

LAKETOWN TOWNSHIP ORDINANCE NO. 132

ANTI-BLIGHT AND INOPERABLE MOTOR VEHICLE ORDINANCE

AN ORDINANCE to repeal and restate the Laketown Township Inoperable Motor Vehicle Ordinance, Ordinance No. 75, effective April 12, 1995, as amended by Ordinance No. 106, effective June 9, 1999; to prevent, reduce and eliminate blight, blighting factors or causes of blight within Laketown Township, Allegan County, Michigan; to provide definitions of certain terms; to restate the regulations regarding inoperable motor vehicles within the township to protect the health, safety and general welfare of persons and property within the Township; to provide for enforcement; to provide penalties for violation; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF LAKETOWN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose. Pursuant to Public Act 344 of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Laketown Township by preventing, reducing, eliminating of certain environmental causes of blight or blighting factors which currently exist or which may in the future exist in the Township. Further, pursuant to Public Act 300 of 1949, as amended, abandoned, scrapped or discarded Motor Vehicles are, or in the future may be, stored in a dangerous or unsanitary manner in yards or other places in the Township. The places in which such Motor Vehicles are, or in the future may be, stored tend to become overgrown with weeds, littered with rubbish, and infested with rodents and insects. Such conditions tend to attract children and endanger their lives and health, spread disease, invite plundering, create fire hazards or other safety and health hazards, create or extend blight, interfere with the enjoyment or reduce the value of private property, and interfere with the comfort and well being of the public. Adequate protection of public health, safety, and welfare requires that blight and conditions that cause blight, including but not limited to Dismantled or Inoperable Motor Vehicles be regulated and controlled.

Section 2. Definitions.

A. “***Building Materials***” shall include, but shall not be limited to, lumber, bricks, 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.

B. “***Inoperable Motor Vehicle***” shall include any Motor Vehicle which, by reason of dismantling, disrepair, or any other cause whatsoever:

1. Is incapable of being propelled under its own power;
2. Lacks all of the necessary component parts to make it operable and serviceable as a Motor Vehicle; or

3. Does not display or have affixed to it a current license plate or tabs as required by the State for the purpose of operating such a Motor Vehicle upon public roads or streets.

C. “**Junk**” shall mean trash, garbage, rubbish, or refuse, including but not limited to, parts of machinery or motor vehicles, un-mounted motor vehicle tires, broken or unusable furniture, stoves, refrigerators or other appliances stored in the open, remnants of woods, broken toys and bicycles, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

D. “**Motor Vehicle**” shall include any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in Section 90 of Act 300 of the Public Acts of 1949, as amended, being Section 257.79 of the Michigan Compiled Laws, which is required to be registered for use upon the public streets and highways of this State under Act 300, and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.

E. “**Person**” shall mean any person, firm, partnership, association, corporation, company, individual, or organization of any kind.

F. “**Public Safety Officer**” shall include law enforcement, fire, medical, or other emergency response personnel.

G. “**Responsible Parties**” shall include, in the case of an Inoperable Motor Vehicle, or parts thereof, the following individuals:

1. The owner of record of the real property upon which the Inoperable Motor Vehicle, or parts thereof, is located;
2. The lessee of the real property upon which the Inoperable Motor Vehicle, or parts thereof, is located; and
3. The registered owner of the Inoperable Motor Vehicle.

H. “**Township**” shall mean Laketown Township, a general law township located in the County of Allegan, State of Michigan.

Section 3. Causes of Blight or Blighting Factors. It is expressly recognized that blight is observable at different stages of severity, and that moderate blight unremedied creates a strong probability that severe blight will follow. Therefore, the conditions that constitute blight are to be broadly construed to permit the Township to make an early identification of problems and to take early remedial action to correct a demonstrated pattern of deterioration and to prevent worsening of blight conditions.

The following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods.

A. In any area, the storage upon any property of an Inoperable Motor Vehicle, except as provided below.

1. This Section of this Ordinance shall not apply to an Inoperable Motor Vehicle, or parts thereof, that is stored and located within a completely enclosed building or wholly enclosed structure.
2. This Section of this Ordinance shall not apply to an Inoperable Motor Vehicle, or parts thereof, that is owned by or in the possession of a commercial Motor Vehicle sales or services business or other similar businesses properly permitted and/or licensed by the Township, and located on property owned or leased by the business.
3. This Section of this Ordinance shall not apply to any owner of record or lessee of the real property who is not the registered owner of the Inoperable Motor Vehicle, provided the owner of record or lessee (a) gives written notification to the Township Ordinance Enforcement Officer within ten (10) days of the date a Notice to Remove Inoperable Motor Vehicle provided under Section 5(A)(1) of this Ordinance, that the Inoperable Motor Vehicle is located on the property in question without the consent of the owner of record or the lessee, and (b) authorizes in writing the Township Ordinance Enforcement Officer or a Public Safety Officer to remove the Motor Vehicle pursuant to Section 252a of Act 300 of the Public Acts of 1949, as amended, being Section 257.252a of the Michigan Compiled Laws.

B. In any area, the storage upon any property of building materials unless there is in force a current and valid building permit issued by the Township for construction upon the property and the building materials are intended for use in connection with the lawfully permitted construction.

C. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days.

D. In any area, the existence of any structure or part of any structure which, because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable (if the structure is/was a dwelling), or is no longer useful for any other purpose of which it may have been intended.

E. In any area, the existence of any vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed, neatly boarded up, or otherwise protected and secured to prevent entrance by vandals or other unauthorized persons.

F. In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the Township and unless such construction is completed within a reasonable time.

Section 4. Prohibition.

A. Agricultural and Residential Properties.

No person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property zoned in an agricultural or residential zoning district in Laketown Township that is owned, leased, rented or occupied by such person.

B. Commercial and Industrial Properties.

No person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property zoned in a commercial or industrial zoning district in Laketown Township that is owned, leased, rented or occupied by such person except as provided by this section. No causes of blight or blighting factors shall be permitted in the front yard of any property. Any outdoor storage of materials that would otherwise be considered to cause blight or be blighting factors shall be adequately screened so that the materials are not easily visible from view of the road right of way or adjacent properties. Such screening shall be provided by landscaped berms, fences, vegetation, trees, or other appropriate types of screening materials.

Section 5. Removal of Inoperable Motor Vehicles.

A. Notice to Remove.

1. The Township Ordinance Enforcement Officer or a Public Safety Officer shall prepare a written notice clearly identifying the Inoperable Motor Vehicle, or parts thereof, and the location within the Township. Such notice shall be posted on the Motor Vehicle and personally delivered or sent via first class mail to the Responsible Parties. Such notice shall require the Responsible Parties to remove the Inoperable Motor Vehicle, or parts thereof, within ten (10) days of the date of the notice. The notice shall further state that failure to so remove the Inoperable Motor Vehicle, or parts thereof, shall constitute a violation of this Ordinance.
2. The notice required by subparagraph (A)(1) above shall not be required to be sent to a Responsible Party if that Responsible Party has received a notice under this Ordinance within the preceding eighteen (18) months for the specific Inoperable Motor Vehicle, or parts thereof, in question.

B. Failure to Remove. If a Responsible Party, after receiving a Notice to Remove pursuant to Section 5(A)(1) of this Ordinance, fails to remove the Inoperable Motor Vehicle, or parts thereof, then

1. The Inoperable Motor Vehicle, or parts thereof, shall constitute a nuisance and shall be subject to all fines and penalties applicable to nuisances; and

2. The Township may remove the Motor Vehicle, or its parts, and dispose of them in accordance with Section 252a of Act 300 of the Public Acts of 1949, as amended, being Section 257.252a of the Michigan Compiled Laws.
3. The Responsible Party will be subject to the Enforcement and Penalty provisions contained in Section 6 of this Ordinance.

Section 6. Enforcement and Penalties – Municipal Civil Infraction. Any person who shall violate a provision of this Ordinance or who shall fail to comply with any of its requirements shall be responsible for a municipal civil infraction subject to the enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a fine of fifty dollars (\$50.00) plus costs and other sanctions for each infraction. Each day during which any violation continues after notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations of this Ordinance. A repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows.

1. The fine for any offense which is a first repeat offense shall be Two Hundred and Fifty Dollars (\$250.00), plus costs and other sanctions.
2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be Five Hundred Dollars (\$500.00), plus costs and other sanctions.

Any Allegan County Deputy Sheriff assigned to the Township pursuant to an agreement between the Township and Allegan County and the Allegan County Sheriff, as well as the Township Manager, are hereby designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction notices (directing alleged violators to appear at the Laketown Township Municipal Ordinance Violations Bureau).

Section 7. Administrative Liability. No officer, agent, employee, or member of the Township Board shall render himself or herself personally liable for any damage that may occur to any person, entity or property as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 8. Severability and Captions. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, phrase, word, section, subsection, part, or provision is declared unconstitutional, void, or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any remainder of this Ordinance. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

Section 9. Repeal. The Laketown Township Inoperable Motor Vehicle Ordinance, Ordinance No. 75, effective April 12, 1995, as amended by Ordinance No. 106, effective June 9, 1999, is hereby repealed in its entirety and replaced with this Ordinance as of the effective date of this Ordinance. All other resolutions, ordinances, orders, or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 10. Effective Date. This ordinance was approved and adopted by the Township Board of Laketown Township, Allegan County, Michigan, on June 9, 2004. This Ordinance shall be effective thirty (30) days following its publication in a newspaper of general circulation within Laketown Township as required by law.

Dan Koeman, Supervisor

Robert Lamar, Clerk

CERTIFICATE

I, Robert Lamar, the Clerk for Laketown Township, Allegan County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Laketown Township at a regular meeting of the Laketown Township Board held on the 9th day of June, 2004. The following members of the Laketown Township Board were present at the meeting: Koeman, Reed, Lamar, Dewey and Lubbers. No members of the Board were absent. The Ordinance was adopted with members of the Board: Koeman, Reed, Lamar, Dewey and Lubbers voting in favor and members of the Board: none voting in opposition to the Ordinance. The Ordinance was published in the Holland Sentinel on June 16, 2004.

Robert Lamar, Clerk