

ALGANSEE TOWNSHIP ORDINANCE NO. 402

AN ORDINANCE TO RESTRICT THE ACCUMULATION OF JUNK AND TO PROVIDE FOR THE REMOVAL OF SUCH JUNK, EXCEPTIONS, PERSONS LIABLE AND PENALTIES THEREFORE.

The Township of Algansee, Branch County, Michigan, ordains:

Section 1. Purpose of this Ordinance:

- A. To restrict outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operational motor vehicles, trailers, boats, household goods, machinery and equipment upon premises not zoned for industrial use.
- B. Consistent with the letter and spirit of Act No. 167 of the Public Acts of 1917, Act No. 113 and Act No. 144 of 1992, 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, if a dwelling, nor useful for any purpose of which it may have been intended.
- C. To avoid injury and hazard to children and others attracted to such junk, and to avoid devaluation of property values.
- D. To avoid the negative effects the presence of such junk has upon adjoining properties and neighborhoods.

Section 2. Definitions

To 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, trailers, boats, ice boxes, refrigerators, household goods, garbage, refuse, 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. Any structure or part of any structure which, because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended, would be included in this definition.
- B. "Unused or Abandoned" shall pertain to any vehicles, appliances, or items which are not being utilized in the reasonable and customary manner for which they were intended.
- C. "Motor Vehicles" shall be defined as set forth in the Michigan Motor Vehicle Code (MCL257.1 et. seq.) and shall include but not be limited to motorcycles, motorscooters, snowmobiles and all types of self-propelled vehicles.
- D. "Trailer" 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 such source of locomotion with the exception of those entities which are capable of being propelled by a single individual. "Ice Boxes and Refrigerators" shall include but shall not be limited to any airtight container with doors 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.
- E. "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.

- F. "Household Goods" shall include but not be limited to all furniture, furnishings and household items designed for use inside the residence, dwelling or commercial business.
- G. "Buildings and Construction Material" shall include but not be limited to any and all materials used in the construction, remodeling or repairs of any dwelling, place of business or structure.
- H. "Other Equipment" shall for the purposes herein be defined as any items or substance not previously herein specified which based upon its nature, intended use, and location, cannot reasonably be found to serve a useful or decorative purpose.

### Section 3. Outdoor Storage

It shall be unlawful for any person, firm, or corporation to permit to remain outside of any dwelling, building or other structure, any "junk" as herein defined under Section 2. Outdoor storage in Agricultural zoned areas must be effectively screened from public roadways in a manner acceptable to the Township Planning Commission.

### Section 4. Notice of Violation

It shall be the duty of the Alganssee Township Supervisor/Township Zoning Administrator or such other person designated by the Township Board to enforce this Ordinance to receive two (2) written complaints from property owners prior to sending a first class letter notifying the owner and/or occupant of the premises of such violations that are set forth herein. The owner shall be allowed 30 days from the date of such notice to correct such defect, unless such defect constitutes an immediate and extreme danger as set forth below. If cleanup does not occur within 30 days a second notice sent by certified mail shall be sent to the owner and/or occupant of the premises of such violations that are set forth herein. Notices shall notify the property owner that he may be assessed all costs involved in the removal.

### Section 5. Posting of Notice

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

### Section 6. Failure to Correct

In the event the owner and/or occupant fails to correct such defect in the specified time, or after the substituted notice as defined in Section 5, he shall be in violation of the Ordinance and shall be prosecuted therefore.

### Section 7. Penalty

A person who violates any provision of this Ordinance is responsible for a municipal civil infraction subject to payment of a civil fine.

### Section 8. Enforcement

This Ordinance may be enforced by the use of an appearance ticket as authorized by the Laws of the State of Michigan. The Township supervisor and such other person or persons as may be designated by the township boards shall be authorized to issue such appearance tickets.

Section 9. Denial or Refusal to Remove Material; Assessment

In the event the owner and/or occupant of the property on which such prohibited material is stored denies responsibility therefore or ownership thereof, or in the event the owner or occupant refuses to remove such material after the previously specified allowable time, the township supervisor is authorized to remove such material and dispose of the same. He shall then report the costs involved, less such scrap value as may have been obtained, to the township board, which may then assess such costs due as a special assessment against the real property involved, said special assessment to be added to the property taxes of the owner of such real property.

Section 10. Removal of Dangerous Junk

When such "junk" is of a nature that the township supervisor believes that said "junk" which violates this ordinance presents an immediate or extreme danger to life, safety, or property, and that such must be removed immediately, the supervisor is hereby authorized to remove such "junk" and to hold such "junk" until the owner has been notified that he has seven (7) days to claim and take possession of said property.

Section 11. Exceptions

This ordinance shall not apply to the storage of one unoccupied camper or travel trailer, recreational vehicle and/or one boat and trailer or "usable" farm equipment which is the property of the occupant of said premises.

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 thirty (30) days from and after the passage by the township board and timely and proper posting of same as provided by law.

First Reading:            June 1, 1998  
Second Reading:        July 6, 1998  
Effective Date:         August 9, 1998

Revisions: Section 4. Notice of Violations        October 2, 2006  
Hearing on Revision:                                    November \_\_\_\_, 2006  
Effective Date of Revision:                            \_\_\_\_\_

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Erica D. Ewers, Supervisor

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Suzanne R. Preston, Clerk