

TOWNSHIP OF HEMATITE ORDINANCE NO. 5.1

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.

THE TOWNSHIP OF HEMATITE, IRON COUNTY, MICHIGAN ORDAINS:

SECTION ONE DEFINITIONS

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

- (a) This ordinance shall be known as the Hematite Township Blight Control Ordinance.
- (b) The term "junk" shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- (c) The term "junk motor vehicles" shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 60 days; provided that there is excepted from this definition unlicensed, but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle; provided, further that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of 120 days rather than 60 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 before a vehicle can be moved.
- (d) The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without 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or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property have been revoked.

- (e) 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 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.
- (f) The term "unsecured vacant building" shall include, without limitation, any building which is not securely locked, the windows glazed or of which is not securely boarded up and protected against the elements, from vandals, and from rodents and/or other animals.
- (g) The term "building materials" shall include, without limitation, lumber, brick, concrete, or cinder blocks, plumbing materials, electrical wiring or equipment, heating duct or equipment, shingled, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure.
- (h) The term "person" shall include all natural persons, firms, co-partnerships, 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, lessees, agent, servant or employee shall, except as herein other provided, be equally liable as principals.
- (i) The term "trash" and "rubbish" shall include any and all forms of debris not herein otherwise classified.
- (j) Enforcement Official. The Hematite Township Supervisor and Hematite Township Constable, or any other person who may be designated by the Hematite Township Board as said Enforcement Officer.

SECTION TWO DETERMINATIONS

It is hereby determined that the storage or accumulation of trash, rubbish, junk vehicles, abandoned vehicles, building materials and that maintenance of blighted structures upon any private property within the Township of Hematite tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and therefore is contrary to public peace, health, safety, and general welfare of the community.

SECTION THREE PROHIBITED STORAGE

It shall be unlawful for any person to store, or to permit the storage of accumulation of trash, rubbish, junk, junk vehicles or abandoned vehicles on any private property in the Township except with in a completely enclosed building upon the premises of a property

properly zoned licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk.

SECTION FOUR PROHIBITED BUILDING CONDITIONS

It shall be unlawful for any person to keep or maintain any blighted or unsecured vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance there to unauthorized persons unless such structure is in the course of construction in accordance with a valid building permit issued by the Township of Hematite, and unless such construction is completed within a reasonable time.

SECTION FIVE BUILDING MATERIAL STORAGE

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property for a period greater than 60 days, except in a completely enclosed building or except where such building materials are part of the stock in trade or business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Township of Hematite, and unless the construction is completed within a reasonable time.

SECTION SIX NOTICE OF VIOLATION

- (A) Before commencing prosecution under this ordinance for violation, the enforcement officer shall notify the violator(s) of the existence of a violation. The notice shall be in writing, posted on the property in a conspicuous part of the building or structure, and then served on the violator(s), either personally or by Certified first class mail sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last Township tax assessment records.
- (B) The violator(s) shall be given from the date of personal service ten days (10) to remedy the violation or 12 days from the date of mailing the notice in which to remedy the violation. Prosecution may be commenced against a violator(s) of this ordinance, without prior notice, in any instance where a violation notice had previously been sent, within the previous 12 months, relating to the same address.
- (C) Each day that a violation under this section continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

**SECTION SEVEN
AUTHORIZED REMOVAL AND DEMOLITION**

The Township Supervisor or the Enforcement Officer, or designee, may remove or cause to be removed any junk vehicles or abandoned vehicles, or parts of either, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of his intention to do so at least 10 days prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk vehicles or abandoned vehicles, or parts of either shall be removed and disposed of in accordance with the law. Such removal by the designated enforcement official shall not excuse or relieve any person of the obligation imposed by this ordinance to keep his property free from storage or accumulation of junk vehicles, or parts of either, nor from the penalties of violation thereof.

If demolition is determined to be necessary by the Enforcement Officer, the cost of the demolition or making the building safe and the costs of the enforcement proceedings shall be a lien against the real property and shall be reported to the Treasurer of the Township who shall assess the cost against the property on which the building or structure is located.

The owner or property in interest in whose name the property appears upon the Township Tax assessment records shall be notified of the amount of such cost by Certified first class mail at the address shown on the records. If he or she fails to pay the same within 30 days after the mailing by the assessor of the amount thereof, the Supervisor shall add the same to the next roll of the Township, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

**SECTION EIGHT
ENFORCEMENT**

The Township Supervisor, under the terms of this ordinance, the Township Constable, the Enforcement Officer, or his/her designee, shall be hereby authorized to this ordinance for the Township of Hematite.

**SECTION NINE
PENALTY**

Any person, firm or corporation found violating the provisions of this ordinance, shall upon conviction, be guilty of a civil infraction which shall be processed in accordance with MCL 600.8701. The assessment and collection of fines and costs shall be in accordance with MCL 600.8701 et seq. and shall be subject to a payment of a civil fine as provided in the schedule below. Together with the necessary costs of prosecution incurred in bringing and maintain the proceedings along with:

1. First violation. Any person who admits responsibility for, or who is found responsible for, a violation of this ordinance, shall be subject to a civil fine of \$50.00.
2. Second violation. Any person who admits responsibility for, or who is found responsible for, a second violation of this Ordinance in any 12-month period shall be subject to a civil fine of \$100.00.
3. Third and Subsequent Violations. Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of this ordinance, in any 12-month period, shall be subject to a civil fine of \$500.00.

**SECTION TEN
SEVERABILITY**

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

**SECTION ELEVEN
SPECIAL EXEMPTIONS**

Special exemptions to the provisions of this ordinance may be granted by the Township Board upon written application thereto. Said exemption shall only be granted when the judgment of the Township Board, special peculiar circumstances exist creating a hardship case and then only where no property owner is adversely affected thereby and where the spirit and purpose of this ordinance is still observed

**SECTION TWELVE
EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication in the Iron County Reporter.



Joseph Hoenig
Township Supervisor

CERTIFICATION

I Sally Casiano, Township Clerk for Hematite Township, certify that the above Ordinance Number 5.1 as amended, is a true and complete copy of said Ordinance adopted by Hematite Township Board on May 20, 2022, May 20, 2022 and signed by Sally Casiano, Hematite Township Clerk. I further certify that the Original of this ordinance has been inserted in the Hematite Township Ordinance Book on May 20, 2022.



Sally Casiano
Township Clerk