

SURREY TOWNSHIP ORDINANCE NO. 6 OF 2000

Short Title: Surrey Township Junk and Blight 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 SURREY
CLARE COUNTY, MICHIGAN
ORDAINS

ARTICLE I – NAME

This Ordinance shall be known and cited as the Surrey Township Junk and Blight Ordinance.

ARTICLE II – PURPOSE

An Ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Surrey, Clare County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailer, mobile homes and new or used parts or junk therefrom, within the Township of Surrey; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

ARTICLE III – REGULATIONS

- A. No person, firm, corporation, or other legal entity shall park, store or place upon any public roadway, public property or upon any premises within the Township, any junk, junk motor vehicles, abandoned vehicles, used parts or junk therefrom, any blighted structure, any building materials or any trash and rubbish as herein defined, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township, County or State of Michigan, except for the following:
1. Operable vehicles or trailers with substantially all main components parts attached, whether licensed or not.

2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
 3. Not more than one (1) automobile, in full operating condition which has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored.
- B. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property except such as may be accomplished within a fully enclosed building; provided, however, if no fully enclosed building is located on the premises, the said repairing, redesigning, modifying or dismantling work or operations may be conducted on the premises for a period of time not to exceed one week. Repairing, redesigning, modifying or dismantling work or operations will not be permitted on any premises where the conduct of such work or operations would constitute a nuisance or annoyance to adjacent property owners or occupants and/or is in violation of any provisions of the Surrey Township Zoning Ordinance. Nothing contained herein shall prohibit such occasional minor repair work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating conditions; provided, however, such minor work can be completed within a 24 hour period.

ARTICLE IV – 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 “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 or more

after the consent or the owner or occupant of the property has been revoked.

- C. 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.
- D. 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.
- E. 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.
- F. The term "trash and rubbish" shall include any and all forms of debris not herein otherwise classified.

ARTICLE V – NUISANCE

Any parking, storage, placement or operation in violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

ARTICLE VI – CONSTRUCTION

This Ordinance shall not prevent the operation of any licensed junk yard or salvage yard, garage, body or paint shop legally operating within a proper zone as may be defined in any Surrey Township Ordinance, and shall be in addition to any other laws or Ordinance controlling or regulating rubbish, refuse, litter, trash or junk.

ARTICLE VII – SAVING CLAUSE

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or

unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part of portion thereof.

ARTICLE VIII – PENALTY

Section 8.01 – Presumption of Civil Infraction

A first violation of the Surrey Township Junk and Blight Ordinance shall be deemed to be a municipal civil infraction.

Section 8.02 – Violation and Penalties

- A. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision:
 - 1. The First Offense. The civil fine for a first offense violation shall be in an amount of Seventy-five Dollars (\$75.00), plus cost and other sanctions, for each offense
- B. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this ordinance.
- C. Continuing Offense. Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
- D. Remedies Not Exclusive. In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought.
- E. Judge or Magistrate. The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- F. Default on Payment of Fines and Costs. A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection A or B or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Township of Surrey by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, et. Seq. MSA 27A. 101, et seq, as amended.

- G. Failure to Comply With Judgment of Order. If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection I.
- H. Failure to Appear in Court. A defendant who fails to answer a citation or notice to appear in court for a violation of this ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), plus costs and/or imprisonment not to exceed ninety (90) days.
- I. Civil Contempt
1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of Surrey or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
 2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
 3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
 4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
 5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of

detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30.00) per day.

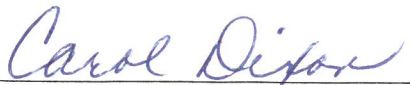
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs.
 - (a) Defendant is credited with an amount due pursuant to Subsection I(5).
 - (b) The amount due is collected through execution of process or otherwise.
 - (c) The amount due is satisfied pursuant to a combination of Subsection I(6)(a) and (b).
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection I(6).
- J. Second or Subsequent Offenses. Any person, firm, or corporation who violates any of the provisions of this ordinance for a second or subsequent time shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the Township Building and Zoning Inspector, any Township Police Officers or such other officer as the Township Board may designate, may petition for a court order to cause junk, blighted and structure, building materials, trash or rubbish, any vehicle, trailer, or parts thereof, which violate the provisions of the ordinance to be removed from the premises, impounded and destroyed or sold for junk, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which same are located. Any sums realized on the sale of same may be retained by the township to reimburse it for the cost incurred in such removal and sale, to the extent of such cost. Any balance of sums remaining after such reimbursement shall be returned to the owner of such a vehicle, trailer or parts thereof.

ARTICLE IX – EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted by the Township Board of the Township of Surrey this 5TH day
of DECEMBER, 2000.



CAROL DIXON, Clerk