

Lincoln Township Ordinance Number 32

Short Title: Lincoln Township Nuisance Ordinance.

Purpose: An Ordinance to provide for the regulation and control of the storage, accumulation and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantled or unusable vehicles and building materials: the maintenance of blighted structures and other blighting factors or causes of blight and deterioration thereof, to provide penalties for the violation thereof.

The Township of Lincoln, county of Clare, State of Michigan

Hereby ordains:

SECTION 1: Definitions: The following words or terms when used herein shall be deemed to have the meanings set forth below:

- (A) The term "Junk" shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, 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 "Junk Vehicle" shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 60 days: must not be parked or stored outside of a completely enclosed building in any area, provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automotive dealer or other motorized vehicle: provided, further that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of 120 days rather than 60 days, with extension of additional 30 days period upon presentation to the enforcing officer of written proof the offending vehicle is involved in insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.
- (C) The term " Abandoned Vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours or more, without the consent of the owner or

occupant of the property, or for a period of 48 continuous hours, or more, after the consent of the owner or occupant of the property has been revoked.

- (D) The term “Blighted Structure” shall include, without limitation any dwelling, garage, or outbuilding, or any factory, shop, store, office building, 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.
- (E) The term “Building Material” shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.
- (F) 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.
- (G) The term “Trash and Rubbish” shall include any and all forms of debris not herein otherwise classified.

SECTION 2: Detriment: It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the Township of Lincoln tends to result in blighted or deteriorated neighborhoods, the spread of vermin and disease, the increase of criminal activity, and therefore is contrary to the public peace, health, safety and general welfare of the community.

SECTION 3: Junk, trash, rubbish, junk vehicles, etc; it shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk vehicles or abandoned vehicles on any private property in the Township except completely enclosed building or upon the premises of a properly zoned licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk. Except as follows:

- (A) On subdivision lots or property of one acre or less, one unlicensed

motor vehicle, with all main component parts attached, may be stored on the property subject to the following conditions:

1. Such vehicle must not be stored within ten (10) feet of any sideline or back line of the property. A screening fence at least five (5) feet tall and twenty (20) feet long may be required.
2. Such vehicle must be stored behind the residence or behind a barn or shed, so that it is screened from the road.
3. In regard to lake front properties, such vehicles shall not be stored with one hundred (100) feet of the lake.

(B) On subdivision lots or on parcels of property of more than one acre up to two unlicensed motor vehicles, with all main component parts attached, may be stored on the property subject to the following conditions:

1. Such vehicle must not be stored within ten (10) feet of any sideline or back line of the property. A screening fence at least five (5) feet tall and twenty (20) feet long may be required.
2. Such vehicle must be stored behind the residence or behind a barn or shed, so that it is screened from the road.
3. In regard to lake front properties, such vehicles shall not be stored within one hundred (100) feet of the lake.

SECTION 4: Blighted buildings: 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 building permit issued by the Township of Lincoln, and unless such construction is completed within one year after issuance of the building permit.

SECTION 5: Building materials: 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 and trade of business located on said property, or except where such materials are being used in the construction of a structure on said property in accordance with a valid building permit

issued by the Township of Lincoln, and unless such construction is completed within one year after issuance of the building permit.

SECTION 6: Township Authority: The township supervisor, clerk, or building inspector or the duly authorized representative of such officials may remove or cause to be removed any junk vehicle or abandoned vehicles, 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 vehicles or abandoned vehicles, or parts of either shall be removed and disposed of in accordance with the law. Such removal by the designated enforcement official 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 vehicles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

SECTION 7 Penalties and Enforcement: Violation of any provision of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Five Hundred (\$500.00) dollars or imprisoned not more than ninety-three (93) days or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The imposition of any fine and/or jail sentence shall not exempt the violator from compliance with the provisions of this ordinance. In addition to the criminal sanctions herein provided, Lincoln Township may institute injunctive proceedings or other appropriate civil proceedings to prevent, enjoin, abate or remove any violation of this Ordinance.

The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in any section of this ordinance is found to exist shall be notified in writing to remove or eliminate such causes of blight

issued by the Township of Lincoln, and unless such construction is completed within one year after issuance of the building permit.

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