

TOWNSHIP OF BOSTON

COUNTY OF IONIA, MICHIGAN

ORDINANCE NO. 98-3, AS AMENDED

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF BOSTON, IONIA COUNTY, MICHIGAN, BY REGULATING, PREVENTING, REDUCING OR ELIMINATING BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE TOWNSHIP, REGULATING AND ELIMINATING JUNK, TRASH, RUBBISH, LITTER AND REGULATING OR ELIMINATING ABANDONED OR JUNK AUTOMOBILES, MACHINERY AND EQUIPMENT

THE TOWNSHIP OF BOSTON ORDAINS:

Section 1. Name. This ordinance shall be known and cited as the Boston Township Anti-Blight Ordinance.

Section 2. Purpose. The purpose of this ordinance is to promote the general health, safety and welfare of the residents and property owners of Boston Township by regulating and preventing, reducing or eliminating blight or potential blight in the Township, regulating or eliminating junk and litter, and regulating or eliminating the storage of dismantled, partially dismantled or inoperable motor vehicles, machinery, equipment or any parts thereof.

Section 3. Definitions. For purposes of this Anti-Blight Ordinance, the following definitions shall apply:

(a) *Building Materials.* Building materials shall include, but not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or other materials used for construction.

(b) *Dismantled or Partially Dismantled Machinery and Equipment.* Dismantled or partially dismantled machinery and equipment is defined as machinery or equipment from which some part or parts which are ordinarily a component of such machinery or equipment have been removed or are missing, where such part or parts are required for the safe and legal functioning of such machinery or equipment as it was intended to function or be operated.

(c) *Dismantled or Partially Dismantled Motor Vehicle.* A dismantled or partially dismantled motor vehicle is a motor vehicle from which some component has been removed or is missing such that the motor vehicle is now incapable of functioning or being operated as it was intended to function or is now incapable of functioning or being operated in a legal and safe manner.

(d) *Fenced Enclosure.* A fenced enclosure shall mean a fence of wood, cement, block or other commonly used fencing material not less than six feet nor more than ten feet in height. Other enclosures or screening techniques serving as a fenced enclosure will be permitted only if approved by the Township Board. The Township Board shall not approve other enclosures unless such enclosures are sufficient to effectively screen the property without detracting from neighboring properties or the public view. The fenced enclosure shall provide appropriate screening so as to shield the interior items from the view of the public from adjacent properties or adjacent road rights-of-way. The fenced enclosure must not adversely affect the safe operation of adjoining streets and highways.

(e) *Inoperable Machinery and Equipment.* Inoperable machinery and equipment is defined to be any item or piece of machinery or equipment which, by reason of dismantling, disrepair or other cause, is incapable of functioning or being operated in a safe and legal manner for the purposes for which it was intended.

(f) *Inoperable Motor Vehicle.* An inoperable motor vehicle is defined as a motor vehicle, which, by reason of dismantling, disrepair or other cause, is incapable of being propelled under its own power or is unsafe for operation on the streets and highways of this State because of the inability to comply with the State Motor Vehicle Code, or does not have a current license and registration as may be required for operation under the State Motor Vehicle Code.

(g) *Junk.* Junk shall include all ferrous or non-ferrous material or metal, rope, rubber, rags, clothing, wood not reasonably usable for construction purposes, plastic, paper, grass, garbage, appliances, dwellings not meeting the minimum standards for habitation by humans including such standards as are prescribed by the Building Code, Health Code and all other applicable codes, unusable trailers, televisions, furniture, household items, or any other scrap or waste material of any kind, including parts of any of the foregoing.

(h) *Litter.* Litter shall include, without limitation, wood, yard waste, brush, metal, sod, shavings, saw dust, refuse, rubbish, trash, liquids, chips, bricks, dirt, parts of machinery or motor vehicles, furniture, appliances, household items or any other loose or cast off materials or articles of any kind.

(i) *Motor Vehicle.* A motor vehicle is any wheeled or tracked vehicle which is or is intended to be operable as a self-propelled vehicle.

(j) *Unusable Trailer.* An unusable trailer is a trailer of any kind not used for its intended purpose for a period of one year or more, and which is unlicensed or uninsured, if it is required to be licensed or insured for a use upon the highways of the State of Michigan.

(k) *Wood.* Wood as used in this section does not include fire wood kept by a property owner for his or her own use or for sale, provided such fire wood is stacked and maintained in a manner that does not promote or cause a fire or safety hazard or a haven for vermin.

