

WELLS TOWNSHIP ORDINANCE NO. 1-2018
BLIGHT, JUNK STORAGE AND ACCUMULATION.

WELLS TOWNSHIP
DELTA COUNTY, MICHIGAN

An ORDINANCE to protect the Public Health and Safety, to preserve Property Values, through the Regulation of abandoned or unusable vehicles, equipment, trash, refuse, building materials, and the maintenance of unsafe structures. To provide for the removal of such junk, exceptions, persons liable and penalties thereafter.

THE TOWNSHIP OF WELLS ORDAINS:

SECTION 1: PURPOSE

To provide a clean, orderly, healthy, and attractive environment throughout Wells Township, thereby providing its residents a pleasant place to reside. In addition 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: STORAGE OF JUNK MOTOR VEHICLES

It shall be unlawful for any person to store or to permit the storage or accumulation of junk motor vehicles on any private property in the Township except within a completely enclosed building, or in an area screened by natural objects, plantings, fences, or grade of the land or as not to be visible from the public roadway or adjoining property dwellings. Under no conditions are junk motor vehicles allowed in R-1 through R-4 zoned districts. "Junk motor vehicles" as defined in Section 14 of this ordinance.

Automobiles of a classic or antique nature or vintage that are in the process of restoration or conversion as so declared by the owner in a statement to the Wells Township Board accompanied by a suitable fee to be determined by the Wells Township Board. The fee will be returned to the applicant upon complete restoration of said vehicle or upon compliance with other arrangements made with the Wells Township Board.

SECTION 3: STORAGE OF TRASH, DOMESTIC REFUSE, OR ABANDONED VEHICLES

It shall be unlawful for any person to store or permit the storage or accumulation of trash, refuse, junk, or abandoned vehicles on any private property in the Township, except within a completely enclosed building or in an area screened by natural objects, plantings, fences, or grade of land so as not to be visible from the public roadway or adjoining property dwellings.

ALL domestic refuse generated by a person shall be disposed of frequently enough to protect the public health. Disposal upon a person's own land is permitted provided it does not create a hazard to health and is permitted by state or county law. Public act 102 of 2012 prohibits trash burning of household waste from a family dwelling with the exception of untreated paper. Trash that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials must not be burned as emissions release chemicals which pose a danger to human health and the environment.

The accumulation of trash, refuse, and junk which causes or creates a health hazard, as determined by the Delta-Menominee District Health Department, shall not be permitted.

Wood or wood products usually used or intended to be used as property owner's personal firewood in a residence or any accessory structure shall be permitted to be stored and accumulated on any property with no screening requirements. Provided they are neatly stacked or piled.

SECTION 4: UNSAFE STRUCTURES

It shall be unlawful for any person to keep or maintain any **Blighted structure**. Blighted Structure is further defined in Section 14.

Unless the structure is in the course of construction in accordance with a valid building permit issued by the Delta County Building Department, and unless the construction is completed within 300 days from the date the building permit is issued, with extension of additional 90-day periods upon presentation to the enforcing officer of written affidavit that the structure will be completed within a reasonable time and efforts have been made to prevent entrance into the structure by unauthorized persons .

SECTION 5: STORAGE OF BUILDING MATERIALS

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property. Exceptions: in a completely enclosed building or where building materials are neatly piled or setback a distance of 75 feet from a public road right-away or in an area screened by natural objects, plantings, or grade of the land so as not to be visible from the public roadway or adjoining property dwellings, where such building materials are part of the stock in trade or business located on the property, or except when the materials are being used in the construction of a structure on the property or improvements to the structure and such construction is completed within a reasonable time.

SECTION 6: HOUSING OF FARM ANIMALS

It shall be unlawful for any person to keep farm animals, or fowl in areas zoned R-1 thru R-4 within Wells Township in accordance with the Delta County Zoning Ordinance.

SECTION 7: ENFORCING OFFICER

It shall be the duty of the Wells Township Supervisor or such other person as designated by the Wells Township Board (the "Enforcement

Officer") to notify the owner and / or occupant of premises that are alleged to be in violation of this ordinance.

