of junk, dismantled automobiles, rubber, rags, rope, paper, metal, or empty bottles or for the dismantling of any automobiles, without a license from the Unadilla Township Board.

Sec. 2 License - Application, contents; bond; investigation; fee; expiration date.

Application for the license above referred to shall be made to the Township Clerk on forms to be furnished by him. Such application shall contain the name(s) of the applicant(s) and a legal description and street address for the place proposed to be operated as a junk yard. The application shall be accompanied by a bond executed by a surety company authorized to do business in this State and approved by the Unadilla Township Board in the sum of Five Thousand dollars (\$5,000.00), conditioned upon the faithful observance of all laws of the State and the Township as well as these Regulations. If investigation shall show the use to be permitted by applicable law and that all the conditions set forth in Section 3 below have been or will be complied with, the Township Board shall authorize the Clerk to issue such applicant a license to operate a junk yard upon the payment of a license fee of not to exceed twenty-five dollars. The license so granted shall be for a period of one (1) year and shall expire at the end of that period. A license may be renewed for subsequent years by following the same procedure set forth herein for the initial granting of a license.

Sec. 3 License - Conditions

The following conditions shall be complied with in order to obtain and maintain the license referred to in Section 1 and 2 :

- (1) A fence of at least eight (8) feet in height and of a material approved in advance by the Unadilla Township Board shall be placed around such junk yard.
- (2) The operation shall be conducted so as not to create a nuisance by reason of noise, odors, fumes, or pollution;
- (3) The operation shall be conducted only between the hours of eight o'clock a.m. and six o'clock p.m. Monday through Saturday;
- (4) There shall be no burning of any substances on the premises, and no situation which constitutes a potential fire hazard shall be permitted to exist;
- (5) The operator shall not place nor cause to be placed outside the fence required by subsection (1) above any materials of any kind or nature.

Sec. 4 Exhibiting articles to officer; record book.

Every person licensed hereunder shall, on demand, exhibit all goods bought or received by him, and give the description of the person selling the same, to any policeman or other officer, and shall keep a written record of all persons from whom goods have been received.

Sec. 5 Purchasing from thieves and receivers of stolen goods.

No person licensed hereunder shall purchase any materials from any person known by him to be a thief or a receiver of stolen property or from any person he has good cause to suspect of such activities.

Sec. 6 Effective Date

These regulations and the accompanying resolution shall be effective five (5) days after the date of adoption:

Con't.

RESOLUTION

At a regular meeting of the Township Board of the Township of Unadilla, Livingston County, Michigan, held on the 14th day of September, 1976, at Unadilla Township Hall in said Township at 8:00 p.m.

Present:

Seigel, Barber, Caskey, Diefenthaler, Deputy Treas. Stanfield

Absent:

Treas. Jacobs

The Township Supervisor acknowledged receipt from counsel for the Township of proposed Regulations to be considered for adoption along with a Resolution to regulate junk yards pursuant to Act 12 of the Public Acts of 1929, as amended, Michigan Statutes Annotated 19.731 through MSA 19.733.

The Resolution and accompanying Regulations were discussed and the following resolution was offered by Diefenthaler, and seconded by Barber:

BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF UNADILLA, LIVINGSTON COUNTY, MICHIGAN, AS FOLLOWS:

1. That the Township Board adopt a resolution providing for the licensing of junk yards pursuant to Act 12 of the Public Acts of 1929, as amended, Michigan Statutes Annotated 19.731 through MSA 19.733, and that the Township Board adopt the attached Regulations along with the said resolution.

Adopted: Yeas Seigel, Barber, Stanfield, Caskey, Diefenthaler

Nays None

The undersigned, the duly qualified and acting Township Clerk of the Township of Unadilla, Livingston County, Michigan, hereby certifies that the foregoing is a true, complete and exact copy of a Resolution adopted by said Township Board at a regular meeting held on September 14th, 1976.

*William G. Barber*  
Township Clerk

AFFIDAVIT OF POSTING

STATE OF MICHIGAN }  
COUNTY OF LIVINGSTON } SS

Arnold Seigel, being first duly sworn, deposes and says as follows:

1. That he is the Unadilla Township Supervisor.  
2. That on September 15th, 1976, he published a Copy of the attached Resolution and Junk Yard Regulations by posting the same in the following three conspicuous places in Unadilla Township:

- 1. Township Hall Main St. Gregory, Michigan
- 2. Young's Marina 21660 Kaiser Rd. Gregory, Michigan
- 3. Plainfield Farm Bureau Plainfield Rd. Gregory, Michigan

*Arnold R. Seigel*  
Arnold Seigel

Subscribed and sworn to before me this 14th day of September, 1976.

