

ELY TOWNSHIP
“An Ordinance Regulating the Storage of Miscellaneous Debris in the Township of Ely”
Ordinance Number 2022-1

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.

PURPOSE

The purpose of this ordinance is to 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 Ely Township; 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, and to provide for the removal of miscellaneous debris on lands within Ely Township.

ARTICLE 1

SECTION 1.1: SHORT TITLE

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

SECTION 1.2: DEFINITIONS

- A. The term “person” as used in this Ordinance shall mean and include an individual, firm, 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.
- B. The term “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 or electric motor or any combination thereto, and shall include, but not be limited to, ATV’s (all-terrain vehicles), boats, automobiles, trucks, vans, busses, tractor-trailers, motorcycles, motorbikes, motor-scooters, mopeds, bulldozers, front-end loaders, and other types of construction equipment, logging equipment and snowmobiles.

C. The term “plow truck” means one unlicensed motor vehicle with snow removal equipment attached, used for the sole purpose of removing snow from residential properties.

D. A motor vehicle shall be deemed “inoperable” where 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.

E. The term “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 but not be limited to fenders, hood, wheels, radiator, engine, motor, windows, doors, muffler, body and essential drivetrain parts.

F. The term “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, rags, machinery, implements, equipment or personal property of any kind or nature which is no longer properly usable for the purpose for which it was manufactured, and/or which create a hazard to the health, safety or welfare of the public. The term “miscellaneous debris” shall also include inoperable motor vehicles.

ARTICLE 2

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; park, store, maintain, or place upon any public right-of-way or public property or upon any premises any motor vehicle, scrap 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. A maximum of two vehicles or trailers, or a combination thereof, which are temporarily inoperable because of mechanical failure and are not in any manner dismantled, and have all main component parts attached. Such vehicles may remain upon private property for no more than 30 days. Vehicles or trailers must be stored and maintained so that the area

around vehicles remains in compliance with the provisions of this ordinance and arranged in an orderly state in a manner that allows fire and vehicles and safety personnel access to the property without danger to life or equipment.

3. A plow truck as defined by this ordinance, or
4. A maximum of one inoperable vehicle being repaired or restored as part of a commercial transaction, so long as there is on-going progress concerning the restoration of the vehicle.
5. 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 Ely Township, and are conducted in conformance therewith.

ARTICLE 3

SECTION 3.1: NUISANCE

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

ARTICLE 4

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 which time shall not be more than fifteen (15) days from the date of delivery of the notice for miscellaneous debris and not more than thirty (30) days for vehicles, from the date of the notice sent. The occupant shall be deemed an agent of the owner of the real property for service of such notice. 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.

The Township Board shall serve in the same capacity as an Ordinance Compliance Committee.

SECTION 4.2 RIGHT TO HEARING

A. Hearing:

1. Any person affected by any notice pursuant to this Ordinance may request, and shall be granted a hearing with the Ordinance Compliance Committee provided that such person files with the clerk of the township 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 the notice.
2. The Ordinance Compliance Committee may approve an extension of time to correct a violation provided in a written notice when there are documented extenuating circumstances beyond the control of the responsible person and /or where the responsible person has made a substantial documented effort to correct violations.

ARTICLE 5

SECTION 5.1: PENALTIES AND ENFORCEMENT

- A. 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.
- B. 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.
- C. 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.

ARTICLE 6

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.

ARTICLE 7

SECTION 7.1: EFFECTIVE DATE

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

The Miscellaneous Debris ordinance offered by Board Member Wing and supported by Board Member Schuhknecht

Roll Call Vote:

AYES: Carr, Wing, Schuhknecht, Taseris and Laakso

NAYS: None

Motion declared approved by Supervisor Laakso on the 15th day of June, 2022.

Respectfully submitted,

Molly A. Taseris, Ely Township Clerk