

PALMYRA TOWNSHIP
LENAWEE COUNTY, MICHIGAN

PUBLIC HEALTH, SAFETY, AND WELFARE ORDINANCE

ORDINANCE NO. 1-11

An ordinance to provide for the regulation and control of the storage, accumulation and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantles or unusable vehicles within the Township of Palmyra; to provide for the administration and enforcement thereof, and to provide penalties for the violation thereof.

THE PALMYRA TOWNSHIP BOARD
LENAWEE COUNTY, MICHIGAN

ORDAINS:

SECTION 1

DEFINITIONS

The following words or terms, when used herein, shall be deems to have the meanings set forth hereafter:

- A. The term “junk” shall included, without limitation, parts of machinery, parts of motor vehicles, tires, or parts of equipment, broken and unusable furniture, trailers, stoves, refrigerators or other appliances, remnants of wood, metal , or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- B. The term “trash” shall include, without limitation, discarded foodstuffs, garbage, broken glass, metal tin cans, ashes, or any other refuse resulting from human habitation.
- C. The term “abandoned vehicles” shall include, without limitations, any vehicles which have remained on private property for a period of 48 consecutive hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 consecutive hours or more after the consent of the owner or occupant of the property has been revoked.
- D. The terms “junk motor vehicles and deteriorated motor vehicles” shall include, without limitation, any vehicle requiring a license, which is not licenses for use upon the highways of the State of Michigan for a period in excess of 30 days, and shall also include, whether licensed or not, any motor vehicle which is operative for highway use, for any reason, for a period in excess of 7 days; provided that there is excepted from this definition, unlicensed but operative, vehicles which are kept as stock in trade of regularly licensed and established new or used automobile or other motorized vehicle car lot or dealer; provided further that the time such vehicles shall remain upon the premises of a motor vehicle shall remain upon the premises of a motor vehicle repair garage shall be a period of 120 days rather than 30 days with extension of written proof

the offending vehicle is involved in insurance claim litigation or a similar matter and additional time is required for settlement before a vehicle can be removed.

E. The terms “junk farm equipment and deteriorated farm equipment” shall include parts of machinery, farm equipment or farm vehicles, whether licensed or not, not presently unusable and located or left parked in excess of 30 days, closer than 75 ft. from any property line of the owner or occupant of the premises.

F. The term “Approved Enclosure” shall include a four sided, solid (preventing visibility of interior contents from the exterior, horizontally) wall or fence, 8 ft. in height, supported by posts not to exceed 8 ft. on center, situated in the rear yard, not less than 5 ft. from any property line and covered with pre-painted metal, vinyl, fiberglass, wood cedar, or treated wood siding. Plywood, pressed wood, and similar materials shall not be permitted.

G. Nuisance Definition. Whatever injures or endangers the safety, health, comfort or repose of the public; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision to this Ordinance. No person shall commit, create, or maintain a nuisance.

SECTION II

Designated Nuisances.

On and after the effective date of this ordinance, no person, firm, corporation, or entity of any kind shall maintain or allow to be maintained any property in the Township of Palmyra owned, leased, rented or occupied or possesses by such a person, firm, corporation or entity of any kind any of the following uses, structures or activities which are hereby determined to be nuisances:

- a) The parking or storage of “deteriorated motor vehicle” outside of a completely enclosed building in any area (not including property for which valid junk-salvage yard permit issued by the Township is in effect) for a period in excess of thirty (30) days.
- b) The storage of “building materials” outside of a completely enclosed building in any area for a period in excess of thirty (30) days, not including building materials used for a legally operated business, and building materials stored on the site of a property for which a valid building permit has been issued by the appropriate County or Township building official and where said materials are intended for use in connection with such construction.

For the purpose of the Ordinance, the term “building materials” shall include lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring of equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, or screws, or any other materials used in constructing any structure.

- c) The storage of accumulation of junk, trash, rubbish or refuse of any kind outside of a completely enclosed building in any area (not including property for which a

valid junk-salvage yard permit issued by the Township is in effect) for a period of thirty (30) days.

For the purpose of this Ordinance the term “junk, trash, rubbish or refuse of any kind” shall include without limitations motorized or unmotorized vehicles, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes not meeting minimum standards for inhabitation by humans, unusable trailers, televisions, furniture, or any other scrap or waste material of any kind, including parts of any of the above, but not including domestic refuse stored in such a manner as not to create a nuisance for a periods not exceeding thirty (30) days, and not including fire wood stored in an orderly manner.

- d) 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, or useful for any other purpose for which it may have been intended.
- e) The term “Approved Enclosure” shall include a four sided, solid “preventing visibility of interior contents from the exterior, horizontally) wall or fence, 7 ft. in height, supported by posts not to exceed 7 ft. on center, situated in the rear yard, not less than 5 ft. from any property line and covered with pre=painted metal, vinyl, fiberglass, wood cedar, or treated wood siding. Plywood, pressed wood and similar materials shall not be permitted.

SECTION III

Unlawful Storage.

It shall be unlawful for any person, firm or corporation, to park, store, or permit the storage or accumulation of trash, rubbish, junk, deteriorated vehicles, inoperative motor vehicles, or deteriorated farm equipment, or abandon same on any private property within the township, except within an approved enclosure, a completely enclosed building, or upon the properly zoned premises of a licensed and approved dealer dealing in antique motor vehicles.

SECTION IV

ABATEMENT OF PUBLIC NUISANCE

The storage or accumulation of trash, rubbish, junk, junk vehicles or abandoned vehicles or junk farm equipment is hereby determined to constitute a public nuisance and to contrary to the public peace, healthy, safety and general welfare of the Township.

- a) The fair and reasonable costs and expenses incurred by the Township for ensuing the removal and abatement shall constitute a charge against the owner or occupant of the affected premises payable to the Township.

SECTION V

Penalties and Reinforcement

- a) A violation of the Ordinance shall be a civil infraction punishable by a fine of ONE HUNDRED (\$100.00) DOLLARS plus the cost of prosecution. Each day a violation exists shall constitute a separate offense.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Palmyra Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VI

Validity

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

SECTION VII

Non-repeal

This Ordinance shall not be construed to repeal by implication any other Ordinance of Palmyra Township pertaining to the same subject matter.

SECTION VIII

Effective Date

This Ordinance shall become effective thirty (30) days after publication in a newspaper circulating within the Township of Palmyra, Lenawee County, Michigan.

EFFECTIVE DATE: _____

Palmyra Township Clerk

Published: _____

I, _____, being the duly elected Clerk of the Township of Palmyra, Lenawee County, Michigan, do hereby certify the above to be a true copy of any Ordinance that was adopted at a Regular Board Meeting which was held on June 2nd, 2011

Palmyra Township Clerk