

## **Hamilton Township Junk and Blight Ordinance**

Purpose: 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 blighting factors or causes of blight and deterioration thereof, to provide penalties for the violation thereof.

### **Junk and Blight Ordinance**

#### **Section 1**

##### **Purpose**

An Ordinance to secure the public health, safety and welfare of the residents and property owners of Hamilton Township, Clare County, Michigan, by the regulation of the outdoor parking and storage of motor vehicles, mobile homes and new or used parts or junk therefrom, junk, trash, rubbish, building materials, blighted structures and other blighting factors, within the Township of Hamilton; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

#### **Section 2**

##### **Regulations**

- A. Exterior Storage of inoperative and/or unlicensed Vehicles. Unless otherwise permitted, no person or corporation, whether he/she be the owner, tenant or manager of private property, or whether he/she be the last registered owner of the vehicle or transferee on the bill of sale covering the vehicle, shall permit the accumulation on private property of one or more motor vehicles which do not meet the following conditions:
  - 1. Any motor vehicle must be in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being Act No. 300 of 1949, as amended. Provided that any such vehicle may not comply with these regulations for a period not exceeding fourteen (14) calendar days.
  - 2. This Ordinance applies to all vehicles including, but not limited to motorized vehicles, ORVs, motorcycles, or any type of vehicle that has or is capable of having an engine that runs, an operating drive train, two or more wheels, and/or pneumatic tires capable of holding air.
  - 3. Any person enumerated in this Section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request an extension of the fourteen (14) calendar days limitation above described by filing a timely request with the Township. The Zoning Administrator or Blight Officer may, at his/her discretion, after review of all the circumstances and after holding any hearing it deems necessary, grant said applicant any reasonable extension of time.
  - 4. These provisions shall apply in all Districts except where the storage of said vehicles is in a completely enclosed building or is by a licensed junk dealer.

5. This regulation does not apply to motor vehicles that are properly and currently licensed with the State of Michigan. However, upon expiration (without renewal) of a valid license, such vehicle must then comply with this regulation.
6. Except as otherwise provided herein, no person firm, corporation, or other legal entity shall park, store or place upon any public roadway, public property or upon any premises within the Township of Hamilton, any junk, junk motor vehicles, abandoned vehicles, unlicensed trailers, used parts or junk therefrom, any bighted structure, any building materials or any trash and rubbish as herein defined, unless the same is wholly contained within a fully enclosed building and does not violate any zoning laws of Hamilton Township or building codes of, Clare County or the State of Michigan.
  - B. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property except such as may be accomplished within a fully enclosed building; provided, however, if no fully enclosed building is located on the premises, the said repairing redesigning, modifying or dismantling work or operations may be conducted on the premises for a period of time not to exceed one week. Repairing, redesigning, modifying or dismantling work or operations will not be permitted on any premises where the conduct of such work or operations would constitute a nuisance or annoyance to adjacent property owners or occupants and/or is in violation of any provisions of the Hamilton Township Zoning Ordinance. Nothing contained herein shall prohibit such occasional minor repair work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating conditions; provided, however, such minor work can be completed within a 24- hour period.
  - C. It shall be unlawful for a person to place, store, accumulate or allow to be placed or stored or to be accumulated on any property within the Township Zoned Districts, R-1, R-2, and R-3 any scrapping materials or junk, except within a completely enclosed building and except as provided by law upon the premises of a duly licensed dealer in new and used automobiles or automobile parts on a property which is zoned for such use or activity.

### **Section 3**

#### **Definitions**

The following words or terms when used herein shall be deemed to have the meanings set forth below:

- A. The term **“junk”** shall include , without limitations, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, unusable burning barrels, tires, hazardous materials, remnants of wood, pallets, metal, rope, rubber, rags, clothing, plastic, paper, glass, garbage, appliances, televisions remnants of tarps or any other scrap or waste material of any kind, including parts of any of the above. Also included as junk are any fallen trees, brush, branches or overgrown vegetation that are obstructing public view on public or private roads constructed and approved according to the Hamilton Township Ordinance
- B. The term **“motor vehicle”** shall include boats, snowmobiles, ATV’s, motorcycles, motor homes, ORVs, trucks, and golf carts not licensed for the use in which it is intended in the State of Michigan, and shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all its main components parts attached.

