

ESCANABA TOWNSHIP BLIGHT PREVENTION ORDINANCE

No. 99-1

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.

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Section 1: Purpose

To provide a clean, orderly, healthy, and attractive environment throughout Escanaba Township, thereby providing its residents a pleasant place to reside.

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 districts. Also see definitions; Section 14 - (e) "Junk Motor Vehicle"

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 Escanaba Township Board accompanied by a completed permit.

Section 3: Storage of Trash, Refuse, Junk, Abandoned Vehicles and Domestic Refuse

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.

Examples of screenings:

There shall either be a tight board fence of eight feet in height and painted to match the natural surroundings and maintained in good repair and painted or shall have a planting of evergreens at least three feet in height, when planted, with at least two rows on 12 foot centers located in rows no further apart than four feet, (see example below) or a screening fence at least eight feet in height, or an earthen barrier at least five feet in height.

Example of tree screening:



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.

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.

Section 4: Storage of Firewood

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 provided it is neatly piled and stored in an area not visible from public road if possible. Full cord wood intended for firewood may remain on the premises for 90 days with an extension of 30 days upon the approval of the enforcing officer.

Section 5: Unsafe Structures

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling garage, out-building, factory, shop, store, or warehouse unless it is kept securely closed, the windows kept glazed or neatly boarded up, or 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 6: 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, except in a completely enclosed building or where building materials are neatly piled or setback a distance of 75 feet from a public road right-of-way 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, or except 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 7: Housing Farm Animals

The use of parts of motor vehicles and all types of trailers to permanently house animals and fowl in Escanaba Township shall be prohibited.

Section 8: Enforcing Officer

The Ordinance shall be enforced by the designated enforcement officer, with any recourse brought before the Escanaba Township Planning Commission.

Section 9: 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 take action as provided for within this Ordinance.

Section 10: Notice of Violation of Ordinance

The owner, if possible, or the occupant of any property upon which an accumulation or storage of trash, refuse, junk, junk motor vehicles, abandoned vehicles, domestic refuse or building materials or an unsafe structure exists in violation of the provisions of this Ordinance shall be contacted by a personal visit and/or letter by the enforcement officer describing the complaint and what action is necessary to remove or eliminate such factors from the property. If after 30 days of this initial contact no action has been taken, the Township will pursue through criminal and/or civil proceedings with any cost to bring the property into compliance being added to their property tax assessment.

Section 11: 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.

Section 12: Savings Clause

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the invalid provisions shall not affect the validity of the remaining portions of this Ordinance or any part other than the part so declared to be invalid.

Section 13: Repealing Clause

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 14: Definitions

The following words or terms shall have the meanings 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) "Building Materials" 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.

- (c) **"Domestic Refuse"** shall include rejected food wastes, including waste accumulation of animal, fruit or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable. Compost piles are exempt from this definition.
- (d) **"Junk"** shall include without limitation, parts of machinery, or motor vehicles, equipment totally inoperable or irreparable, broken and unusable furniture, stoves, refrigerators or other appliances, metal or any other cast-off material of any kind, whether or not they could be put to any reasonable use and remnants of wood. Remnants of wood shall not include wood or wood products usually used or intended to be used as firewood in a residence or any accessory structure.
- (e) **"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 1939, 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; provided that there is excepted from this definition unlicensed, but operative vehicles which are used for snowplowing or farm equipment;
 - (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 vehicle is involved in insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.
- (f) **"Person"** shall include any individual, proprietorship, firm, public or

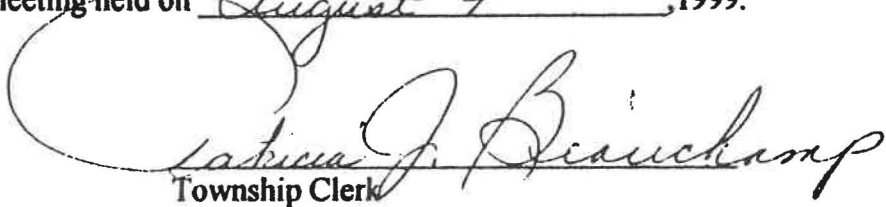
private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.

- (g) "Trash" and "Refuse" shall include any and all forms of debris not otherwise classified.
- (h) "Utility Value" a term used by the insurance industry to describe: That a structure is insurable.
- (i) "Unsafe 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, or useful for the purpose for which it may have been intended, which no longer has utility value and proof of insurance.

Section 15: Effective Date and Adoption

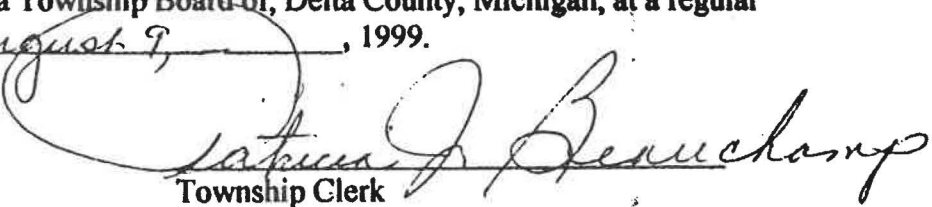
This Ordinance, being necessary to protect the public health and welfare, shall become effective 45 days after its publication in the Escanaba Daily Press.

This Ordinance was adopted by the Escanaba Township Board of Delta County, Michigan, at a regular meeting held on August 9, 1999.


Township Clerk

Published: September 20, 1999
Effective Date: October 20, 1999

I hereby certify that the foregoing is a true and complete copy of an Ordinance that was adopted by the Escanaba Township Board of, Delta County, Michigan, at a regular meeting held on August 9, 1999.


Township Clerk