

REVISED ORDINANCE NO. 57

A REVISED ORDINANCE TO PROVIDE FOR THE REGULATION OF THE STORAGE AND ACCUMULATION OF JUNK, TRASH, RUBBISH, JUNK AUTOMOBILES, ABANDONED VEHICLES AND BUILDING MATERIALS ON PRIVATE PROPERTY; THE MAINTENANCE OF BLIGHTED STRUCTURES AND OTHER BLIGHTING FACTORS OR CAUSES OF BLIGHT AND DETERIORATION WITHIN THE VILLAGE OF SHERIDAN, TO PROVIDE FOR ENFORCEMENT THEREOF, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF:

THE VILLAGE OF SHERIDAN, MONTCALM COUNTY, MICHIGAN ORDAINS:

CHAPTER 57.1 ESTABLISHMENT OF ORDINANCE

57.101 This Revised Ordinance shall be known as the "Village of Sheridan Storage and Accumulation Ordinance".

57.102 The authority for this Revised Ordinance is for the protection, public health, safety, and welfare of the residents of the Village of Sheridan.

57.103 Consistent with the letter and spirit of Public Act 344 of 1945 as Amended (MCL 125.71 et. seq.), it is the purpose of this Revised Ordinance to prevent, reduce or eliminate blight and/or potential blight in the Village of Sheridan, Montcalm County, Michigan by the prevention or elimination of certain environmental causes of blight or blighting factors.

of blight or are blighting factors which are under the control of the property owner, and if unattended will tend to result in blighted and undesirable neighborhoods. To avoid injury and hazard to children and others attracted to such junk; to avoid devaluation of property values and other depressing effects that the presence of such junk has upon adjoining properties and neighborhoods, and to avoid blight which causes large expenditures of tax dollars to correct.

CHAPTER 57.2 OUTDOOR STORAGE PROHIBITED

57.201 It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk automobiles, or abandoned vehicles on any private property in the Village except within a completely enclosed building or upon the premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk gather.

57.202 It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile whether or not the same be a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk gatherer.

57.203 It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid and existing building permit and unless such construction is completed within a reasonable time.

57.204 It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid and existing building permit and unless such construction is completed within a reasonable time.

CHAPTER 57.3 DEFINITIONS

It shall be unlawful for any person, corporation or other entity to maintain or permit to be maintained any outside storage within the Village of Sheridan, Montcalm County, Michigan, owned, leased, rented or occupied by such person, corporation or other entity as follows:

57.301. Outdoor Storage of Junk Motor Vehicles. The term "junk motor vehicles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan and any motor vehicle, whether licensed or not, which is inoperable. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or any other cause. Any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk motor vehicles shall be parked, kept or stored on any premises of real property within the Village of Sheridan for more than 14 days except in a completely enclosed garage or other building or at a state licensed business that engages in the sale, repair, or dismantling of motor vehicles; provided however that one unlicensed, but operable motor vehicle, may be displayed for sale outdoors by the owner of said vehicle on his/her premises, for a period not exceeding sixty days; and provided further that operable motor vehicles which are for sale and displayed at a licensed and established new or used motor vehicle dealership may be stored outdoors; and inoperable motor vehicles may be parked and kept outdoors on the premises of a motor vehicle repair garage facility for a period of thirty days, with an additional thirty day extension upon presentation to the enforcing officer of written proof that the offending vehicle is involved in insurance claim litigation and that additional time is required for settlement before the vehicle can be moved.

57.302. Outdoor Storage of Junk Recreational Vehicles, Equipment and Watercraft. The term "junk recreational vehicles, equipment and watercraft" shall include, but is not limited to any motor home or motorized dwelling, travel trailer, pickup camper, pop-up trailer, tent trailer, and similar equipment, boat, pontoon boat, watercraft, boat trailer or other device designed for water recreational purposes all of which are not registered with the State of Michigan, and shall also include, whether registered or not, all of the foregoing items which are inoperable for any reason. "Inoperable" means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. Any of the

mentioned items which have a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk recreational vehicles, equipment and watercraft shall be parked, kept or stored on any premises of real property within the Village of Sheridan for more than 14 days except in a completely enclosed garage or other building; provided however that one unlicensed, but operable recreational vehicle, equipment and watercraft may be displayed for sale outdoors by the owner of same on his/her premises, for a period not exceeding sixty days; and provided further that recreational vehicles, equipment and watercraft which are for sale or on the premises of a licensed and established new or used recreational vehicle, equipment and watercraft dealership for storage or repair may be stored outdoors.