- C. The term **“abandoned vehicle”** shall include, without limitation, any vehicle which has remained on private property for a period of 24 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 24 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 material”** shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.
- F. The term **“person”** shall include all natural persons, firms, copartnerships, 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 herein otherwise provided, be equally liable as principals.
- G. The term **“trash and rubbish”** shall include any and all forms of debris not herein otherwise classified.

#### **Section 4**

##### **Nuisance**

Any parking, storage, placement or operation in violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

This Ordinance shall not prevent the operation of any licensed junk yard or salvage yard, garage, body or paint shop legally operating within a District as defined in the Hamilton Township Ordinance, and shall be in addition to any other laws or ordinance controlling or regulating rubbish, refuse, litter, trash or junk.

#### **Section 6**

##### **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 portion of the Ordinance other than said part of portion thereof.

#### **Section 6**

##### **Penalty**

- A. **First Violation is a Municipal Civil Infraction.** A violation of this Ordinance, first offense, is a municipal civil infraction. Any property owner or legally responsible party who violates this Ordinance shall, as a first offense, be responsible for a civil infraction, for which the fine shall be \$250.00.
- B. **Second Violation (within two years after municipal civil infraction).** A second or repeat violation (within two years after a municipal civil infraction) is a misdemeanor. Any property owner or legally responsible party who violates any provision of this Ordinance a second time within 24 months of the date a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or for some other offense under this Ordinance) shall upon conviction and in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of \$500.00, plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.
- C. **Third Violation (within two years after municipal civil infraction)** Any property owner or legally responsible party who violates any provision of this Ordinance a third time within 24 month of the date of a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or some other offense under this Ordinance) shall upon conviction in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of \$500.00 and/or imprisonment for a period of not more than 93 days, plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.
- D. **Enforcement.** Enforcement of the provisions of this Ordinance shall be the Hamilton Township Zoning Ordinance Enforcement Officer (or such other Hamilton Township Official as may be designated by the Hamilton Township Board), the Hamilton Township Zoning Administrator, the Hamilton Township Attorney, the Clare County Sheriff's Department and/or the Michigan State Police.
- E. **Continuing Offense.** Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
- F. **Remedies Not Exclusive** In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.
- G. **Judge or Magistrate.** The Judge or Magistrate shall also be authorized to impose costs, damages, and expenses as provided by law.
- H. **Civil Contempt.**
  - 1. If a Defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the District Court, upon motion of Hamilton Township or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
  - 2. If a corporation or any association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
  - 3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for a payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.

4. If it appears that the default in the payment of a civil fine, costs, damages, or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
  
- I. In addition to the imposition of the foregoing fines and penalties, the Hamilton Township Blight Officer, Zoning Administrator, Hamilton Township Attorney, Clare County Sheriff, the Michigan State Police, or such officer as the Township may designate, may petition for a court order to cause any junk, blighted structure, building materials, trash or rubbish, vehicle, trailer, or parts thereof, which violate the provisions of the ordinance to be removed from the premises, impounded and destroyed or sold for junk, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which same are located. Any sums realized on the sale of same may be retained by Hamilton Township to reimburse it for the cost incurred in such removal and sale, to the extent of such cost. Any balance of sums remaining after such reimbursement shall be returned to the owner of such a vehicle, trailer or parts thereof. If the sale of any junk, blighted structure, building materials, trash or rubbish, vehicle, trailer, or parts thereof, does not cover the cost of removal, a lien will be placed upon the property.

**Effective date.**

This Ordinance shall take effect following date of publication as required by law, all Ordinances or parts of Ordinances in conflict with any of the provision of this ordinance are hereby repealed.