

*DRAFT ORDINANCE 06012025*

TOWNSHIP OF \_\_\_\_\_  
COUNTY OF MONTCALM

At a regular meeting of the Township Board of the Township of \_\_\_\_\_ held at the Township Hall, Michigan, on the \_\_\_\_\_ day of, \_\_\_\_\_ 2025, commencing at \_\_\_\_\_ a.m./p.m., the following Ordinance was offered for adoption by Township Board Member \_\_\_\_\_ and seconded by Township Board Member \_\_\_\_\_.

ORDINANCE NO.

AN ORDINANCE TO PROHIBIT THE IMPROPER STORAGE OF JUNK, INOPERABLE VEHICLES, TRAILERS, JUNK VESSELS, AND/OR BUILDING MATERIALS; PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION OF ORDINANCE.

An Ordinance to secure the public health, safety, and general welfare of the residents and property owners by regulating the storage of junk, inoperable vehicles, trailers, junk vessels, and/or building materials within \_\_\_\_\_ Township; to prohibit such storage except under certain conditions; to establish minimal standards for the preservation of real property; and to provide provisions for enforcement and penalties for violation of this Ordinance.

THE TOWNSHIP OF \_\_\_\_\_ ORDAINS:

Section 1. Title. This ordinance shall be known and cited as the \_\_\_\_\_ Township Blight Elimination Ordinance.

Section 2. Findings and Purpose. The purposes of this Ordinance are as follows:

- A. To eliminate the improper storage of junk and inoperable vehicles, trailers, and/or junk vessels in the Township to the extent permissible under law.
- B. It is essential and necessary to the health, safety, and welfare of the residents of the Township and the well-being of the personal and real property located within the Township, and for the preservation of the taxable value of real property in the Township, to adopt this Ordinance to eliminate blight and nuisances within the Township.

Section 3. Authority. This Ordinance is authorized and enacted pursuant to Public Act 246 of 1945, as amended, being MCL 41.181 et seq., and other applicable laws.

Section 4. Intent. This Ordinance is intended to establish reasonable guidelines and standards concerning the storage of objects or materials and to establish minimal standards for the preservation of real property which, if not regulated, would have the potential to cause blight and to devalue real property.

This Ordinance is not intended to do any of the following:

- A. To prohibit or to interfere with lawful farming conducted in accordance with generally accepted agricultural and management practices, or to prohibit or to interfere with the otherwise lawful storing or spreading of manure, fertilizers, herbicides, or other soil conditioners as part of a bona fide farm operation.
- B. To prohibit or to interfere with the use or storage of motor-driven equipment which does not require licensing and is used entirely for off-highway work on land zoned for agricultural use; or,
- C. To discourage the keeping or restoration of vehicles having antique or classic value.

Section 5. Definitions. As used in this Ordinance, the following terms are defined as follows:

- A. Building Materials. Lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating or air conditioning ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- B. Fence. A fence used to meet the storage requirements for compliance under this Ordinance shall be at least six (6) feet high, well maintained, and shall be constructed of materials that are designed for fencing purposes, such as chain link fence with privacy slats, a wood fence with continuous or overlapping picket, or a substantial equivalent. Use or discarded materials such as concrete, railroad ties, pallets, tree stumps, trash, tires, junk or other similar material shall not be used for fencing purposes.
- C. Garbage. Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for use as food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetable not in an appropriately maintained composting operation, or not using generally accepted agricultural practices. Garbage also includes discarded edible or drinkable items.
- D. Inoperable Trailer. Any trailer unable to perform its primary, legal function of transportation because of mechanical condition, missing parts, or non-licensure or regulation if same is required by law.
- E. Inoperable Vehicle or Inoperable Motor Vehicle. Any or all of the following:

1. Any vehicle or motor vehicle which is dismantled, in whole or in part, or which is not mechanically operable as a result of a defect, malfunction, or state of disrepair; or,
2. Any vehicle or motor vehicle which cannot be legally operated on public streets or highways by reason of lacking the equipment required by State Motor Vehicle Code and/or other laws of the State of Michigan; or,
3. Any vehicle or motor vehicle which is not currently licensed, or for which the vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets and highways under the provisions of the State Motor Vehicle Code, or other applicable provisions of the laws of the State of Michigan.