57.303. Outdoor Storage of Junk Machinery and Equipment. The term "junk machinery and equipment" shall include all machinery and equipment which is inoperable. "Inoperable" means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. No junk machinery or equipment shall be parked, kept or stored on any premises more than 14 consecutive days except in a completely enclosed garage or other building.

57.304. Outdoor Storage of 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, fence posts and fencing material of either wood or metal, or any other materials used in constructing any structure or fence. No building materials shall be kept or stored on any premises except in a completely enclosed garage or other building; provided however, that the outdoor orderly storage of building materials is permitted for any premises for which there is in full force and effect a valid building permit for construction upon the premises, and the materials are intended for use in connection with such construction.

57.305. Accumulation of Rubbish and Garbage. The term "rubbish" shall include all combustible and noncombustible waste materials, including but not limited to: bottles, glass, cans, metals, paper, cartons and boxes, rubber, leather, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind whether or not the same could be put to any reasonable use. The term "garbage" shall include the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. All premises shall be kept free from the accumulation of rubbish or

garbage. All rubbish and garbage shall be placed in containers for waste haulers and shall not be exposed to a public road except at 6 pm or after the day before that same is to be removed from the premises.

57.306. Uninhabitable Dwelling. The existence of any structure or part of a structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

57.307. Vacant Dwelling. The existence of any vacant dwellings, garage or other outbuildings unless same are kept securely locked with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public.

57.308. Partially Completed Structure. The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing building permit, and unless such construction is completed within a reasonable time, according to the building permit.

57.309. Graffiti. Graffiti including but not limited to words, symbols or drawings on the exterior of any building, fence, wall, pole, sidewalk, tree or other structure must be removed within fifteen (15) calendar days of written notice to the property owner, tenant or occupant.

57.310. Solid Waste. The existence of solid waste such as excessive animal feces or human waste on the property.

57.311. Outside Placement of Indoor Furniture. No person shall store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit or allow on any porch, balcony, roof, or in a yard, except in a completely enclosed building or structure, any furniture, mattresses, appliances, materials and other similar products not designed, built, and manufactured for outdoor use unless such is in an enclosed porch or balcony.

57.312. Fences, Gates and Walls. It shall be unlawful for any person owning, leasing, occupying or having charge of any property within the Village of Sheridan to allow any fence, gate, wall or similar structure on the property to sag, lean, or have missing boards or bricks, or to be fallen over or collapsed, or to be otherwise be in an obviously unsafe condition, or to constitute an unsightly appearance, or be left in a state of partial construction or disrepair.

57.313. Obstructions in the Right-of-Way. It shall be unlawful for any person owning, leasing, occupying or having charge of any real property within the Village of Sheridan, or owner of any personal property, to maintain such property in such a manner that any of the following conditions are found to exist thereon:

- 57.3131 Shopping Carts. The abandonment of shopping carts visible from the public right- of-way on private or public property is prohibited. Commercial businesses that provide shopping carts for customer use are responsible for retrieving their carts from public property.
- 57.3132 Sight Obstruction. The accumulation of any material, the placement of any object, or any overgrown vegetation on private property that obstructs the view of drivers on public streets or alleys.
- 57.3133 Physical Obstruction. The placement of any object in the public right-of-way including, but not limited to the following:
 - a. Portable recreation equipment such as basketball hoops, hockey nets and skateboard ramps;
 - b. Abandoned, discarded or dilapidated objects, such as broken or neglected equipment, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, salvage materials, firewood, plant cuttings, scrap materials or similar materials; and/or
 - c. News racks, newsstands, mailboxes of any kind, or benches, or any other object in the public right-of-way in such a manner as to impede vehicular, bicycle, or pedestrian traffic.

57.314. Dangerous Conditions to Children. It is unlawful for any person owning, leasing, occupying or having charge of any property within the Village of Sheridan to maintain such property in such manner that an attractive nuisance exists. Attractive nuisances generally considered dangerous to children include, but not limited to the following:

- 57.3141 Abandoned, broken or neglected appliances such as refrigerators or freezers; or
- 57.3142 Abandoned and broken equipment or vehicles.

