

**NEGAUNEE TOWNSHIP
MARQUETTE COUNTY, MICHIGAN**

MISCELLANEOUS DEBRIS ORDINANCE

ADOPTED: _____

EFFECTIVE: _____

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Negaunee Township, Marquette County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, travel trailers, new or used parts thereof, provide for the removal of dead grass, brush, and miscellaneous debris on lands within the Township of Negaunee; and to provide penalties for the violation of this amendment of the Miscellaneous Debris Ordinance or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF NEGAUNEE
MARQUETTE COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
TITLE**

This Ordinance shall be known and cited as the Negaunee Township Miscellaneous Debris Ordinance.

**SECTION II
PURPOSE**

The purpose of this Ordinance is to limit and regulate the outdoor storage, parking of vehicles, the accumulation of junk, unused or partially dismantled or non-operating motor vehicles, house trailers, tractor trailers, or new or used parts thereof upon premises in Negaunee Township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the degradation of the environment caused by such vehicles, trailers, and parts thereof; the devaluation of real property and the ill effects of the presence of such vehicles or trailers upon adjoining residents and property owners. Also, to provide for the removal of dead grass, brush, and miscellaneous debris on lands within Negaunee Township.

**SECTION III
DEFINITIONS**

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

- A. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a road, including trailers, excepting devices moved by human power.
- B. "Motor Vehicle" is every vehicle which is self-propelled by means of an engine, and shall include, but not be limited to, automobiles, trucks, vans, buses, truck tractors, motorcycles, motorbikes, bulldozers, front end loaders and other types of construction equipment, logging skidders, snowmobiles, all-terrain vehicles (ATV's), and boats.
- C. A vehicle is "Inoperable" when it is dismantled for the sale, salvage, repair or reclamation of parts, and does not have all of its main component parts attached, or when the vehicle, if eligible for operation upon the public roads, is incapable of such operation in a lawful manner upon the public roads.
- D. "Main Component Parts" is defined as the fenders, hood, trunk, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment necessary for the vehicle to be lawfully operated upon the public roads pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended.
- E. "Plow Truck" means one unlicensed motor vehicle with snow removal equipment attached used for the sole purpose of removing snow from residential premises.
- F. "Person" is an individual, firm, corporation, or other entity of any kind.
- G. "Dead Grass" and "Brush" are defined to include all types of weeds, grasses, non-ornamental bushes or shrubs, and other organic matters, growing or dead, which have been allowed to grow untended or which have been allowed to accumulate to a height of six inches or more on property within Negaunee Township, and which create a hazard to the health, safety or welfare of the public by virtue of their potential to catch fire, to obscure vision or to harbor pests.
- H. "Building Materials" is defined, but shall not be limited to, lumber, bricks, concrete or other blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, structural or miscellaneous steel, nails, screws, or any other materials used in building or constructing any structure and in any other manner of construction.
- I. "Miscellaneous Debris" is defined to include unsheltered storage in open areas on property in Negaunee Township of scrap iron and other metals; building materials; household appliances and furniture; wood; paper; rags; bags of garbage; pet feces; rubber tires; glass; old, unused, stripped, unlicensed, junked or other motor vehicles not in good and safe operating condition;

and any vehicles, machinery, implements, equipment or personal property of any kind which is no longer safely or properly useable for the purposed for which it was manufactured and which create a hazard to the health, safety or welfare of public.

SECTION IV
REGULATIONS

- A. No person shall park, store, maintain or place upon any public right-of-way or public property, or upon any premises any motor vehicle, building materials, house trailer, miscellaneous debris, tractor trailer, snow plow blades, or parts there from, unless the same is wholly contained within a fully enclosed building and does not violate any of the zoning or building laws of the Township, County, or State of Michigan except for the following:
1. Duly licensed and operable vehicles or trailers with all main component parts attached at any given time;
 2. Two vehicles or trailers, or a combination thereof, that are temporarily inoperable because of mechanical failure and are not in any manner dismantled, and have all main component parts attached. Such vehicles or trailers may remain upon private property for no more than 30 days;
 3. One vehicle in fully operating condition, such as a stock car, plow truck, or modified motor vehicle that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any residential premises, except during the racing season or for the purpose of snow removal;
 4. One inoperable vehicle that is under restoration for the purpose of a hobby;
 5. One vehicle that is in operable condition, which is for sale by owner, has a "For Sale" sign displayed, said vehicle shall not be allowed to be on the same property for more than 30 days;
 6. Vehicles being used for agricultural practices.
- B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or part thereof upon any property in Negaunee Township for more than 14 days unless such repair, redesign, modification and dismantling is done within a fully enclosed building and does not constitute a nuisance or annoyance to adjoining property

owners or occupants; and does not violate any provision of the Negaunee Township Zoning Ordinance.

