

NOTICE OF ADOPTION OF ORDINANCE

On this 11 day of June, 2001, the **TOWNSHIP OF HEMATITE** adopted Ordinance Number 5.1 entitled "Junk and Junk Car Ordinance" that provides 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 and to provide penalties for the violation thereof, which penalties include civil infractions and in certain circumstances criminal penalties. The Ordinance shall become effective June 11, 2001, 2001 and a summary of the Ordinance is as follows:

- Section I Definitions
- Section II. Conditions that are contrary to public peace, health, safety and general welfare
- Section III Storage within building requirements
- Section IV. Blighted and vacant structure requirements
- Section V Storage of building material requirements
- Section VI. 48 hours notice on junk vehicle violations
- Section VII Enforcing official
- Section VIII. Dangerous building/structure notification
- Section IX. Hearing procedures and remedies for dangerous building/structure
- Section X Appeal provision
- Section XI. Penalty provisions - civil infractions and criminal penalties available
- Section XII Severability clause
- Section XIII. Special exemptions
- Section XIV Effective date

A true copy of the entire ordinance is available for inspection and/or copying at the Hematite Township Hall located at Amasa, Michigan 49903.

HEMATITE TOWNSHIP

Date: 6/11/2001

By: Dawn L Harttula

Its Clerk

6-11-2001

**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 Junk and Junk Car 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 similar matter and additional time is required for settlement 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 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.

(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 "building materials" shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating duct or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure.

(g) 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, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

(h) The term "trash" and "rubbish" shall include any and all forms of debris not herein otherwise classified.

SECTION TWO

It is hereby determined that the storage or accumulation of trash, rubbish, junk, 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 the public peace, health, safety and general welfare of the community.

SECTION THREE

It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk vehicles or abandoned vehicles on any private property in the Township except within a completely enclosed building or upon the premises of a properly zoned licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second-hand goods or junk.

SECTION FOUR

It shall be unlawful for any person to keep or maintain any blighted or 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 thereto by unauthorized persons or 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

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 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 such construction is completed within a reasonable time.

SECTION SIX

The Township Supervisor or the duly authorized Representative of such official 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 48 hours prior to such removal. Such notice shall be served personally upon the owner or occupant of such 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 for violation thereof.

SECTION SEVEN

The Township Supervisor, under the terms of this Ordinance, or his/her designated agents or representatives, including constables, shall be the enforcing agency of this Ordinance for the Township of Hematite.

SECTION EIGHT

NOTICE OF UNSAFE OR DANGEROUS CONDITIONS; CONTENTS; HEARING OFFICER; SERVICE

(A) Notwithstanding any other provisions of this act, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.

(B) 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.

(C) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(D) The hearing officer shall be appointed by the Supervisor to serve at his/her pleasure. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(E) All notices shall be in writing, and shall be served upon the person to whom they are directed personally or in lieu of personal service shall be mailed by certified mail return receipt requested and addressed to

such owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

SECTION NINE
HEARING; TESTIMONY; ORDER;
NONCOMPLIANCE; NOTICE; LIEN; COLLECTION

(A) The hearing officer shall take the testimony of the enforcing agency, the owner of the property and any interested party. The hearing officer shall render his/her decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(B) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he/she shall so order, fixing a time in the order for the owner to comply therewith.

(C) If the owner or other interested party fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his/her findings and a copy of his/her order with the Township Board and request that the necessary action be taken to demolish or otherwise make safe the buildings or structure. A copy of the findings and order of the hearing officer shall be served on the owner, or other interested party in the manner prescribed in Section Eight.

(D) The Township Board shall fix a date for hearing reviewing the findings and order of the hearing officer and shall give notice to the owner or other interested party in the manner prescribed in Section Eight of the time and place of the hearing. At the hearing the owner or other interested party shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify, the order for the demolition or making safe of a building or structure.

(E) 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.

(F) The owner or party in interest in whose name the property appears upon the Township tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he/she fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the Supervisor shall add the same to the next tax 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 TEN
APPEALS**

An owner aggrieved by any final decision or order of the Township Board under Section Nine may appeal the decision or order to the Circuit Court by filing a petition for an order or superintending control within 15 days from the date of the decision.

SECTION ELEVEN

Any person, firm or corporation found violating the provision of this ordinance, shall upon conviction, be guilty of a civil infraction and punished by a civil fine of not to exceed \$500.00 at the discretion of the Court, together with the necessary costs of prosecution incurred in bringing and maintaining the proceedings. In the event the person, entity, firm or corporation found violating the provisions of this ordinance, has been convicted of one or more violations of this ordinance within the immediately preceding 36 month period, then the subsequent violation of the provisions of this ordinance shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the court, together with the necessary costs of prosecution incurred in bringing and maintaining the proceedings.

SECTION TWELVE


Should any section, clause or provision 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 to be invalid.

**SECTION THIRTEEN
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 in 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 FOURTEEN

This Ordinance shall taken effect on the 11 day of JUNE, 2001.



Bruce Tusa
Township Supervisor

Dawn H Hanttula

Dawn Hanttula
Township Clerk

I, Dawn Hanttula, Township Clerk for Hematite Township, certify that the above Ordinance Number 5, is a true and complete copy of said ordinance adopted by the Hematite Township Board on JUNE, ELEVENTH, 2001, at a meeting held in the Hematite Township Hall at 7:00 P.m. dated 6/11, 2001, and signed by Dawn Hanttula, Hematite Township Clerk. I further certify that the original of this ordinance has been inserted in the Hematite Township Ordinance Book on 6/11/01.

Dawn H Hanttula

Dawn Hanttula
Township Clerk