

JOYFIELD TOWNSHIP ORDINANCE 2019-2
JUNK STORAGE AND DANGEROUS BUILDINGS
JOYFIELD TOWNSHIP
BENZIE COUNTY, MICHIGAN

An ordinance to promote the health, safety and welfare of the people of Joyfield Township through the prevention, reduction or elimination of junk and dangerous buildings

SECTION 1: PURPOSE

The purpose of this ordinance is to prevent, reduce or eliminate junk and dangerous buildings in Joyfield Township for the protection of the health, safety, morals and general welfare of Township residents, to preserve existing values of other properties within or adjacent to blighted properties and to preserve the taxable value of the property within the Township.

SECTION 2: DEFINITIONS

For the purpose of this ordinance, the following terms or phrases shall have the meaning given herein:

- a. JUNK shall be defined as any unused or abandoned motor vehicles, motor vehicle parts, watercraft, trailers, iceboxes, refrigerators, appliances, machinery, household goods, garbage, refuse, tires, building or construction materials where no building permit has been applied for or obtained, or other equipment or material kept, stored or otherwise placed so as to present a potential hazard to persons or property or stored in a manner which creates a nuisance.
- b. UNUSED or ABANDONED shall mean with respect to motor vehicles, such motor vehicles which are partially or totally dismantled or inoperable due to any other cause, including without limit, disrepair, accident or lack of licensing.

The term "unused or abandoned" shall, for the purposes herein as pertaining to any of the items, substances or materials defined as "junk" in subsection (a) above, mean items which are not being utilized in the reasonable and customary manner for which they are designed in whole or in part for a period of 30 days or more.

- c. MOTOR VEHICLES shall be defined as set forth in the Michigan Motor Vehicle Code (MCL 257.1 et seq.) and shall include but shall not be limited to motor vehicles, boats, all-terrain vehicles, recreational vehicles, snowmobiles, trailer or wheeled vehicle which is designed to be self-propelled.

- d. TRAILERS shall include but shall not be limited to mobile homes, travel trailers, boat trailers and such other wheeled entities designed to be pulled or pushed by a motor vehicle or other source of locomotion.
- e. ICE BOXES AND REFRIGERATORS shall include but shall not be limited to any air tight container with door or lids which cannot be opened from the inside and which in its intended use as designed is constructed so as to maintain an internal temperature different from the outside environment, which might constitute a serious danger to children at play.
- f. MACHINERY AND EQUIPMENT shall include but shall not be limited to every type of machine, apparatus or mechanical device ordinarily used in industry or commercial business.
- g. HOUSEHOLD GOODS shall include but shall not be limited to all furniture, furnishings and household items designed for use inside the residence, dwelling or place of business.
- h. BUILDING AND CONSTRUCTION MATERIAL shall include but shall not be limited to any and all material used in the construction, remodeling or repairs of any dwelling, place of business or structure.
- i. GARBAGE shall include but shall not be limited to any organic or inorganic materials, including dead animals (or parts thereof), packaging, clothing or other household items, biodegradable or not, which are accumulated in the course of the management of a household or business.
- j. OTHER EQUIPMENT shall for the purpose herein be defined as any items or substances not previously herein specified which based upon its nature, intended use and location cannot reasonably be found to serve a useful or decorative purpose.
- k. DANGEROUS BUILDING any building or structure including but not limited to any dwelling, garage, outbuilding, factory, shop, store, warehouse, mobile home, travel trailer, or converted vehicles intended for habitable use as a dwelling, which because of physical deterioration, fire, wind or other natural disaster is no longer habitable as a dwelling or useful for the purpose it was originally constructed or designed.

SECTION 3: COMPLIANCE

It shall be unlawful for any person, firm or corporation, or anyone acting on behalf of said person, firm or corporation, to allow any “junk” as herein defined under Section 2 to remain outside, not within an enclosed dwelling, building or other structure.

It shall be unlawful for any person, firm or corporation, or anyone acting on behalf of said person, firm or corporation, to allow “dangerous buildings” as herein defined under Section 2 on any property within Joyfield Township.

SECTION 4: EXCEPTIONS

- a. This ordinance shall not apply to areas within Joyfield Township where such personal property is rendered to be not in ordinary view from the public roadways or adjacent properties and access by the general public is otherwise restricted wherein the substances or materials shall not constitute a fire or health hazard.
- b. This ordinance shall exclude agricultural equipment and materials used for agricultural purposes and/or agricultural related businesses. This section is intended to exclude only agricultural equipment and materials actually being used in the production of farm crops or farm animals.
- c. This ordinance shall exclude Michigan permitted or licensed junkyard or salvage facilities.