- C. It is hereby declared the duty of every person who owns, occupies or leases any real property within Negaunee Township in the County of Marquette to maintain such property in a safe and orderly manner and to remove any dead grass, brush or miscellaneous debris from open areas and dispose of it in a manner provided by law.

SECTION V
NUISANCE

Any parking, storage, placement, or operation of materials in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or subject the violator to civil damages and the fines and penalties herein provided for. The maintenance of such defined “Dead Grass, Brush, or Miscellaneous Debris”, on open properties within Negaunee Township for a continuous period of fourteen (14) days or more is hereby declared to be a nuisance and dangerous to the public safety.

SECTION VI
ORDINANCE ENFORCEMENT OFFICER(S)

This Ordinance shall be enforced by the Supervisor of Negaunee Township, by the Ordinance Enforcement Officer(s) of Negaunee Township or by other such person or persons as the Township Board may, from time to time, designate.

SECTION VII
NOTICE AND HEARING

The Township Board shall designate a person who is authorized to send written notice to owners or occupants of real property of a violation of the provisions of this ordinance. The Township Board shall also serve in the same capacity as an Ordinance Compliance Committee, provided such Committee is not established. Complaints regarding violations of this ordinance shall be directed to the person designated by the Township Board for giving notice of such violations, and such designated person shall have the authority to review all such complaints and to confirm whether such complaints constitute a violation of the provisions of this ordinance.

A. Notice to Remove:

- 1. The person designated by the Township Board shall send a written notice to the owner of a violation of this ordinance. Notice shall be sent by first class mail to the owner or occupant at such person’s last known address. The notice shall advise of a right to a hearing with the Ordinance Compliance Committee, if a hearing is requested, and of consequences for

failure to comply with the demand for removal of those items in violation of this ordinance. The notice shall require removal of those items in violation of the ordinance. The notice shall require removal of such materials within fourteen (14) days for miscellaneous debris, and within thirty (30) days for vehicles from the date of the notice sent. Occupants of property on which violations are noticed shall be deemed to be the agent of the owner of such property.

B. Hearing:

1. Any person affected by any notice issued pursuant to this Ordinance may request, and shall be granted a hearing provided that such person files in the township assessing/zoning office a written petition for a hearing and a statement of the grounds for non-compliance with the removal demand within the required time after delivery of notice. The Ordinance Compliance Committee shall hear such appeals, and a majority shall reverse or affirm in whole or part of the removal order appealed from, and make such order as it determines.
2. With the request for a hearing the applicant grants permission to the appointed Negaunee Township personnel and members of the ordinance compliance committee, to access the subject property.

SECTION VIII
CONSTRUCTION

This Ordinance shall not prevent the operation of any duly licensed and properly zoned junk yard, salvage yard, garage, golf course, body, or paint shop where such uses or operations are legally authorized under the Zoning Ordinance of Negaunee Township, and are conducted in conformance therewith. Non-compliance authorizes the Township to add the expenses of removal of miscellaneous debris to the tax roll of any property from which such debris is required to be removed after noncompliance with notices to remove such debris. The Township is empowered to remove such debris itself or hire a third party to do so.

SECTION IX
PENALTY

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty. First infraction shall be no less than seventy-five dollars (\$75.00) and up to a maximum of five hundred dollars (\$500.00), with every subsequent infraction within a three (3) year period resulting in additional increasing fines. Every day that a violation continues to exist shall constitute a separate infraction. Such penalty provision shall not preclude any other civil action against a violator for injunctive or other relief. The Township

has the ability to add removal expenses to the tax roll of the property from which such debris was removed.

SECTION X
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION XI
REPEAL

All ordinances, specifically the Miscellaneous Debris and Dilapidated Building Ordinance adopted on _____, or parts of ordinances in conflict herewith are hereby repealed.

SECTION XII
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication as required by law.

Rachael Sertich, Clerk
Negaunee Township
42 State Highway M-35
Negaunee, Michigan 49866