Section 4. *Illegal Dumping and Littering and Prohibition on Other Causes of Blight.* It shall be unlawful for any person, persons, corporation or other entity to maintain or allowed to be maintained upon any property in the Township which is owned, leased, rented, occupied or possessed by such person, persons, corporation or entity, any of the following activities or conditions, which activities or conditions are hereby determined to be causes of blight or blighting factors which, if allowed to exist, will tend to result in blighting and undesirable neighborhoods, will cause nuisances and will threaten the public health, safety and welfare:

(a) *Junk and Litter.* It shall be unlawful in the Township to throw, dump, store or accumulate junk or litter, flammable matter or substances, offal, industrial byproducts or waste substances or objects similar in nature, upon any land in the Township, or permit any such things or substances to accumulate on land, outside of a completely enclosed building or completed fenced enclosure for a period of more than 30 days, unless such land or place is designated by the Township as a licensed junkyard.

(b) *Unwholesome Accumulations.* It shall be unlawful in the Township for the owner, lessee, occupant or any other person, corporation or entity having a right of control or in charge of any land or premises to permit the accumulation of junk, litter or other materials which provide harbor for rats or other vermin, or which may serve as food for rats or other vermin, accessible to such vermin, or in and around which flies, insects, rodents or vermin may exist, breed or multiply, or to permit upon any premises stagnant or filthy water, dead animals or unwholesome meat, decayed food or vegetable matter or any other unwholesome, filthy, deleterious or offensive thing or substance.

(c) *Building Materials.* It shall be unlawful in the Township to store any building materials outside of a completely enclosed building, or a completed fenced enclosure for a period of more than 30 days. This prohibition shall not apply to building materials used for a legally operated business trading in building materials, and shall not apply to building materials stored on the site of property for which a valid building permit has been issued by Ionia County, if such building materials are intended for use with legal construction on such premises.

(d) *Polluted Liquids.* It shall be unlawful within the Township for any person, corporation or entity to drain, or cause to be drained, any water, liquid, sewage or polluted substance from any sink, septic tank or any other thing, onto the surface of any land or into open ditch, creek or stream, or into any pipe or conduit which directly or

indirectly empties or deposits any such substance onto the surface of any land or into any open ditch, creek or stream, where such liquid or substance is stagnant, filthy, deleterious or unwholesome to the quality of the water.

(e) *Inoperable Machinery and Equipment and Inoperable Motor Vehicles, Unusable Trailers.* It shall be unlawful in the Township to park, store or accumulate dismantled or partially dismantled machinery or equipment, inoperable machinery or equipment, dismantled or partially dismantled motor vehicles, inoperable motor vehicles or unusable trailers in the Township outside of a completely enclosed building or a completed fenced enclosure for a period of more than 30 days. This prohibition shall not apply to a junkyard that is licensed and operated according to all Township regulations.

(f) *Storage of Inoperable Motor Vehicles, Inoperable Machinery or Equipment, Junk, Litter or Building Materials.* In addition to the foregoing, the storage of inoperable motor vehicles, inoperable machinery or equipment, junk, litter or building materials is unlawful in the Township where such storage of one or more of the foregoing materials will threaten the public health, safety and welfare or will constitute a danger to neighboring properties or a nuisance to the vicinity or will create a hazard to children and others attracted to such items or substances.

(g) *Prima Facie Evidence.* The ownership, lease, occupation or use of land by any person, corporation or entity upon which an inoperable or dismantled motor vehicle, machinery or equipment is accumulated, stored or placed or upon which building materials, junk, unusable trailers or litter are accumulated, stored or placed shall be prima facie evidence that such person, corporation or entity accumulated or permitted such motor vehicles, machinery, equipment, trailers, junk, litter or materials to be accumulated, stored or placed upon such land.

Section 5. *Penalty*

(a) *Municipal Civil Infraction.* A violation of this ordinance is a municipal civil infraction, for which the fine shall be \$500 for the first offense, and not less than \$1,000 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purposes of this section, “subsequent offense” means a violation of this ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) In addition, a violation of this ordinance is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and imposition of the foregoing municipal civil infraction penalties against a violator shall not prohibit the Township from also seeking injunctive relief against a violator, in order to abate the violation or to seek such other relief provided by law.

Section 6. Severability. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part declared to be invalid.

TOWNSHIP OF BOSTON

Lori Spoelstra,
Township Clerk

Ordinance No. 09-02, adopted August 5, 2009, and effective August 15, 2009

Ordinance No. 09-05, adopted September 9, 2009, and effective October 19, 2009