Livangston County, Michigan  
My Commission Expires: \_\_\_\_\_

Filed in the Liv. Co. Clerk's Office June 12th, 1978.

Filed in the office of the township Clerk this 14th day of September, 1976.

RESOLUTION

At a regular meeting of the Township Board of the Township of Unadilla, Livingston County, Michigan, held on the 14th day of September, 1976, at Unadilla Township Hall in said Township at 8:00 p.m.

Present:

Seigel, Barber, Caskey, Diefenthaler, Deputy Treas. Stanfield

Absent:

Treas. Jacobs

The Township Supervisor acknowledged receipt from counsel for the Township of proposed Regulations to be considered for adoption along with a Resolution to regulate junk yards pursuant to Act 12 of the Public Acts of 1929, as amended, Michigan Statutes Annotated 19.731 through MSA 19.733.

The Resolution and accompanying Regulations were discussed and the following resolution was offered by Diefenthaler, and seconded by Barber:

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Adopted: Yeas Seigel, Barber, Stanfield, Caskey, Diefenthaler

Nays None

The undersigned, the duly qualified and acting Township Clerk of the Township of Unadilla, Livingston County, Michigan, hereby certifies that the foregoing is a true, complete and exact copy of a Resolution adopted by said Township Board at a regular meeting held on September 14th, 1976.

*William G. Barber*  
Township Clerk

AFFIDAVIT OF POSTING

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*Arnold R. Seigel*  
Arnold Seigel

Subscribed and sworn to before me this 14th day of September, 1976.

Livangston County, Michigan  
My Commission Expires: \_\_\_\_\_

Filed in the Liv. Co. Clerk's Office June 12th, 1978.

Filed in the office of the township Clerk this 14th day of September, 1976.

UNADILLA TOWNSHIP  
JUNK YARD REGULATIONS

Sec. 1 Junk yard - License required

No person or other entity shall engage in the operation of a junk yard for the purchase, storage or sale of junk, dismantled automobiles, rubber, rags, rope, paper, metal, or empty bottles or for the dismantling of any automobiles, without a license from the Unadilla Township Board.

Sec. 2 License - Application, contents; bond; investigation; fee; expiration date.

Application for the license above referred to shall be made to the Township Clerk on forms to be furnished by him. Such application shall contain the name(s) of the applicant(s) and a legal description and street address for the place proposed to be operated as a junk yard. The application shall be accompanied by a bond executed by a surety company authorized to do business in this State and approved by the Unadilla Township Board in the sum of Five Thousand dollars (\$5,000.00), conditioned upon the faithful observance of all laws of the State and the Township as well as these Regulations. If investigation shall show the use to be permitted by applicable law and that all the conditions set forth in Section 3 below have been or will be complied with, the Township Board shall authorize the Clerk to issue such applicant a license to operate a junk yard upon the payment of a license fee of not to exceed twenty-five dollars. The license so granted shall be for a period of one (1) year and shall expire at the end of that period. A license may be renewed for subsequent years by following the same procedure set forth herein for the initial granting of a license.

Sec. 3 License - Conditions

The following conditions shall be complied with in order to obtain and maintain the license referred to in Section 1 and 2 :

- (1) A fence of at least eight (8) feet in height and of a material approved in advance by the Unadilla Township Board shall be placed around such junk yard.
- (2) The operation shall be conducted so as not to create a nuisance by reason of noise, odors, fumes, or pollution;
- (3) The operation shall be conducted only between the hours of eight o'clock a.m. and six o'clock p.m. Monday through Saturday;
- (4) There shall be no burning of any substances on the premises, and no situation which constitutes a potential fire hazard shall be permitted to exist;
- (5) The operator shall not place nor cause to be placed outside the fence required by subsection (1) above any materials of any kind or nature.

Sec. 4 Exhibiting articles to officer; record book.

Every person licensed hereunder shall, on demand, exhibit all goods bought or received by him, and give the description of the person selling the same, to any policeman or other officer, and shall keep a written record of all persons from whom goods have been received.

Sec. 5 Purchasing from thieves and receivers of stolen goods.

No person licensed hereunder shall purchase any materials from any person known by him to be a thief or a receiver of stolen property or from any person he has good cause to suspect of such activities.