57.315 The term "Blighted Structure" shall include, without limit any dwelling, garage, or outbuilding, or any factory, shop, store, warehouse or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

57.316 The term "Building Materials" shall include, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws or any other materials used in constructing any structure.

57.317 The term "Person" shall include all natural persons, firms, co-partnerships corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

57.318 The terms "Trash" and "Rubbish" shall include any and all forms of debris not herein otherwise classified.

CHAPTER 57.4 NOTICE OF VIOLATION

57.401 Violations of this Ordinance may be brought to the attention of the Village Clerk and/or Code Enforcement Officer through a signed complaint of resident or other persons who can testify to such violation or a Village official, or county or state law enforcement agents. In each case the complainant must sign a complaint and address the same to the Village of Sheridan.

57.402 Upon receipt of a complaint, it shall be the duty of the Village Code Enforcement Officer to send a registered complaint under the signature of the Village Council President to notify the owner of a violation of this Ordinance and explaining violation consequences.

57.403 The letter referred to in Section 57.402 shall specifically state on its' face that the owner has 30 days to correct the violation.

CHAPTER 57.5 FAILURE TO CORRECT

In the event the owner fails to correct such defect within a period of 30 days as specified in Chapter 57.4 of this Ordinance, said owner shall be considered in violation of this Ordinance and shall be prosecuted therefore.

CHAPTER 57.6 REMOVAL OF DANGEROUS JUNK

57.601 When such "Junk" is of the nature that the Village Council believes that said "Junk" violates this Ordinance and presents an immediate or extreme danger to life, safety or public or private property, and that such "Junk" must be removed immediately, the Village Council shall have the option to have such "Junk" removed and to hold said "Junk" until the owner has been notified that he/she has (7) days to claim and take possession of said property.

57.602 Owner of said property shall be responsible for all costs or expenses incurred by the Village including any attorney's fees incurred at any time and at any stage of this process.

57.603 The Village Code Enforcement Officer or other designated person may remove or cause to be removed any junk automobile or abandoned vehicle, or parts of either, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of his intention to do so at least 48 hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either, shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the Village Code Enforcement Officer or other designated person shall not excuse or relieve any person of the obligation imposed by this ordinance to keep his property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of either nor from the penalties for violation thereof.

CHAPTER 57.7 EXCEPTIONS

57.701 This Ordinance shall not apply to areas within the Village which are presently industrial properties where properly fenced or access by the general public is

otherwise restricted wherein the substance or materials shall not constitute a fire hazard or health hazard.

57.702 Nor shall it apply to the storage of one unoccupied camper trailer, recreational vehicle and/or one boat and trailer which is the property of the occupant of said premises.

CHAPTER 57.8 DENIAL OR REFUSAL TO REMOVE MATERIALS

57.801 In the event that the owner and/or occupant of the property upon which prohibited materials is stored denies responsibility thereof or ownership thereof, or in the event the owner or occupant refuses to remove such materials after the 30 days' notice has been issued pursuant to Chapter 57.4 of this Revised Ordinance, the Sheridan Village Council shall notify the property owner that he or she shall have 10 days or until the next regular scheduled board meeting from the date of the receipt of the registered letter [meaning the 10 day registered letter] to make an appeal in person or in writing to the Sheridan Village Council.

57.802 At the next regular board meeting of the Sheridan Village Council upon receipt the Council shall review the property owner's written appeal or allow the property owner to make a presentation regarding his or her denial or refusal to remove the materials. Thereafter, the Council shall make a decision regarding acceptance or denial of this appeal.

57.803 On the day immediately thereafter or by at least the Friday after the meeting upon which the written or oral appeal has been heard by the Sheridan Village Council, the Clerk shall send a registered letter to the property owner stating whether or not his or her appeal has been accepted or denied.

57.804 In the event that the Sheridan Village Council accepts the property owner's appeal, no further action shall be taken. If, however, the appeal is denied, the notice from the Clerk shall state that the Village Council will be seeking a misdemeanor complaint with Montcalm County District Court or be filing a Complaint in the Eighth Circuit Court for Montcalm County.

