

TOWNSHIP OF SCIPIO

ORDINANCE NO: 85-1

An ordinance to provide for the regulation and control of the storage, accumulation, and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantled or unusable vehicles and building materials; the maintenance of blighted structures and other blighted factors or causes of blight and deterioration thereof, to provide penalties for the violation thereof.

The Township of Scipio Ordains:

Section 1: Legislative findings. It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, inoperative motor vehicles, building materials, and the maintenance of blighted structures upon private property within the Township of Scipio constitutes a hazard to the public health, safety and welfare of the residents of Scipio Township for the reason that they provide a habitat conducive to the breeding and nesting of rats, mice and other vermin and disease, they promote an increase in criminal activity, they contain objects with sharp edges and other hazards which would injure small children who would be attracted to play thereon without appreciating the danger thereof, and they tend to result in blighted and deteriorated neighborhoods, and all of the above therefore is contrary to the public peace, health, safety and general welfare of the community, and that these regulations contained in this ordinance are the minimum regulations required to eliminate the foregoing undesirable conditions and protect the public peace, health, safety and general welfare of Scipio Township.

Section 2: Definitions. The following words or terms when used therein shall be deemed to have the meaning set forth below.

(a) The term "junk" 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.

(b) The term "junk motor vehicles" shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days, and shall also include, whether licensed or not, any motor vehicle which is inoperable for any reason for a period in excess of 60 days; provided, that there is excepted from this definition unlicensed, but operative vehicles which are kept as the stock and trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle; provided, further that the time limit of such vehicles may remain upon the premises of a motor vehicle repair garage or facility shall be a period of 120 days rather than 60 days, with an extension of an additional 30-day period upon presentation to the Township Supervisor or Township Clerk of written

proof the offending vehicle is involved in insurance claims, litigation or a similar matter and additional time is required for settlement before the vehicle can be moved.

(c) The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours or more without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

(d) The term "blighted structure" 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.

(e) The term "building materials" shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating duct or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

(f) The term "rubbish" shall include, without limitation, waste paper, tin ware or aluminum wear, tin or aluminum cans, tin or aluminum cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, brush, long cuttings and hedge trimmings.

(g) The term "garbage" or "trash" shall include, without limitation, any accumulation of refuse, litter, specifically including, but not limited to containers once containing edible, drinkable or useable materials, as well as dead animals (or part thereof) any discarded edible or drinkable items.

(h) The term "person" shall include all natural persons, firms co-partnerships, corporations, and all associations of natural persons incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, lessee, agent, servant, or employee, shall, except as hereinotherwise provided, be equally liable as principals.

Section 3: Prohibition against junk materials. It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk, junk motor vehicles, or abandoned vehicles 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 second-hand goods or junk.

Section 4: Prohibition against blighted or vacant structures. It shall be unlawful for any person to keep or maintain a blighted or vacant structure, dwelling garage, outbuilding, 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 the Township of Scipio, and unless such construction is completed within a reasonable time.

Section 5: Regulation against building materials. It shall be unlawful for any person to store or permit storage or accumulation of building materials on any private property except in completely enclosed buildings or except where such building materials are part of the stock and trade or 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 Township of Scipio, and unless such construction is completed within a reasonable time.

Section 6: Prima facie proof. In any litigation arising out of this Ordinance, testimony that any junk, building materials, trash or rubbish have been observed in the same place on at least two separate dates at least four days apart within any calendar month shall constitute prima facie proof that such materials are inoperable, unused, or unusable. Likewise, in any litigation arising under this Ordinance, testimony that any motor vehicle, or parts thereof, have been observed in the same place for a period of 30 consecutive days shall constitute prima facie proof that such motor vehicle or parts thereof are inoperable, unused, or unusable.

Section 7: Exceptions. This Ordinance does not apply to inventory on premises occupied by a merchant licensed under MCLA 205.53 and conducting a lawful business towards the property of patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station, while left on the premises of either for the purpose of service or repair, nor does this Ordinance apply to junkyards which can be regulated by Public Act 12 of 1929.

Section 8: Declaration of nuisance. Any violation of any provision of this Ordinance is hereby declared to be a nuisance.

Section 9: The Removal of junk vehicles or abandoned vehicles. The Township Supervisor, Clerk or Building Inspector, or the duly authorized representative or such officials may remove or cause to be removed any junk vehicle or abandoned vehicle, or parts of either, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of his intention to do so at least 48 hours prior to such removal. Such notice shall be served personally upon the owner or occupant of property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property.

Such junk vehicles or abandoned vehicles, or parts or either, shall be removed and disposed of in accordance with the law. Such removal by the designated enforcement official shall not excuse or relive any person of the obligation imposed by this ordinance to keep his property free from storage or accumulation of junk vehicles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

Section 10: Penalty. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be deemed to be found guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment not to exceed 90 days or by both such fines and imprisonment. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section, provided no person shall be imprisoned for a single but continued violation of this Ordinance for a period of longer than 90 days.

Section 11: Savings clause. Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not effect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

Section 12: Effective date. This Ordinance shall take effect on the 18th day of May, 1985.

Lucia M. Warden  
Clerk, Township of Scipio

Richard A. Wilson  
Supervisor, Township of Scipio