

**HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

BLIGHT AND JUNK VEHICLE CONTROL ORDINANCE

**ORDINANCE NO. 86, as amended
By Ordinance No. 89**

ADOPTED: JULY 13, 2015

**EFFECTIVE: AUGUST 16, 2015
EFFECTIVE DATE OF AMENDMENTS: January 2, 2017**

This Ordinance shall be known as the Blight and Junk Vehicle Control Ordinance enacted to prevent, reduce or eliminate blight or potential blight and to eliminate inoperable, abandoned or scrap motor vehicles; to provide penalties for the violation thereof; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF HEATH
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

Pursuant to Public Act No. 344 of 1945 (MCL 125.71 et seq.) it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the Township by preventing, reducing, eliminating certain environmental causes of blight or blighting factors which currently exist or which may in the future exist in the Township and to eliminate inoperable, abandoned and scrap motor vehicles pursuant to Public Act No. 300 of 1949 (MCL 257.1 et seq)

SECTION II

DEFINITIONS

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

Building material includes, but shall not be limited to, lumber, bricks, concrete or cinderblocks, 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.

Inoperable motor vehicle includes any motor vehicle which, by reason of dismantling, disrepair, or any other cause whatsoever;

- (1) Is incapable of being propelled under its own power;
- (2) Lacks all of the necessary component parts to make it operable and serviceable as a motor vehicle; or
- (3) Does not display or have affixed to it a current license plate or tabs as required by the state for the purpose of operating such a motor vehicle upon public roads and streets.

Junk means trash, garbage, rubbish, or refuse, including but not limited to, parts of machinery or motor vehicles, unmounted motor vehicle tires, broken or unusable furniture, stoves, refrigerators, or other appliances stored in the open, remnants of woods, broken toys and bicycles, metal, or any other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

Motor vehicle includes any self-propelled or towed vehicle designed or used on highways to transport passengers or property as defined in section 33 of Act 300 of the Public Acts of 1949 (MCL 257.33), which is required to be registered for use upon streets and highways under Act 300, and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.

Public safety officer includes law enforcement, fire, medical, or other emergency response personnel.

Responsible parties include, in the case of an inoperable motor vehicle, or parts thereof, the following individuals:

- (1) The owner of record of the real property upon which the inoperable motor vehicle, or parts thereof, is located;
- (2) The lessee of the real property upon which the inoperable motor vehicle or parts thereof, is located; and
- (3) The registered owner of the inoperable motor vehicle.

SECTION III

CAUSES OF BLIGHT OR BLIGHTING FACTORS

A It is expressly recognized that blight is observable at different stages of severity, and that unremedied moderate blight creates a strong probability that severe blight will follow. Therefore, the conditions that constitute blight are to be broadly construed to permit the township to make an early identification of problems and to take early remedial action to correct a demonstrated pattern of deterioration and to prevent worsening of blight conditions.

B The following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods.

- (1) The storage of an inoperable motor vehicle upon any property except as provided in subsections (1) a. through c. of this section.
 - a. This subsection (1) shall not apply to an inoperable motor vehicle, or parts thereof, stored and located within a completely enclosed building or wholly enclosed structure.
 - b. This subsection (1) shall not apply to an inoperable motor vehicle, or parts thereof, owned by or in the possession of a commercial motor vehicle sales or services business or other similar businesses properly permitted and/or licensed by the township, and located on property owned or leased by the business.
 - c. This subsection (1) shall not apply to any owner of record or lessee of the real property who is not the registered owner of the inoperable motor vehicle, provided the owner of record or lessee:
 1. Gives written notification to the township ordinance enforcement officer within ten days of the date of a notice to remove the inoperable motor vehicle provided under section 14-23(a)(1), that the inoperable motor vehicle is located on the property in question without the consent of the owner of record or the lessee; and
 2. Authorizes in writing the township ordinance enforcement officer or a public safety officer to remove the motor vehicle pursuant to section 252a of Public Act No. 300 of 1949 (MCL 257.252a).
- (2) The storage of building materials upon any property unless there is in force a current and valid building permit issued by the township for construction upon the property and the building materials are intended for use in connection with the lawfully permitted construction.
- (3) The storage or accumulation of junk, trash, rubbish or refuse of any kind upon any property without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days.
- (4) The existence of any structure or part of any structure upon any property which, because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable (if the structure is/was a dwelling), or is no longer useful for any other purpose of which it may have been intended.
- (5) The existence of any vacant dwelling, garage or other outbuilding upon any property unless such building is kept securely locked, windows kept glazed,

neatly boarded up, or otherwise protected and secured to prevent entrance by vandals or other unauthorized persons.

- (6) The existence of any partially complete structure upon any property unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within a reasonable time.

SECTION IV

PROHIBITION

A Agricultural and residential properties. It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk motor vehicles, abandoned or inoperable vehicles on any property in the Township. Further, no person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property zoned in an agricultural or residential zoning district in the township that is owned, leased, rented or occupied by such person.

B Commercial and industrial properties. It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk motor vehicles, abandoned or inoperable vehicles on any property in the Township. Further, no person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property zoned in a commercial or industrial zoning district in the township that is owned, leased, rented or occupied by such person, except as provided by this section. No causes of blight or blighting factors shall be permitted in the front yard of any property. Any outdoor storage of materials that would otherwise be considered to cause blight or be blighting factors shall be adequately screened so that the materials are not easily visible from view of the road right-of-way or adjacent properties. Such screening shall be provided by landscaped berms, fences, vegetation, trees, or other appropriate types of screening materials.

SECTION V

REMOVAL OF INOPERABLE MOTOR VEHICLES

A. Notice to Remove.

(1) The Township Ordinance Enforcement Officer or a Public Safety Officer shall prepare a written notice clearly identifying the Inoperable Motor Vehicle, or parts thereof, and the location within the Township. Such notice shall be posted on the Motor Vehicle, personally delivered to the Responsible Parties or sent by first class mail to the Responsible Parties. Such notice shall require the Responsible Parties to remove the Inoperable Motor Vehicle, or parts thereof, within ten (10) days of the date of posting, mailing or personally delivering the notice. The notice shall further state that failure to so remove the Inoperable Motor Vehicle, or parts thereof, shall constitute a violation of this Ordinance.

(2) The notice required by subparagraph (A)(I) above shall not be required to be sent to a Responsible Party if that Responsible Party has received a notice under this Ordinance within the preceding eighteen (18) months for the specific Inoperable Motor Vehicle, or parts thereof, in question.

SECTION VI

VIOLATION

a. *Nuisance Per Se.* Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisances per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

b. *Violation.* Any person who violates, disobeys, neglects or refuses to comply with any provision of this ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licenses, agent, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

SECTION VII

PENALTIES

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 1st Offense within 3-year period*	\$ 75.00	\$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Heath Township has been put in connection with the municipal civil

infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VIII

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IX

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith, including Ordinance No. 24 and Ordinance No. 25, are hereby repealed.

HEATH TOWNSHIP

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