

ORDINANCE 2018-1
ELY TOWNSHIP MISCELLANEOUS DEBRIS ORDINANCE

The Board of Ely Township, Marquette County, Michigan ORDAINS:

An Ordinance to secure the public peace, health, safety, welfare and protection of the environment of and for the residents and property owners of the Township of Ely, Marquette County, Michigan, by the regulation of the storage of miscellaneous debris within said Township; and, to provide civil penalties and civil remedies for violation of this Ordinance.

ELY TOWNSHIP MISCELLANEOUS DEBRIS ORDINANCE
“An Ordinance Regulating the Storage of Miscellaneous Debris in the Township of Ely”

SECTION 1.1: SHORT TITLE

This Ordinance shall be known as “Miscellaneous Debris Ordinance.”

SECTION 1.2: DEFINITIONS

Person: as used in this Ordinance shall mean and include an individual, corporation, company, association, joint venture, partnership, receiver, trustee, guardian, executor, administration, personal representative or private organization. “Person” shall also include the respective landowner or occupant or person in possession of any real property.

Motor Vehicle: shall be deemed to include every vehicle which is intended to move or transport persons or property which is self-propelled by means of an internal combustion engine, and shall include, but not be limited to, automobiles, trucks, vans, buses, tractor-trailers, motorcycles, motorbikes, motor-scooters, mopeds, bulldozers, front-end loaders, and other types of construction equipment, logging skidders and snowmobiles.

In-operable Motor Vehicle: is if any of the following conditions exist:

1. Where it is being dismantled for sale, salvage, repair, or reclamation of the parts thereof;
2. Where it does not have all of its main component parts properly attached;
 or,
3. Where any other additional conditions exist which cause the vehicle, if eligible for operation on public streets, to be incapable of being operated in a lawful manner upon public streets.

Main Component Parts: shall be deemed to include all such parts or equipment as are necessary for a vehicle to be lawfully driven or drawn upon the public streets pursuant to the Michigan Vehicle Code, being Act Number 300 of Public Acts of 1949, as amended, and shall include fenders, hood, wheels, radiator, motor, windows, doors, muffler, body and essential engine parts.

Miscellaneous Debris: shall include wood, metal, tires, junk, synthetic materials, carpeting, vinyl floor coverings, furniture, appliances, household goods, clothing, toys, glass, wire, rubbish, scrap iron and other metals, paper, rages, machinery, implements, equipment or personal property or any kind or nature which is no longer properly usable for the purpose for which it was manufactured, and which create a hazard to the health, safety or welfare of the public. The term “miscellaneous debris” shall also include inoperable motor vehicles.

SECTION 2.1: STORAGE OF MISCELLANEOUS DEBRIS

It shall be unlawful for any person in possession of any real property to continue the storage or accumulation of miscellaneous debris on any parcel of land, unless it is kept in a fully enclosed building.

SECTION 3.1: NUISANCE

Any storage of miscellaneous debris upon any premises in violation of the provisions of this Ordinance are hereby declared o be a public nuisance and may be enjoined or subject the violator to penalties and remedies as described in this Ordinance.

SECTION 4.1: NOTICE TO REMOVE

On the advice of the Township Board or on his/her initiative, the Township Clerk or the designated Ordinance Enforcement Officer, is hereby authorized to send out written notice to the owner or occupant of such real property to remove miscellaneous debris located on such property. The notice shall be sent by first-class mail to the owner or occupant at such person’s last known address. The notice will require removal of the miscellaneous debris within a reasonable period of time, which time shall not be less than fifteen (15) days from the date of delivery of the notice. The occupant shall be deemed an agent of the owner of the real property for service of such notice.

SECTION 5.1: PENALTIES AND ENFORCEMENT

1. Any person who violates the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for each infraction. Each day that a violation continues to exist shall constitute a separate infraction. Such penalties shall not preclude any other civil action against the violator for injunctive or other relief.

2. The Ordinance shall be enforced by the Supervisor of the Township, by the Ordinance Enforcement Officers of the Township of Ely or by any other persons as the Township Board may, by Resolution, from time to time, designate.

SECTION 6.1: SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any clause, sentence, work, section or provision is declared void and unenforceable by reason of any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 7.1: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.

Motion by Board Member Wing, supported by Board Member Johnson. Roll Call Vote:

AYES: Wing, Johnson, Pepin, Grund, Perry

NAYS: None

Motion declared approved by Supervisor Johnson on the 19th day of September, 2018.

Respectfully submitted,

Kim Wing
Ely Township Clerk.