

TOWNSHIP OF OLIVE
County of Ottawa, State of Michigan

ANTI-BLIGHT AND JUNK VEHICLES ORDINANCE

Ordinance No. 2020-03
Adopted: November 19, 2020
Effective: December 27, 2020

AN ORDINANCE TO ESTABLISH ANTI-BLIGHT AND JUNK VEHICLES REGULATIONS IN A REGULATORY ORDINANCE.

THE TOWNSHIP OF OLIVE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS AS FOLLOWS.

Section 1. Purpose. Pursuant to Public Act No. 344 of 1945 (MCL 125.71 et seq.), it is the purpose of this Ordinance to prevent, reduce, or eliminate blight or potential blight in the Township by preventing, reducing, or eliminating 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 No. 300 of 1949 (MCL 257.1 et seq.), 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 Inoperable Motor Vehicles, be regulated and controlled.

Section 2. Definitions. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning.

Building Material includes, but shall not be limited to, lumber, bricks, concrete or cinderblocks, 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.

Inoperable Motor Vehicle includes 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 the Motor Vehicle upon public roads or streets.



Junk means trash, garbage, rubbish, or refuse, including but not limited to parts of machinery or Motor Vehicles; unmounted Motor Vehicle tires; broken or unusable furniture or equipment; stoves, refrigerators, or other appliances stored in the open; remnants of wood, 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.

Motor Vehicle includes any self-propelled or towed vehicle designed or used on public roads or streets to transport passengers or property as defined in Section 33 of Act 300 of the Public Acts of 1949 (MCL 257.33), which is required to be registered for use upon public roads or streets under Act 300 of the Public Acts of 1949, and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.

Person includes any firm, association, partnership, joint venture, corporation, trust, limited liability company, or any similar entity or association, or any combination of them, or a natural person.

Public Safety Officer includes law enforcement, fire, medical, or other emergency response personnel.

Responsible Parties includes, 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 or are located;
- (2) The lessee of the real property upon which the Inoperable Motor Vehicle, or parts thereof, is or are located; and
- (3) The registered owner of the Inoperable Motor Vehicle.

Section 3. Causes of Blight or Blighting Factors.

- (1) It is expressly recognized that blight is observable at different stages of severity, and that unremedied moderate blight 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.
- (2) 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, causes of blight or blighting factors include the storage upon any property of an Inoperable Motor Vehicle, except as provided in subsections a through c below.
 1. This subsection (a) shall not apply to an Inoperable Motor Vehicle, or parts thereof, stored and located within a completely enclosed building or wholly enclosed structure.
 2. This subsection (a) shall not apply to an Inoperable Motor Vehicle, or parts thereof, owned by or in the possession of a commercial Motor Vehicle sales or

services business, junkyard, salvage yard, or other similar business properly permitted and/or licensed by the Township, and located on property owned or leased by the business.

3. This subsection (a) 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 10 days of the date of a notice to remove the Inoperable Motor Vehicle provided under Section 5(1)(a) 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 Inoperable Motor Vehicle pursuant to section 252a of Public Act No. 300 of 1949 (MCL 257.252a).

(b) In any area, the storage upon any property of Building Materials will be a cause of blight or blighting factors unless there is in force a current and valid and existing 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 without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days, will be a cause of blight or blighting factors.

(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 for which it may have been intended, will be a cause of blight or blighting factors.

(e) In any area, the existence of any vacant building will be a cause of blight or blighting factors, unless the building is kept securely locked, neatly boarded up, with windows glazed, or otherwise protected and secured to prevent entrance by vandals or other unauthorized persons.

(f) In any area, the existence or any partially completed structure will be a cause of blight or blighting factors, unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the Township and unless the construction is completed within a reasonable time.

Section 4. Prohibition.

(1) *Residential properties.* No Person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property zoned in a residential zoning district in the Township that is owned, leased, rented, or occupied by such Person.



(2) *Agricultural, 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 an agricultural, commercial, or industrial zoning district in the Township that is owned, leased, rented, or occupied by such Person, except as provided by this subsection. 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 visible from view of a public road or street right-of-way or of adjacent properties, or the materials shall be located on the property in an area approved by the Township for outdoor storage without screening (through site plan approval based on the factors in the Township's Zoning Ordinance). 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.

(1) *Notice to remove.*

(a) 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 Inoperable Motor Vehicle, personally delivered to the known Responsible Parties, or sent by first class mail to the known Responsible Parties. Such notice shall require the Responsible Parties to remove the Inoperable Motor Vehicle, or parts thereof, within 10 days of the date of posting, mailing, or personally delivering 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.

(b) The notice required by subsection (1)(a) 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 18 months for the specific Inoperable Motor Vehicle, or parts thereof, in question.

(2) *Failure to remove.* If a Responsible Party, after receiving a notice to remove pursuant to subsection (1)(a) above, fails to remove the Inoperable Motor Vehicle, or parts thereof, then:

(a) The Inoperable Motor Vehicle, or parts thereof, shall constitute a nuisance and shall be subject to all fines and penalties applicable to violations of this Ordinance; and

(b) The Township may remove the Inoperable Motor Vehicle, or its parts, and dispose of them in accordance with section 252a of Public Act No. 300 of 1949 (MCL 257.252a).

Section 6. Violations Are Municipal Civil Infractions. Any Person who violates a provision of this Ordinance or who fails to comply with any of its requirements shall be responsible for a municipal civil infraction.

Any Person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be fined \$250.00 for each infraction. Additionally, the violator shall pay costs which may include all direct or indirect expenses to which the Township has in connection with the violation. A



violation shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Increased civil fines shall be imposed for repeated violations of the Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed within any 12 month period and for which a Person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:

The fine for any offense which is a first repeat offense shall be \$375.00, plus costs and other sanctions;

The fine for any offense which is a second repeat offense and any subsequent repeat offenses shall be \$500.00, plus costs and other sanctions.

Section 7. Severance Clause. Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision be declared by the courts to be unconstitutional or invalid, that shall not affect the validity of this Ordinance as a whole or any part of it, other than the part declared to be unconstitutional or invalid.

Section 8. Administrative Liability. No officer, agent, or employee of the Township shall be personally liable for any damage, consequence, or occurrence that may occur to any Person as a result of any act performed in the discharge of duties pursuant to this Ordinance.

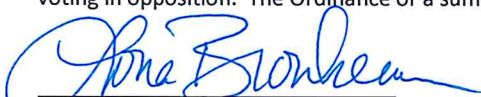
Section 9. Effective Date. This Ordinance was adopted by the Township Board at its meeting on November 19, 2020. It will take effect 30 days after publication as required by law.



Lona Bronkema
Olive Township Clerk

CERTIFICATE

I, Lona Bronkema, Clerk for the Township of Olive, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Township Board held on November 19, 2020. The Ordinance was adopted by the Township Board with members of the Board Bronkema, A. Nienhuis, M. Nienhuis, Vander Zwaag, and Wolters voting in favor and no members of the Board voting in opposition. The Ordinance or a summary was published in the Holland Sentinel on November 27, 2020.



Lona Bronkema
Olive Township