SECTION 5: NOTICE OF VIOLATION

It shall be the duty of the Joyfield Township Supervisor or such other person as designated by the Joyfield Township Board (the “Enforcement Officer”) to notify the owner and/or occupant of premises that are alleged to be in violation of this ordinance. Such notice shall be sent after a written, signed complaint to the Joyfield Township Board, or the Board may initiate enforcement at its discretion. Complaints will only be considered if submitted in writing using an approved Township form received from (i) an owner of real property in Joyfield Township, or (ii) a resident of Joyfield Township.

When a person is alleged to have violated this ordinance, the Enforcement Officer may send an initial, informal notice by regular mail to such person. The informal notice will state that, in the opinion of the Enforcement Officer, there exist conditions in violation of this Ordinance, and may provide the opportunity to correct these conditions within a time specified. The decision to send an “informal notice” rests solely in the discretion of the Enforcement Officer and is not a necessary prerequisite to the issuance of a written notice otherwise required by this ordinance. This “informal notice” process does not apply to structures that, in the opinion of the Enforcement Officer, constitute dangerous conditions.

Service of written notice required by this Ordinance shall be made upon the owner of the property or structure in whose name the property appears on the last local tax assessment records. The written notice will be sent to the property owner upon ordinance violation and shall:

- a. be in writing, certified mail, return receipt requested
- b. describe the property and the causes of ordinance violation
- c. specify the number of days in which the violation must be remedied after service of the notice
- d. describe any applicable responsibilities and rights of the recipient under this ordinance, including process and appeal

The Joyfield Township Board and/or the Enforcement Officer may grant the alleged violator additional time where the Board and/or the Enforcement Officer determines that the alleged violator is making a good faith effort to bring the premises in compliance with this ordinance.

SECTION 6: POSTING OF NOTICE

In the event the owner cannot be located, prominent posting of such notice upon the premises for 48 hours shall constitute adequate substitute notice.

SECTION 7: FAILURE TO CORRECT

In the event that the owner fails to correct such violation within the period described in the Notice, the Joyfield Township Supervisor or such other persons as authorized by the Joyfield Township Board may issue a municipal civil infraction appearance ticket as hereinafter provided.

SECTION 8: VIOLATIONS

A person who violates this Ordinance is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than \$50 for the first offense plus costs and other sanctions, including any costs of clean-up. A second offense, within six months shall subject the violator to payment of a civil fine of not less than \$100 plus costs and other sanctions, including any costs of clean-up. A third or more offense within six months of the previous infraction shall be subject to a civil fine of not less than \$250 plus costs and other sanctions, including any costs of clean-up.

SECTION 9: NUISANCE PER SE

Violations of this ordinance are declared to be public nuisances. All Township costs of enforcement of this ordinance, including but not limited to court costs, attorney fees, clean-up, removal or disposal costs may be assessed to the real property on which a violation occurs in accordance with applicable law. The sanctions set forth in this ordinance shall not prohibit the Township from seeking such injunctions and orders as are permitted in Section 8302 of the Revised Judicature Act, MCL 600.8302, including

but not limited to orders of abatement, orders permitting the Township to abate the nuisance and charge the cost of doing so as a lien against the premises and assessing the costs of enforcement as a lien against the premises.

SECTION 10: FINES

The owner and/or occupant of any premises or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

SECTION 11: EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 12: SEVERABILITY

Should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 13: EFFECTIVE DATE

The Joyfield Township Junk Storage and Dangerous Buildings Ordinance, 2019-2 adopted May 1, 2019 shall become effective 30 days after its publication as required by law.

I hereby certify the foregoing resolution was adopted by a majority of the members of the Joyfield Township Board by a roll call vote at a regular meeting of the Board held on May 1, 2019 in compliance with the Open Meetings Act.

Joyfield Township Clerk

At a regular meeting of the Township Board of the Township of Joyfield, Benzie County, Michigan, held at the Township Hall, in said Township, on the 1st day of May, 2019.

PRESENT: Matt Emery, Ted Wood, Patricia Daugherty, Mark Evans, Jim Evans

ABSENT:

Motion to approve: Jim Evans

Second: Matt Emery

Yeas: Wood, J. Evans, Daugherty, M. Evans and Emery Nays: none

The Township of Joyfield ordains: An ordinance to restrict the accumulation of junk and to provide for the removal of such junk, exceptions, persons liable and penalties therefor.