Sec. 6 Effective Date

These regulations and the accompanying resolution shall be effective five (5) days after the date of adoption:

Con't.

DISMANTLED CAR ORDINANCE # 25

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of UNADILLA, LIVINGSTON County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers, and new or used parts of junk therefrom, within the Township of Unadilla; to provide penalties for the violation of this Ordinance and to repeal any Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF UNADILLA, LIVINGSTON COUNTY, MICHIGAN ORDAINS:

SECTION 1: NAME

This Ordinance shall be known and cited as the Unadilla Township Dismantled Car Ordinance.

SECTION 2: PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers, or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the Township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

SECTION 3: REGULATIONS

- A. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the Township, any motor vehicle, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township, County, or State of Michigan, except for the following:
  1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
  2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
  3. Not more than one (1) vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.

## SECTION 5:

- A. A Hearing Officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor.
- B. The Building Inspector shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- C. At any hearing held, the Hearing Officer shall take testimony of the Building Inspector, the owner of the property, and any other interested party. Upon the taking of such testimony, the Hearing Officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- D. If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- E. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his findings and a copy of the order with the Unadilla Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the Hearing Officer shall be served on the owner or party in interest in the manner prescribed in Section 4(D).

## SECTION 6:

Upon receiving the findings and order of the Hearing Officer, the Unadilla Township Board shall fix a date for the hearing, review the findings and order of the Hearing Officer and shall give notice to the owner or party in interest in the manner prescribed in Section 4(D) of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

## SECTION 7:

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Unadilla Township Board, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or make the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified of the amount of such cost by First Class Mail at the address shown on the records.

If he fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Unadilla and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

## SECTION 8:

An owner or party in interest aggrieved by any final decision of the Unadilla Township Board may appeal the decision or order to the Circuit Court for the County of Livingston by filing a petition for an order of superintending control within twenty (20) days from the date of such decision.

## SECTION 9:

This Ordinance repeals all ordinances or parts of ordinances in conflict therewith.

## SECTION 10:

This Ordinance shall take effect on the 6<sup>th</sup> day of February, 1987

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the township board of Unadilla Township, Livingston County, Michigan on the 6th day of February, 1987 by the following vote: Keiser, aye; Cole, aye; Stanfield, aye; Kunzelman, aye; Buurma, aye.

I further certify that the foregoing ordinance was published in the Stockbridge Town Crier, a newspaper of general circulation in the township,

Sharon C. Cole  
Sharon C. Cole, Clerk

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF UNADILLA, COUNTY OF LIVINGSTON, MICHIGAN, BY THE REGULATION OF DANGEROUS BUILDINGS INJURIOUS TO LIFE OR HEALTH; TO PROVIDE FOR THE MEANS BY WAY OF HEARINGS FOR THE MAKING SAFE OR DEMOLITION OF SUCH DANGEROUS BUILDINGS; TO PROVIDE FOR THE APPOINTMENT OF A HEARING OFFICER; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; TO PROVIDE FOR ASSESSMENT OF THE COST OF SAID MAKING SAFE OR DEMOLITION OF DANGEROUS BUILDINGS; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF UNADILLA, LIVINGSTON COUNTY, MICHIGAN ORDAINS:

SECTION 1:

This Ordinance shall be known and cited as the UNADILLA Township Dangerous Buildings Ordinance.

SECTION 2:

As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions.

- A. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the approved fire code of the Township of Unadilla, it shall be considered that such building does not meet the requirements of this Ordinance.
- B. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Housing Law of the State of Michigan, being 1917 PA 167, as amended, or the Building Code of the Township of Unadilla for a new building or similar structure, purpose or location.
- C. Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- D. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Housing Law of the State of Michigan, being 1917 PA 167, as amended, or the Building Code of the Township of Unadilla.
- E. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reasons, is likely to partially or completely collapse or some portion of the foundation of underpinning is likely to fall or give way.
- F. Whenever, for any reason whatsoever, the portion is manifestly unsafe for the purpose
- G. When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- H. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Health Officer, or is likely to work injury to the health, safety or general welfare of those living or working within.
- I. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

SECTION 3:

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

SECTION 4:

- A. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township Building Inspector shall issue a notice of the dangerous condition.
- B. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.
- C. The notice shall specify the time and place of the hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- D. All such notices required by this Ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by Certified Mail--Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

At a meeting of the Unadilla Township Board held August 15, 1972,  
the following amendments and, or revisions of the Unadilla  
Township Zoning Ordinance, Ordinance No. 2, were presented for consideration.