SECTION 8: COMPLAINTS

ALL complaints from the public regarding alleged violations of this Ordinance must be signed and submitted in writing to the enforcement officer, who will investigate such violations and act as provided for within this Ordinance.

SECTION 9: NOTICE OF VIOLATION

Such notice shall be sent, after a written signed complaint to the Wells Township Board or Wells Township Supervisor. When a person is alleged to have violated this ordinance, the Enforcement Officer shall send a notice to such person.

The Enforcement Officer shall send two notices at **14-day intervals**. Such notice may be served in person or by registered mail, return receipt requested. After such time as the alleged violator has made no attempt to comply with the ordinance. Then after the second 14-day window has elapsed. The Enforcement Officer will advise the Wells Township Board. The Wells Township Board at that time will decide if further legal action is warranted.

The Wells 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 10: PENALTIES

Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction by a fine not exceeding \$500.00 or by imprisonment not exceeding 90 days or by both fine and imprisonment at the discretion of the court.

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

SECTION 11: 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 3825 of the Revised Judicature Act, being MCL 600.3825 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 12: SEVERABILITY

The provisions of the within ordinance are hereby declared to be severable and the invalidation of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of said provisions or ordinance.

SECTION 13: REPEALING CLAUSE

The previous ordinance 1-91 Blight prevention are repealed. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 14: DEFINITIONS

For the purpose of this ordinance, the words, terms or phrases shall have the meaning given below:

- a) "ABANDONED VEHICLE" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.
- b) "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.
- c) "BUILDING MATERIALS" shall include, but not be limited to any and all material used the construction, remodeling or repairs of any dwelling, place of business or structure.
- d) "FENCING AND SCREENING MATERIALS" shall include but not limited to fencing that is similar in design to any commercially available fence. The fence must be either chain link with privacy strips installed, wood, vinyl, PVC, or steel in nature. All Plantings, natural screening, or fencing must be of sufficient height as to not allow the objects behind it to be seen from public roadways or adjoining property.
- e) "GARBAGE" shall include but not be limited to any organic, or inorganic materials, including packaging, clothing, or other household items, biodegradable or not, which are accumulated in the course of the management of a household or business.

- f) "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.
- g) "MACHINERY AND EQUIPMENT" shall include but not be limited to every type of machine, apparatus, or mechanical device ordinarily used in industry or commercial business.
- h) "Nuisance" which causes inconvenience or damage to others, either to individuals and/or to the general public. Nuisances can include noxious smells, noise, burning, misdirection of water onto other property, unauthorized collections of rusting autos, or "Junk" as further defined below.
- i) "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.
- j) "JUNK MOTOR VEHICLE" shall be:
- a. any motor vehicle that is not in operating condition nor meeting the minimum requirements of the Michigan Vehicle Code Act 300 of 1949, being, but not limited to, four wheels with inflated tires, a working battery, an engine in running condition, and a gear train capable of moving the vehicles at any time;
 - b. any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days;
 - c. any motorized vehicles that are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicles; or

- d. any motor vehicle that is inoperable due to mechanical failure provided that the time limit such vehicles may remain upon the premises shall be a period of 120 days with extension of additional 30-day periods upon presentation to the enforcing officer of written proof the offending vehicles is involved in insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.
- k) "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.
- l) "UNUSED or ABANDONED" shall be defined for the purposes of this ordinance 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".
- m) "TRASH" and "REFUSE" shall include any and all forms of debris not otherwise classified.

SECTION 15: EFFECTIVE DATE

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

ORDINANCE DECLARED ADOPTED: November 19, 2018

ORDINANCE EFFECTIVE: December 24, 2018



Susan Mroczkowski
Township Clerk

Published:

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the Wells Township Board, Wells Township, Delta County, Michigan, at a regular meeting held

November 19, 2018, 2013 pursuant to the procedures required by law.



Susan Mroczkowski
Township Clerk