Provided, however, that the definition of "inoperable vehicle" and "inoperable motor vehicle" does not include either of the following:

- a. A motor vehicle, which is mechanically operable, but unlicensed because it is owned, leased or co-signed to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for the purpose of sale or delivery.
- b. A motor vehicle which is stored on the premises of a duly licensed and lawful auto repair shop, provided that the auto repair shop has all licenses or registrations required by the State of Michigan; and provided, further, that all vehicles stored on the premises of the auto repair shop must be stored either entirely within a building or a completely enclosed area with fences not less than six (6) feet in height, and so that any inoperable motor

vehicle cannot be seen from any public right of way or from adjacent property.

F. Junk. Trash, rubbish, litter, refuse, or garbage including, but not limited to, parts of dismantled and partially dismantled machinery or equipment, any type of broken and unusable furniture, usable or unusable stoves, refrigerators, freezers or other appliances stored in the open, televisions, barrels clothes, rubber, boxes, remnants of wood, metal, cast-off household items and fixtures, broken toys and bicycles, broken lawn furniture, or other material of any kind, because of being discarded, obsolete or in disrepair is no longer practical to use, all ferrous or non-ferrous metal, rope, plastic, or any other scrap or waste material of any kind, including parts of any of the foregoing; metal cuttings, metalware, plasticware, shavings, straw, as well as dead animals (or parts thereof).

G. Junk Vehicle or Junk Motor Vehicle. Any or all of the following:

1. Any vehicle or motor vehicle which by reason of damage resulting from an accident, dismantling, disrepair or other cause that is incapable of being propelled under its own power.
2. Any vehicle or motor vehicle that is unsafe for operation in the manner for which it was designed, manufactured or modified by reason of damage resulting from an accident, dismantling, disrepair or other cause.
3. Any vehicle or motor vehicle that is incapable of being operated in the manner for which it is was designed, manufactured or modified by reason of its inability to comply with any code, regulation or statutes established by the State of Michigan governing the operation of such vehicle or motor vehicle.

4. Any vehicle or motor vehicle which has been so damaged or dismantled to be a total loss.
  5. Any component part of a vehicle or motor vehicle, including tires and wheels, or items held for salvage, which by reason of disrepair, damage or other cause is incapable of functioning or being operated in the manner for which it was designed, manufactured or modified.
- H. Junk Vessel. Any water vessel, watercraft, personal watercraft, or similar item intended for water transportation which is unregistered for use upon the waters of the State of Michigan, and shall also include, whether registered or not, any such item that is inoperable or does not have all its main component parts attached, including all exterior body parts.
- I. Motor Vehicle. Every vehicle which is or intended to be self-propelled.
- J. Person. Any individual, association, organization, corporation, partnership, firm (either incorporated or unincorporated), or business entity of any type including, but not limited to limited liability companies.
- K. Public Nuisance. Whatever injures or endangers safety, health, welfare, comfort or repose of the public; offends public decency, interferes with, obstructs, or renders dangerous any street, highway, navigable lake or stream or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include but shall not be limited to whatever is forbidden by any provision in this Ordinance.
- L. Rubbish. Any material thrown away as worthless; trash, worn-out and discarded material that may be returned to some use; miscellaneous waste material resulting from housekeeping and ordinary commercial enterprises, including but not limited to ashes, cartons or crates, cans, bottles, metal boxes,

wasted papers, glass, bedding, crockery, wood, used lumber, paper, rags, and tires.

- M. Total Loss. Where the cost to fully repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally recognized appraisal book or method.
- N. Trailer. Any non-motorized device which must be pulled by a vehicle including, but limited to, utility and recreational travel trailers, or which had been designed for the purpose of transporting other vehicles or items of any kind.
- O. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks. It includes, but is not limited to, airplanes, automobiles (of any model), bicycles, boats (of any kind, including canoes), motor bikes, motorcycles, motor homes, snowmobiles, and trucks (of any model).

#### Section 6. Prohibited Acts.

- A. No person shall accumulate, store or place, or permit the accumulation, storage or placement of "junk," as defined by this Ordinance, outside on any property, private or public in the Township, for more than sixty (60) consecutive days during any calendar year, unless such property has been designated as a state licensed landfill or is a property for which a valid junkyard permit issued by the Township is in effect.