CHAPTER 57.9 CRIMINAL ENFORCEMENT

57.901 This Revised Ordinance may be enforced by the use of an appearance ticket as authorized by the laws of the State of Michigan, provided no appeal has been taken pursuant Chapter 57.8 of this Revised Ordinance.

57.902 Upon denial of the property owner's appeal, the Village of Sheridan Council through the Clerk's office or its' Code Enforcement Officer shall request the Village Attorney to prepare a misdemeanor complaint to be filed with the Montcalm County District Court. Such misdemeanor complaint shall provide the following information:

- 57.9021 Name and address of the property owner or violator.
- 57.9022 The inclusive dates of the violation.
- 57.9023 A short rendition of how the property owner or occupant has violated this Ordinance.

57.903 Any person convicted of violation of any of the provisions of this Revised Ordinance shall be punished by a fine of not more than \$500.00 or by a jail term for not more than 90 days of such fine and imprisonment with costs per violation. Each day that a violation of this Revised Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section, provided no person shall be imprisoned for a single but continuing violation of this ordinance for a period longer than ninety (90) days.

CHAPTER 57.10 CIVIL ENFORCEMENT

57.1001 Violation of this Revised Ordinance or any provision thereof is hereby declared to be a public nuisance per se (Pursuant to MCL 125.3407), and may be abated by order of any civil court of competent jurisdiction at the discretion of the Village pursuant to MCL 600.2940, via injunctive and declaratory relief.

57.1002 The Code Enforcement Officer shall inspect each alleged violation and shall order correction in writing to the violator of all conditions found to be in violation of this Revised Ordinance. A violation not corrected within a time period of not less than thirty (30) days nor more than six (6) months as determined by the Code Enforcement Office shall be reported to the Village Council who shall initiate civil enforcement procedures.

57.1003 In the addition to the penalties and remedies set forth above, the Village reserves the right, after notice to the owner/occupant of the lands in violation of this Revised Ordinance, to direct the appropriate officer, employee or other agent of the Village to remedy the condition which is causing the violation.

57.10031 All cost and expense incurred by the Village in so doing shall be a lien against the real property and shall be reported to the Village Assessor who shall assess the same against the real property on which the violation was located.

57.10032 All owners or other interested parties of said real property whose names appear upon the most recent local tax assessment records shall be notified of the cost to the Village by first class mail at the address shown on the records.

57.10033 In the event that payment is not made within 30 days, the Assessor shall add the unpaid amount to the next tax roll of the Village and it shall be considered as a lien until paid, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village pursuant to the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, et seq.).

CHAPTER 57.11 SEVERABILITY

The provisions of this Revised 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.

CHAPTER 57.12 CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED

57.1201 On the effective date of this Revised Ordinance pursuant to Chapter 57.13, Ordinance Number Fifty Seven as originally adopted on May 6, 1969, shall be superseded as revised and repealed in its entirety.

57.1202 All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

CHAPTER 57.13 EFFECTIVE DATE

This Revised Ordinance shall become effective thirty days after publication of the Revised Ordinance or thirty days after publication of a summary of its provisions in a local newspaper of general circulation pursuant to Chapter 57.14. During this thirty days, the Ordinance as it now reads shall remain effective, and thereafter shall be superseded pursuant to Chapter 57.12 of this Revised Ordinance.

CHAPTER 59.14 PUBLICATION

This Revised Ordinance was published in the Greenville Daily News on July 21, _____, 2015, pursuant to Statutory Requirement.

VILLAGE ADOPTION CERTIFICATION

We the undersigned, as Village Council President and Clerk of the Village of Sheridan, Michigan, do hereby certify that this Revised Ordinance Number 57 of the Village of Sheridan was introduced at a regular meeting of the Sheridan Village Council held on June 9, 2015 and was thereafter adopted at a regular meeting on July 14, 2015 by a vote of by a vote of seven (7) for; zero (0) against; and none (0) abstaining.



Susan Wyckoff-McFarland, Village Council President



Debra LeFever, Village Clerk

Having been published in the Greenville Daily News on July 21, 2015, this Ordinance shall be effective on August 20, 2015.


Debra L. LeFever
Village Clerk