

CHARLEVOIX TOWNSHIP BLIGHT ORDINANCE

Ordinance No. 1.71

Adopted by the Charlevoix Township Board of
Effective Date: April 20, 2005

INTENT AND PURPOSE

An ordinance to secure the public health, safety and general welfare of the residents and property owners by regulating the storage of junk, rubbish, garbage, inoperable vehicles and trailers within Charlevoix Township and to prohibit such storage except under certain conditions and to provide provisions for enforcement, compliance and penalties for violation of the ordinance.

Section 1 - TITLE

This Ordinance shall be known and cited as the Charlevoix Township Blight Ordinance.

Section 2 - LEGISLATIVE FINDINGS

It is hereby determined that there exists on both privately and publicly owned parcels of land within Charlevoix Township accumulations of unsightly junk, rubbish and/or garbage, and inoperable vehicles and trailers, and that such accumulations constitute a hazard to the public health, safety and welfare of the residents of Charlevoix Township for the reasons that they provide a habitat conducive to the breeding and nesting of rats, mice and other vermin, and also that they contain objects with sharp edges and other, hazards which could injure children who would be attracted to play thereon without appreciating the danger thereof, and that the regulations contained in this ordinance are the minimum regulations required to eliminate the forgoing undesirable conditions and protect the health, safety and welfare of the public.

Section 3 - DEFINITIONS

The following terms used in this Ordinance are defined as follows:

- A. Junk - As used in this ordinance, "junk," means any unused toys, unused or unusable tires, building materials, furniture, machinery, appliances, or parts thereof.
- B. Rubbish - As used in this ordinance, "rubbish," means wastepaper, metalware, plasticware, metal cuttings, boxes, glass, non-landscape shavings, barrels, lumber, paper cartons and brush trimmings.
- C. Garbage - As used in this ordinance, "garbage," means any accumulation of trash, refuse or litter specifically including, but not limited to refuse from the preparation and consumption of food, as well as dead animals (or parts thereof) and discarded edible or drinkable items.

D. Vehicle - As used in this ordinance, "vehicle," means motorized and non-motorized mechanical devices which have the primary purpose of transporting people on land, air, and water, including but not limited to, motor homes, cars, trucks, airplanes, snowmobiles, motorcycles, boats, (including canoes), and bicycles.

E. Inoperable - As used in this ordinance, "inoperable," means any vehicle unable to perform its primary, legal function of transportation because of mechanical condition, missing parts or non-licensure or registration if same is required by state law.

F. Trailer - As used in this ordinance, "trailer," means any non-motorized device which must be pulled by a vehicle and is used for the purpose of transporting other vehicles or items of any kind, including but not limited to utility and recreational travel trailers.

Section 4 - UNLAWFUL ACTS

A. Storage of Junk, Rubbish, Garbage - No owner, occupant or possessor of land within Charlevoix Township shall keep, or permit to be kept at any time on such parcel, any accumulation of junk, rubbish, and/or garbage unless the same is within a completely enclosed storage container with lid or completely enclosed building awaiting removal.

B. Storage of Inoperable Vehicles and Trailers - No owner, occupant or possessor of land within Charlevoix Township shall keep or permit to be kept, for more than ten (10) consecutive days, any inoperable vehicle or trailer, including vehicles and trailers under owner repair, unless said vehicle or trailer is within a completely enclosed building or completely screened behind a fence in the side or rear yards as defined in the Charlevoix Township Zoning Ordinance currently in effect.

C. Placement of Junk, Rubbish, Garbage and/or Inoperable Vehicles and Trailers - No person shall place junk, rubbish, garbage and/or inoperable vehicles or trailers on the property of another, including any governmentally owned property.

D. Vehicles, and Trailers for Sale - Residential property owners and occupants wishing to display and sell personal vehicles or trailers on their properties may display no more than two vehicles or trailers, or one vehicle and one trailer, at any one time for a period not to exceed 90-days in any 365-day period. Vehicles or trailers for sale shall not be displayed on vacant properties. Vehicles or trailers for sale need not be licensed but shall be operable in all other ways. Vehicles or trailers for sale shall be clearly marked, "FOR SALE." No person shall place vehicles or trailers for sale on the property of another, including any governmentally- owned property or road right-of-way, without the written consent of the owner.