- B. No person shall accumulate, store or place, or permit the accumulation, storage or placement, of any inoperable or junk vehicle or motor vehicle, or inoperable trailer, in the Township for more than sixty (60) consecutive days during any calendar year on any lands, unless such items are stored in a fully-enclosed lawful garage, other building, or a completely walled enclosure or is otherwise screened by a fence, or other appropriate means that completely shields them from view from any public right-of-way or adjacent property.
- C. No person shall accumulate, store or place, or permit the accumulation, storage or placement, of any junk vessel in the Township for more than sixty (60) consecutive days during any calendar year on any lands, unless such items are stored in a fully enclosed lawful garage or other building, or by a fence that shields them from view of any public-right-of way or adjacent property. This prohibition shall not apply to a property for which a valid junkyard permit issued by the Township is in effect; nor shall it apply to a dulylicensed and otherwise lawful watercraft or watercraft equipment repair shop, provided that all junk vessels stored by such a shop shall be stored in a completely fenced area, so that any such junk vessels cannot be seen from any public right-of-way or adjacent property, and provided that the shop is otherwise in compliance with all zoning requirements applicable thereto.
- D. The storage of "building materials," as defined by this Ordinance, by any person, outside of a completely enclosed building in any area for a period of thirty (30) days is prohibited. This prohibition shall not apply to building materials used for a legally operated business trading in the same, or to building materials stored on the site of property for which a valid building permit has been issued by the appropriate County or Township building official and where said building materials are legitimately intended for use in connection with such permitted construction.

Section 7. Exceptions.

- A. This Ordinance does not apply to inventory on 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, to a furniture or appliance repair facility, or to a gasoline station or a motor vehicle repair facility when that property is left on the premises for service or repair, nor does this Ordinance apply to a property that has been designated as a state-licensed landfill or for which a valid junkyard permit issued by the Township is in effect.
- 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 compliance with applicable zoning regulations of the Township.
- 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 on the owner's property so long as they are stored in compliance with applicable zoning regulations of the Township.
- D. Junk, rubbish, and garbage may be kept in a temporary, roadside storage container covered by a closed lid, which is used for the purpose of keeping mice, rats, vermin, or all manner of foraging animals away from the container's contents, prior to being picked up by a licensed waste hauler in accordance with the Township's regulations for solid waste.
- E. The following additional activities shall not be considered to be a violation of this Ordinance:
  - 1. The lawful disposal of materials or items into or within a lawful sanitary landfill, hazardous materials landfill or facility or incinerator properly licensed by the state of Michigan.

2. The lawful disposal of materials or items into or within a lawful waste disposal site which has been expressly approved or authorized by the Township under its ordinances.
3. The otherwise lawful storage, use, and application of lawful fertilizers, herbicides, and insecticides pursuant to agricultural, landscaping, lake weed control, or horticultural uses.
4. The accumulation or spreading of animal manure for agricultural purposes.
5. The small-scale (less than 3,000 square feet) or non-commercial composting of plant, vegetative or crop matter, provided that such activities are conducted in the rear yard, are set back a reasonable distance from property lines, are screened from view of abutting properties and roadways, are conducted in accordance with sound composting practices, and otherwise do not create a nuisance or unreasonably interfere with the use and enjoyment of surrounding property.
6. Winter treatment of roads, sidewalks, steps and other ways for snow and ice removal.
7. Lawfully and properly maintained feed, chemical, fertilizer, fuel or liquid storage tanks, whether above or below ground, including the contents thereof.
8. The outdoor storage of farm equipment, farm implements and farm vehicles, if being used for ongoing farm operations and if in compliance with any and all other applicable Township ordinances.

9. The lawful disposal of human and conventional household waste pursuant to a lawful municipal or underground septic disposal system, or as otherwise expressly allowed pursuant to any applicable ordinance.

Section 8. Enforcement Officer. Enforcement Officer means the Montcalm County Sheriff; Township Code Enforcement Officer, Township Zoning Administrator, Township Police Officer, or any person designated by the Township to enforce the provisions of this Ordinance.