**ARTICLE III** shall be amended to add Section 3.03 which shall read as follows:

Section 3.03 - Hereafter, every building started, altered or moved, shall be located on a parcel of record and except in the case of an approved multiple dwelling development there shall be no more than one (1) principal building and its permitted accessory structures located on each such parcel in any residential district. Duplex or two-family structures shall not be considered multiple dwellings.

**THE UNADILLA TOWNSHIP ORDINANCE #2** shall hereby be amended to include the Unadilla Township Ordinance #3 (Unadilla Township Trailer Park Ordinance). The Unadilla Township Ordinance #3 shall hereby be designated as 'Appendix I - Rules & Regulations Governing Mobile Home Parks'

**ARTICLE IV** section 4.01 paragraph "A" shall be amended to read as follows:

Section 4.01 paragraph A - Land in any A-R district may be used for agriculture purposes. A land use permit shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located. Dwellings shall conform to the regulations contained in this ordinance. For the purpose of this ordinance, agriculture shall include agriculture, farming, raising, raising, horticulture, apiculture, floriculture, and animal and poultry husbandry. The maintaining of animals other than bona-fide farm animals for any purpose shall not be permitted except as authorized by other sections of this ordinance or as by permit issued by the zoning board. This zoning encompasses, boarding, breeding, training, fur-bearing, meat producing and other various animal enterprises providing remuneration.

**ARTICLE IV** shall be amended to add section 4.07, which shall read as follows:

Section 4.07 - For additional regulations see Appendix I.

**ARTICLE IV** shall be amended to add Section 4.08 which shall read as follows:

Section 4.08 - A private road which serves more than one separately held parcel or more than one dwelling unit or more than one commercial or industrial activity shall be constructed to Livingston County Road Commission standards, provided, that while such road remains private, hard surfacing will not be required.

**ARTICLE XV** section 16.01 paragraph "D" shall be amended to read as follows:

Article XV Section 16.01 paragraph D - During a period of construction of a new dwelling for an initial period of one year, the owner of such a dwelling premises and members

of such owners immediate family shall be permitted to occupy as a temporary residence the mobile home situated at such construction site, provided that said owner intends to occupy as a residence such dwelling upon completion of its construction. If substantial progress has been made toward completion of the building, the Zoning Board may grant an extension of the permit on a yearly basis for a period of not more than two additional years. The permit is not transferable and the temporary residence shall conform to the following conditions:

1. Such trailer coach shall not be located between the established set back lines and the public roadway or curb line of such premises.

2. The trailer coach shall contain sleeping accommodations, a flush toilet, and a tub or shower both adequate to serve the occupants thereof.

3. The sanitary facilities of the trailer coach for the disposal of sewage and waste shall be properly connected to the public sewage system available at such premises, and in case such system is not there available then properly connected to the existing septic tank or seepage disposal system which is approved by the Livingston County Health Dept. for the dwelling to be constructed thereat.

4. No occupant of the trailer coach shall cause or permit waste to be discharged upon the ground surface of the premises, nor cause or permit refuse to accumulate or remain thereat.

5. The water facilities of the trailer coach shall be properly connected to the public water system available at such premises and in case such system is not there available, then properly connected to the existing well system which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.

**ARTICLE XVI** Section 16.01 paragraph "F" shall be amended to read as follows:

Section 16.01 paragraph F - House trailers may be maintained in a properly designated and licensed trailer park only, except as otherwise provided in the ordinance. All persons using trailers as dwellings shall comply with Act 427 of the Public Acts of 1958 as amended, being section 5-279 (2), (25) of the Michigan Statutes annotated, and the rules and regulations of the Livingston County Health Department.

**ARTICLE XVII** Section 16.01 shall be amended to add paragraph "G" which shall read as follows:

Section 16.01 paragraph G - A performance bond in the amount of one thousand dollars (\$1,000) shall be provided to insure the removal of a mobile home upon termination of the permit of authorization.

J. E. Amerman  
Unadilla Township Clerk

The Town Crier, Wednesday, August 23, 1972 - Page 4

Filed with County Clerk Sept. 12, 1972

J. E. Amerman, Unadilla Twp. Clerk

**UNADILLA TOWNSHIP  
ORDINANCE No. 33-0817  
DANGEROUS, ABANDONED BUILDINGS**

**UNADILLA TOWNSHIP ORDAINS:**

**Section 1:00 Short Title**

This ordinance shall be known and may be cited as the Unadilla Township's Dangerous, Abandoned Building Ordinance.

