

BROOKS TOWNSHIP
ORDINANCE No. 2003-37

JUNK AND ANTI-BLIGHT ORDINANCE

Amended April 2003 (ordinance 03-37)
Amended June 20, 2005 (ordinance 05-47)

An ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Brooks, Newaygo County, Michigan, by the regulation, prevention, reduction or elimination of litter, junk, trash, rubbish, refuse or debris, and other blight, blighting factors or causes of blight upon public or private property within the Township; to provide criminal penalties and civil remedies for the violation thereof.

BROOKS TOWNSHIP; NEWAYGO COUNTY, MICHIGAN ORDAINS;

SECTION I - TITLE

This ordinance shall be known and may be cited as the Brooks Township Junk and Anti-Blight Ordinance.

SECTION II - POLICY

It is hereby found and declared that there exist within Brooks Township a number of real properties which contain vacant, abandoned or blighted buildings and the existence of said vacant and blighted properties contributes to the decline of our Township. It is further found that the existence of vacant and blighted buildings affects the economic well being of the Township and is detrimental to the health, safety and welfare of the residents of the Township. It is further found that many of the vacant and blighted buildings can be rehabilitated and reconstructed so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction and reuse would eliminate, remedy and prevent the adverse conditions described above.

SECTION III - PURPOSE

The purpose of this ordinance is to promote and preserve the general health, safety and welfare of the residents and property owners of Brooks Township by regulating and preventing, reducing or eliminating litter, junk, trash rubbish, refuse and debris, and other blight or potential blight in the township through the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Township.

SECTION IV - DEFINITIONS

For the purpose of enforcing the provisions of this ordinance, certain terms and words used herein shall have the following meaning:

- A. Blighted Premises - shall mean any building or structure or any portion of said property that is defined by one or more of the following definitions:
- (1) It is determined by the Township that existing conditions pose a serious or immediate danger to the community; i.e. a life threatening condition or a condition that puts at risk the health or safety of citizens of the Township.
 - (2) The premises are not being maintained; the following factors to include but not limited to those listed may be considered in determining whether a structure, building or premises is not being maintained; broken windows; window or door screens that are torn or have jagged edges; lack of siding or exterior paint; missing or boarded windows or doors; a collapsing or missing wall, sagging or collapsed roof or floor; siding that is seriously damaged or missing; fire damaged; a foundation that is seriously damaged or missing; a foundation that is structurally faulty; grass or weeds over 12" in height, broken tree limbs

or similar non-maintenance of the yard or premises or garbage, trash or abandoned cars situated on the premises.

- (3) The principal or accessory structures are becoming dilapidated;
- (4) The premises has attracted illegal activity;
- (5) The premises is a fire hazard;
- (6) The premises is a factor in materially depreciating property values in the immediate area because of its poorly maintained condition;
- (7) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the area;
- (8) It constitutes a health or sanitary problem.

B. "Blighted" - shall mean deteriorated, in a state of ill repair, filthy, decaying.

C. "Dilapidated"- shall mean a state of decay or partial ruin.

D. "Building materials" shall mean lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, motor, concrete or cement, nails, screws, or any other materials used in constructing any structure.

E. "Compost Pile" shall mean a mixture of various decaying organic substances.

F. "Litter, junk, trash, rubbish, refuse or debris of any kind" shall mean garbage, scrap and waste or discarded materials including, but not limited to, dismantled or partially dismantled motor vehicles, unlicensed or inoperable motor vehicles or parts of motor vehicles, construction materials, such as metals, boxes, cartons, bottles, cans, rope, rubber, rags, plastic, paper, glass, wood, and wooden skids or pallets or parts there from (excluding those permitted to be stored and used in connection with a lawful, permitted industrial or commercial operation on the site), yard debris, yard trimmings, cut tree branches, household waste such as appliances, televisions or furniture not usable for the purpose for which they were manufactured; garbage, trash, hazardous compounds, waste, offal, refuse, rubbish, food containers, oil, broken glass, discarded paper products, industrial byproducts or waste, used tires, boats, boat trailers, horse or animal trailers, truck trailer or any type of trailer or device which lacks all of the necessary component parts to make it operative and serviceable; boxes, barrels, waste lumber, scrap metal or any other scrap or waste material of any kind, including parts or components of any of the above accumulated so as to provide insect, rat or rodent harborage, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public.

1. "Litter, junk, trash, rubbish, refuse or debris of any kind" shall not include firewood stored in an orderly manner, and shall also not include domestic refuse stored for seven (7) or fewer days if stored in such a manner as not to become offensive by reason of odors, insects, rodents, pollution, scattering, inadequate or improperly covered containers, the lack of such containers, or the improper depositing of such material into or around such containers, or in such a manner as to otherwise create a nuisance.