Section 9. Emergency Abatement; Costs. When “junk” or other accumulated items stored, as defined by this Ordinance, is of a nature that the Township Supervisor believes said “junk” violates this Ordinance and presents an immediate or extreme danger to life, safety, or public or private property, and that such Junk must be removed immediately, the Township Supervisor has the option to enter the premises in violation and have the “junk” removed and all costs of such removal, damages or expenses, attorney fees, incurred as a result of the emergency removal, by the Township shall be a lien on the property. The lien may be enforced and discharged in the manner prescribed by the General Property Tax Act.

Section 10. Enforcement Remedies and Sanctions

A. Civil Infractions

1. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be \$100.00 for the first offense, \$250.00 for the second offense within two (2) years of the first offense; \$500.00 for the third offense within two (2) years of the first offense; and in addition, all other costs, damages, expenses and actual attorney's fees incurred by the Township in enforcing the Ordinance. For purposes of this section, any second or third subsequent offense after the first offense means a violation of the provisions of this Ordinance committed by the same person on the same property within two (2) years of the previous first violation of the same provision of this

Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

2. Each day on which any violation of this Ordinance occurs or continues to occur constitutes a separate offense, subject to separate fines or sanctions.

B. Criminal Misdemeanor. Any person that violates or fails to comply with any provision of this Ordinance, whether as the owner or occupant of any premises, whereupon any violation of this Ordinance exists, shall be guilty of a misdemeanor subject to a fine of no more than \$500.00, no more than 90 days in jail, or a combination of both.

C. Injunctive Relief. A violation of this Ordinance is hereby declared to be a nuisance per se. In addition to any remedies available at law, including the above municipal civil infraction or misdemeanor penalties against the violator shall not prohibit the Township from also or alternatively seeking injunctive relief against the violator, in Montcalm County Circuit Court, including but not limited to entrance upon the premises in violation and remove the violation and remove the violative condition thereon, and all costs of such removal, damages or expenses incurred as a result of the violation, and actual attorney fees incurred by the Township in enforcing the Ordinance shall be a lien on the real property. The lien may be enforced and discharged in the manner prescribed by the General Property Tax Act.

D. Lien to enforce Fines, Costs, and Penalties. The civil fines, attorney fees, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this Ordinance shall be paid to the Township or to its designated enforcing authority, immediately upon entry of the court order. If the civil fines, costs assessments, damages and/or expenses and/or attorney fees and costs are not paid within ninety (90) days, the Township or its designated enforcement authority, may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment

of the fines, costs, assessment ,damages, and/or expenses with the Montcalm County Register of Deeds. The lien may be enforced and discharged in the manner prescribed by the General Property Tax Act.

E. Civil collection action. The Township may institute an action in a court of compete jurisdiction for the collection of a judgment imposed by a court order for municipal civil infraction. However, an attempt by the Township to collect the judgment by any process does not invalidate or waive the lien upon the land, building, or structure.

F. Remedies. All remedies available to the Township under this Ordinance and under Michigan law shall be deemed to be cumulative and not exclusive.

G. Aiding and Abetting. Any person that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting and shall be considered to have violated Ordinance.

Section 9. Prima Facie Proof. In any litigation or enforcement arising under this Ordinance, testimony or evidence demonstrating any of the following shall be considered prima facie proof of a violation:

- A. That junk, an inoperable vehicle, trailer, junk vessel, and/or building materials have been observed in the same place for at least thirty (30) consecutive calendar days.

Section 10. Repeal of Inconsistent Ordinance provisions. All resolutions or ordinances, and parts thereof, which are in conflict, in whole or in part, with any of the provisions of this Ordinance are hereby repealed, to the extent of such conflict.

Section 11. Severability. In the event that any provision of this Ordinance is held to be invalid, such holding shall not affect the validity or enforceability of any of the remaining provisions of this Ordinance.

Section 12. Publication• Effective Date. A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township, within thirty (30) days after adoption. The Ordinance shall become effective thirty (30) days after such publication.

AYES:

\_\_\_\_\_

NAYS:

\_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_

\_\_\_\_\_, Clerk

Township of \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of \_\_\_\_\_ at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_

\_\_\_\_\_, Clerk

Township of \_\_\_\_\_