**Section 2:00 Intent and Purpose**

It is the intent and purpose of the Township of Unadilla to preserve, promote the health, safety and general welfare of the citizens of the township by establishing an ordinance addressing the problems concerning the dangers, blight and unsafe conditions as may be caused by dangerous or abandoned buildings as hereinafter defined.

**Section 3:00 Definitions**

**3.1.** As used in this Ordinance, "dangerous building" shall mean any building or structure which has one or more of the following defects or conditions:

**3.1.1.** Any door, aisle, passageway, stairway or other means of exit does not conform to the state, county, or Township Fire Code or the state, county or Township Building Code enforced within the Township

**3.1.2.** Any portion of the building or structure has been damaged by fire, wind, flood, or by any other use so that its structural strength or stability is appreciably less than it was before such damage and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 144 of the Public Acts of 1992, as amended, or the state, county, or Township Building Code enforced within the Township for a new building or structure, purpose or location.

**3.1.3.** Any part of the building or structure is likely to fall or to become detached or dislodged, or to collapse and injure persons or damage property.

**3.1.4.** Any portion of the building or structure has settled to such an extent that it's walls or other structural portions have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan, Act No. 144 of the Public Acts of 1992, as amended, or any other state, county rules regulations or codes as may be enforced within the township.

**3.1.5.** The building or structure or any part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning of the building or structure is likely to fall or give away.

**3.1.6.** The building structure, or any part of the building or structure is manifestly unsafe for the purpose for which it is used.

**3.1.7.** The building or structure is damaged by fire, wind, or flood or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants or criminals, or enables persons to utilize the building or structure for committing a nuisance or an unlawful or immoral act.

**3.1.8.** A building or structure used or intended to be used for dwelling, commercial, or industrial purposes, including the adjoining grounds, which because of dilapidation, decay, damage, faulty construction or otherwise, is unsanitary or unfit for its intended use or is in a condition that the state, county or township has determined is likely to cause sickness or disease or is otherwise a dangerous building.

**3.1.9.** When a building or structure is vacant or dilapidated and the interior of the building is exposed to the elements or otherwise accessible for entrance by trespassers.

**3.2.** “Abandoned buildings” mean buildings or structures that have been inspected by the township and the inspection does not reveal the property owner or anyone claiming under him or her is presently occupying or will occupy the buildings, or that the owner has relinquished all right, title, claim and possession of the property and buildings.

**3.3.** “Enforcing Agency” and “Township” shall mean the Township of Unadilla.

**3.4.** “State, County, or Township Building Code” shall mean the code administered and enforced in the Township pursuant to the State Construction Commission Act No. 230 of 1972, as amended.

**3.5.** “Ordinance” shall mean the Dangerous Abandoned Buildings Ordinance.

**3.6.** “Ordinance Enforcement Officer” shall mean the zoning administrator or any other officer or agent designated by the Township Board of Trustees.

**SECTION 4:00: NOTICE; CONTENTS; FILING OF NOTICE; APPEALS OF DETERMINATION RE: DANGEROUS BUILDINGS.**

**4.1. Notice Requirement.** Whenever the Township, through its Ordinance Enforcement Officer, determines that the whole or any part of any building or structure is a dangerous building or

otherwise abandoned, as defined in Section 3, the Ordinance Enforcement Officer shall issue a notice the building or structure is dangerous or abandoned.

**4.2. Parties Entitled to Notice.** Such notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records, by certified mail return receipt requested or personal service.

**4.3. Contents of Notice.** The notice shall specify the determination made by the appropriate township official and the action that will be or can be taken by the township in order to remediate the conditions set forth in the Notice. Any persons receiving a copy of the Notice has the right to appeal the determination to the Unadilla Township Board of Trustees and request a hearing within ten days after receiving a copy of the Notice as provided herein. All costs and fees related to the hearing shall be paid by the party in advance of the requested hearing. The Board shall hear all arguments made relating to whether the building or structure is a dangerous building or abandoned. The person to whom the Notice is directed shall have the opportunity to show cause why the board should not order appropriate remediation of the dangerous conditions or order the building or structure to be demolished or otherwise made safe, or properly maintained. The decision made by the Board shall be final. Any appeals from the Board's decision must be made to the Unadilla Township Zoning Board of Appeals. All costs related to such an appeal must be paid by the party requesting the appeal in advance of the hearing.