G. "Person" shall mean an individual, firm, corporation, or other entity of any kind.

H. "Public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.

SECTION V - REGULATIONS

- A. No person shall dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter, junk, trash, rubbish, refuse or debris; of any kind on any public or private property or waters within Brooks Township, other than property legally designated and set aside for such purposes, without the consent of the public authority having supervision of public property or the owner of private property. (amended 6/20/05)
- B. No owner or occupant of any building or premises within Brooks Township shall permit or allow or cause the outdoor storage of litter, junk, trash, rubbish, refuse or debris of any kind except in conformance with the following provisions:
1. Such material does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only for not more than 7 days or any other lesser period which would cause the same to be odoriferous or a breeding place for insects or rodents.
 2. Such material constitutes a compost pile, as defined in Section III of this Ordinance, and does not constitute a nuisance or annoyance to adjoining property owners or occupants.
 3. Such material is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Brooks Township Zoning Ordinance.
 4. Such material, in the case of scrap wood, block, brick, iron or metal material, is neatly stacked in the rear yard of an occupied premises, is in compliance with all applicable township fire code and other ordinance requirements, and does not exceed 2,000 cubic feet in area.
 5. Such material is being stored pursuant to a special permit obtained for a period of not to exceed 45 days from the Township Supervisor or such other officer or official as the Township Board may designate, to be granted only in special hardship cases beyond the control of the applicant where special or peculiar circumstances exist and where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of this ordinance are still observed.
- C. No person shall drive or move any vehicle upon any public street or roadway unless such vehicle is so constructed, loaded and covered as to prevent its contents from dropping, leaking, or otherwise escaping from the vehicle. The registered owner of any vehicle who knowingly permits the operator of or passenger in the vehicle to use the vehicle in a manner which violates any of the provisions of this ordinance shall be deemed to be aiding, assisting, or abetting such violation.
- D. No person shall maintain or allow to be maintained upon any property in Brooks Township owned, leased, rented or occupied or possessed by such person, any of the following uses or activities which are hereby determined to be causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare:
1. The parking, storage or accumulation of non-motorized vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof.
 2. The outdoor storage or accumulation of appliances, televisions or furniture, or parts or components thereof.
 3. The parking or storage of recreational vehicles or mobile homes not meeting the minimum standards for inhabitation by humans.
 4. The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof.

5. The storage or accumulation of building materials outside of a completely enclosed building in any area for a period in excess of seven (7) days; provided that this restriction shall not apply to the following:
 - a. Usable building materials used for a legally operated business.
 - b. Usable building materials stored on the site of property for which a valid building permit has been issued by the appropriate Township building official and where said materials are intended for use in connection with such construction.
 - c. Usable building materials neatly stored in the rear yard of an occupied premise, provided such outdoor storage is screened from the view of all adjacent properties and abutting public or private rights-of-way and complies with all applicable township fire code and other ordinance requirements.
6. The parking, storage or accumulation of motor vehicles, or parts thereof, contrary to the provisions of this Ordinance.

E. Any owner, or tenant under contract to maintain the premises, of real property in the Township shall not cause or allow blighted premises to be created, nor shall any owner allow the continued existence of blighted premises.

SECTION VI - SECURITY OF VACANT BUILDINGS

This ordinance further defines security procedures designed to help property owners maintain the equity value of their properties and prevent blight by preventing damage from theft, burglary, weather, garbage and other problems associated with improperly secured vacant buildings. The following procedures are the only acceptable manner in which vacant buildings identified as blighted or which fall within the provisions of this Ordinance may be secured. Securing buildings identified as blighted buildings in any other less effective fashion shall constitute a violation of this Ordinance. All buildings identified as blighted or which fall within the provisions of this Ordinance must be secured in the following manner:

1. Disconnect all utilities at the street
2. Turn off water and drain the plumbing system at its lowest point. Open all faucets and put anti-freeze in all traps containing water.
3. Have the utility company disconnect electricity at the street and remove and cap meters.
4. Shut off Natural Gas supply at the street or disconnect and remove LPG tanks and heating oil tanks.
5. Remove all flammables and combustibles from inside and outside
6. Remove all upholstered furniture, combustible materials and trash from the building, including the basement and attic.
7. Remove trash and trash containers and combustible furniture from exterior stairwells, porches, fire escapes and outbuildings.
8. Remove shrubbery and vegetation adjacent to the building that could support or spread a fire.
9. Secure the building to prevent entry/vandalism/weather damage/fire.
10. Remove doors and storm windows and place inside.
11. Post the building according to local law with "No Trespassing" signs.
12. Construct entrance barriers

Security Measures

1. Openings in the basement, first floor doors and windows and any point of entry accessible from a porch, fire escape or other potential climbing point require additional security measures. These openings should be barricaded with plywood, 2" x 4" braces, carriage bolt sets and nails.

2. Openings that are at least 10' from ground level which are not accessible from a porch, fire escape, roof, or other climbing point can be secured with nails only. For all openings the plywood should be fitted so that it rests snugly against the exterior frame, butting up to the siding on wood frame buildings and up to the brick molding edge on brick buildings. It may be necessary to remove the staff bead so this fit can be flush and tight. If possible carpenters should plywood & stub brace over the edge of the trimmer studs on each window and door casing and meeting the header board.

SECTION VII - PENALTY AND SCHEDULE OF CIVIL FINES/COSTS

Any person, firm, association, partnership, corporation that fails to secure a blighted building or that fails to clean up property within the time frame specified following notification by the Township of such condition shall be subject to the following schedule of fines and costs.

Any person, firm, association, partnership, corporation that violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute and punishable by civil fines. Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule. The stated fine shall also include the clean up of the property and/or securing of the blighted premises within a timeframe set forth by the Township:

1 st violation*	\$ 50.00 + clean up of property and/or securing of building
2 nd violation*	\$125.00 + clean up of property and/or securing of building
3 rd or more violation*	\$250.00 + clean up of property and/or securing of building

*determined on the basis of the date of violation.

SECTION VIII - VALIDITY

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IX - REPEAL

Any or all previous ordinances enacted to govern blight or junk in Brooks Township are hereby repealed, but this ordinance shall not be construed to repeal by implication any other ordinance of Brooks Township pertaining to the same subject matter.

SECTION X - EFFECTIVE DATE:

This ordinance shall become effective 30 days after publication in a newspaper circulating within Brooks Township, Newaygo County, Michigan.

Lora L. Jones CMC, Brooks Township Clerk