Section 5 – EXCEPTIONS

A. This Ordinance does not apply to inventory or premises occupied by a merchant licensed under MCL 205.53 and conducting a lawful business or to 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 purposes of service or repair, nor does this ordinance apply to licensed salvage yards which are regulated under Public Act 12 of 1929.

B. Recreational vehicles and trailers which are usable, in good repair and are customarily licensed on a seasonal basis shall be allowed to be kept on the owner's property without license during the off-season so long as they are stored in a completely enclosed building or completely screened behind a fence in the side or rear yards as defined in the Charlevoix Township Zoning Ordinance currently in effect.

C. Recreational, commercial and agricultural vehicles and trailers not required to be licensed or registered by the State of Michigan shall be allowed to be kept in the owner's property without license so long as they are stored in a completely enclosed building or completely screened behind a fence in the side or rear yards as defined in the adherence to the Charlevoix Township Zoning Ordinance currently in effect.

D. Junk, Rubbish and Garbage may be kept in a temporary, roadside storage container, with closable lid, used for the purpose of keeping rats, foraging animals and other vermin away from the contents, and awaiting pickup by a refuse hauling company for up to a 48-hour period, so long as the temporary storage container shall not be larger than (2) two-cubic-yards in size and must have a locking or latching device sufficient to prevent opening by foraging animals.

E. Commercial businesses may, in addition to the containers described in paragraph D, above, keep a dumpster on-site. The dumpster should be kept in such a place so that it is screened from view by the public. Additionally, the dumpster must be emptied on a regular basis so that it does not overflow. Further, the dumpster must have lid which shall be kept closed at all time, except when trash or rubbish is being placed into the dumpster.

F. Property owners may place lawn clippings and hedge and/or shrub trimmings in a pile on their property. These items should be kept in a location which is not offensive to any neighbors (for example, do not place these items right on the property next to your neighbor's deck). In all events, unless the lawn clippings and/or hedge/shrub trimmings are being used as compost, the refuse shall be removed from the property at least once every two years so that the pile does not become too large or otherwise become a nuisance.

Section 6 – ENFORCEMENT AND SANCTIONS

A. Authority. The Zoning Administrator and Supervisor shall have the authority to enforce and initiate proceedings to enforce and abate violations of the provisions of this Ordinance. Any violation of this Ordinance is hereby declared to be a nuisance per se.

B. Investigation; correction period. The Zoning Administrator shall investigate each alleged violation and shall send to the alleged violator by registered mail a written notice specifying all violations and ordering him or her to correct the violation within thirty (30) days of the notice.

C. Violations. Any person who fails to correct a violation of any provision of this Ordinance within thirty (30) days of the date of the notice ordering the correction shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of \$100.00, plus costs incurred. Each day this Ordinance is violated shall be considered as a separate violation.

D. Repeat Offenses. Repeat offenses under this Ordinance shall be subject to increased fines as provided by this section below. As used in this section, "repeat offense," means a second (or any subsequent) violation of the same requirement or provision of this ordinance, as determined by the Zoning Administrator or Supervisor, for which the person admits responsibility or is determined to be responsible. The schedule of fines for repeat offenses under this Ordinance shall be as follows:

First repeat offense: \$250.00, plus costs incurred
Second or subsequent repeat offense: \$500.00, plus costs incurred

E. Enforcement. The Zoning Administrator and Supervisor are hereby designated as the authorized Township officials to issue municipal civil infraction citations requiring alleged violators of this Ordinance to appear in court.

F. Abatement. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

G. Appeal. A property owner or occupant who is cited for a violation under this Ordinance may appeal to the Charlevoix Township Board of Trustees, if extenuating circumstances are involved.

Section 7 - PRIMA FACIE PROOF

A. To any litigation arising under this ordinance, testimony that any unusable toys, unused or unusable building materials, furniture, machinery, appliances, or parts thereof, have been observed in the same place on at least (7) seven consecutive or nonconsecutive calendar days, shall constitute prima facie proof that such constitute junk, as defined in Section 3.

B. In any litigation arising under this ordinance, testimony that any unlicensed vehicle, including but not limited to cars, trucks, snowmobiles, motorcycles, boats (including non-motorized boats), or parts thereof, that have been observed in the same place on at least (14) fourteen consecutive days, shall constitute prima facie proof that such constitute an inoperable vehicle, as defined in Section 3.

Section 8 - 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 other portion of this Ordinance.

Section 9- CONFLICTING REGULATIONS

In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than is imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

Section 10 - EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication as required by law.