**4.4. Hearing Notice.** The notice of the Township Board hearing for the appeal shall be in writing and served upon all parties entitled to notice either personally or by certified mail with return receipt requested, addressed to the parties of interest at the address shown on the tax records at least ten days before the date of the hearing. In addition, the notice shall be conspicuously posted on a part of the building or structure or lands subject to the violations set forth in the original notice.

**4.5. Hearing Testimony and Decision.** The Board shall take testimony of the Ordinance Enforcement Officer or any other person requested by the Township, the owner of the property, and any interested party, or witnesses of the owner or interested party. The Township Board must render its final decision as to what action can be taken to order the building or structure to be demolished, otherwise made safe, or properly maintained, within ten days from the date of the scheduled board hearing.

**4.6. Order; Compliance with Order.** If it is determined by the Board that the building or structure should be demolished or otherwise made safe or properly maintained, the board shall so order, fixing a time within which the owner or party in interest must comply with the order. The order may require the owner, agent, or person occupying the property to demolish or bring the building and surrounding property into compliance with the terms and conditions of the order and all applicable ordinances of the township.

**4.7. Failure to Appear.** If the owner or party in interest fails to appear at the properly called Board meeting, the Board may proceed with the hearing and make all findings it deems necessary

to bring the property, buildings and structures into compliance with the terms of township ordinances. A copy of the findings and determinations of the board at the hearing shall be served on the owner or party of interest in the manner prescribed in this ordinance.

4.8. Appeal of Board Decision. Any party affected by the decision of the board must file an appeal to the Township Zoning Board of Appeals within 30 days after the mailing of the notice of the board's decision as prescribed in the preceding paragraph. If no such appeal is filed, the township board decision becomes full, final and complete. The Township Zoning Board of Appeals may approve, disapprove or modify any decision made by the township board. If applicable, the Township Board of Appeals action becomes full and final upon approval of the minutes of the meeting wherein the Township Zoning Board of Appeals' decision was made.

## **SECTION 5:00: IMPLEMENTATION AND ENFORCEMENT OF REMEDIES**

5.1. Implementation of Order by Township. In the event that the owner or party in interest does not comply with the decision of the Township Board, the Township Board may in its discretion, contract for the demolition, making safe, or maintaining the exterior of the building or structure or grounds adjoining the building or structure or to otherwise bring the building, structure or premises into compliance with the Board's decision.

5.2. Reimbursement of Costs. The cost of the demolition, or making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this Ordinance shall be reimbursed to the Township by the owner or party in interest whose name the property appears. For purposes of this paragraph, the term costs includes but is not limited to, actual costs incurred in bringing the property into compliance with the Board's decision as well as administration fees and actual attorney fees and court costs.

5.3. Notification of Costs; Lien for Unpaid Costs. The owner or party in interest in whose name the property appears on the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or maintaining the exterior of the building, structure or grounds adjoining the building or structure, by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within thirty (30) days after mailing by the assessor of the notice amount of the cost, the Township shall have a lien for the cost incurred by the Township to bring the property into conformance with this Ordinance by recording an affidavit setting forth the amounts incurred by the township with the Livingston County Register of Deeds. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act 206 of the Michigan Public Acts of 1893, as amended, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.

5.4. Court Judgement for Unpaid Costs; Lien. In addition to other remedies under this Ordinance, the Township may bring an action against the owner of the building or structure for the full costs of the demolition, of making the building safe, or of maintaining the exterior of the

building, structure or grounds adjoining the building or structure. The Township shall have a lien on the property for the amount of the judgement. The lien provided for in this subsection shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act 206 of the Michigan Public Acts of 1893, as amended, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.

5.5. Lien for Judgement Amount. The Township shall have a lien for the amount of a judgment obtained against the owner's interest in all real property located in this State that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law and the lien does not have priority over previously filed or recorded liens and encumbrances.

#### **SECTION 6.00: VALIDITY AND SEVERABILITY**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

#### **SECTION 7.00 EFFECTIVE DATE**

This Ordinance shall be effective upon publication.

#### **CERTIFICATION**

I, Linda Topping, duly elected clerk of Unadilla Township, Livingston County, Michigan do hereby certify that the foregoing Unadilla Township's Dangerous, Abandoned Buildings Ordinance No. 33-0817 was adopted at a regular meeting of the Unadilla Township Board held on September 14, 2017 as follows:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Linda Topping, Township Clerk

Date passed: September 14, 2017

Publication date: