

Amended

**OID TOWNSHIP ORDINANCE NO. 23
JUNK STORAGE AND ACCUMULATION
TOWNSHIP OF OVID
BRANCH COUNTY, MICHIGAN**

At a regular meeting of the Township Board of the Township of Ovid, Branch County, Michigan, held at the temporary Township Hall, located at 381 S. Angola road, Coldwater, MI, on the 11th day of September 2017 at 7:30 pm.

Present: Members: Greg Gemmill, Robbi Omo, Shelly AcMoody, Larry Omo, and Ron Sampsel.

Absent: Members: None

The following ordinance was offered as amended by Member Greg Gemmill, and supported by Larry Omo.

Upon roll-call vote the following members voted “Aye”: Robbi Omo, Shelly AcMoody, Larry Omo, Ron Sampsel and Greg Gemmill.

No board members voted “no”.

The Township of Ovid ordains:

AN ORDINANCE to restrict the accumulation of junk and to provide for the removal of such junk, exceptions, persons liable and penalties thereafter.

Section 1 – PURPOSE

The purpose of this ordinance is to restrict outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, trailers. Household goods, machinery and equipment upon premises not zoned for industrial use. To prevent or avoid injury or hazard to children and others attracted to such junk, to discourage the existence of any structure or part of any structure which, because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable, or safely usable as originally intended. To avoid devaluation of property values and other depressing effects, the presence of such junk has upon adjoining properties, and neighborhoods. To prevent the potential for spread of infectious diseases by animals, insects or parasites that inhabit such accumulations of junk, and to avoid blight which causes large expenditures of tax dollars to correct.

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, watercraft, trailers, iceboxes, refrigerators, appliances, machinery, household goods, garbage, refuse, tires, machinery, 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 operable motor vehicles that do not have current effective license which would allow said motor vehicles to be driven on the highways of the State of Michigan. The term “unused or abandoned” shall be further defined for the purpose herein as pertaining to any of the aforementioned items, substances or materials to mean items which are not being utilized in the reasonable and customary manner for which they are intended. If such items, substances or materials are not being utilized in the reasonable and customary manner for which they are intended and such items, substances or materials which have not been used in whole or in part for a period of fourteen days and for which there is no reasonable likelihood based on identity and circumstances that said items, substances or materials shall be used in a period not to exceed fourteen days, then such items, substances or materials shall be considered to be “unused or abandoned”.**
- c. **“MOTOR VEHICLES” shall be defined as set forth in the Michigan Motor Vehicles Code (MCL 257.1 et. Seq.) and shall include but shall not be limited to motorcycles, motor scooters, and all types of self-propelled vehicles.**
- d. **“TRAILERS” shall include but not be limited to mobile homes, travel trailers, boat trailers and such other wheeled entities as are 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 significantly 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 packaging, clothing, or other household items, biodegradable or not, which are accumulated while the management of the 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. **“WATERCRAFT”** shall for the purpose herein be defined as any, and all devices intended for use on a waterway. Shall include power boats, sail boats, paddle, or oar propelled crafts, and personal water crafts.

SECTION 3 – OUTDOOR STORAGE

It shall be unlawful for any person, firm or corporation to allow to maintain outside of any dwelling, building or other structure, any “junk” as herein defined under Section 2.

SECTION 4 – EXCEPTIONS

- a. This ordinance shall not apply to areas within the Township of Ovid where properly fenced with opaque fencing or landscaping so as to render such personal property to be not generally visible from public roadways or access by the general public is otherwise restricted wherein the substances or materials shall not constitute a fire hazard or a 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 those agricultural equipment and materials actually being used in the production of farm crops or farm animals.

SECTION 5 – NOTICE OF VIOLATION

It shall be the duty of the Ovid Township Supervisor or such other person as designated by the Ovid 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 signed, written complaint to the Ovid Township Board has been received, or the Board may initiate enforcement at its discretion. When a person is alleged to have violated this ordinance, the Enforcement Officer shall send a notice to such person.

The Enforcement Officer shall also send two (2) more notices at ten (10) day intervals. Such notice may be served in person, by certified mail - return receipt requested, or by 1st Class Mail. The Ovid 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 into 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 forty-eight (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 Ovid Township Supervisor or such other persons as authorized by the Ovid Township Board may issue a municipal 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 three years of the first or second infraction, shall be subject to a civil fine of not less than \$250 plus costs, and all other sanctions, including any costs of clean up. The third offense shall also be immediately turned over to the Branch County Sheriff's Dept., and the Branch County District Court, without service of the 2nd, and 3rd letters of notice.

SECTION 9 – NUISANCE PER SE

Violations of this ordinance are declared to be nuisances. All of the Township's costs of enforcement of this ordinance, including but not limited to court costs, attorney fees, and cleanup, removal or disposal costs, may be assessed to the real property on which a violation occurs in accordance with applicable law. Upon a finding of responsibility for an ordinance violation, the Township may seek such injunctions and orders as are permitted in Section 8302 of the Revised Judicature Act, being 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

This ordinance shall take effect 30 days from and after the passage by the Ovid Township Board and timely and proper posting of same as provided by law.

ORDINANCE AMENDMENTS DECLARED ADOPTED: September 11, 2017

ORDINANCE EFFECTIVE: October 11, 2017