

SAGOLA TOWNSHIP JUNK AND BLIGHTED STRUCTURES ORDINANCE #105-1984

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 procedures and penalties for the violation thereof.

THE TOWNSHIP OF SAGOLA, DICKINSON COUNTY, MICHIGAN, ORDAINS:

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Date adopted: July 9, 1984

Date revised: November 6, 2000

Date revised: September 9, 2024

At a special meeting of the Sagola Township Board held on September 9, 2024, the Board, by a Roll Call Vote, approved the revision of the "Sagola Twp. Junk and Blighted Structures Ordinance." This amended Ordinance shall take effect on the date of its publication in the Daily News. A copy of the complete ordinance is available for inspection at the Post Offices of Channing and Sagola.

Julie Roell, Clerk
Sagola Township

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND CONTROL OF THE STORAGE, ACCUMULATION AND DISPOSITION OF JUNK, TRASH, RUBBISH, ABANDON VEHICLES, WRECKED, DISMANTLED OR UNUSABLE VEHICLES AND BUILDNG MATERIALS; THE MAINTENANCE OF BLIGHTED STRUCTURES AND OTHER BLIGHTING FACTORS OR CAUSES OF BLIGHT AND DETERIORATION THEREOF, TO PROVIDE PROCEDURES AND PENALTIES FOR THE VIOLATIONS THEREOF.

**THE TOWNSHIP OF SAGOLA, DICKINSON COUNTY, MICHIGAN,
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 motor vehicles" 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; 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 automobile 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 day periods 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 materials" 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 person, 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.
- H. The term "dangerous building" means any building or structure which has any of the following defects:
- (1) any door, aisle, stairway or exit which does not conform to the Fire Code of Dickinson Co.;
 - (2) any building so damaged by fire, wind, flood, or other cause that its stability is less than the minimum requirements of the Dickinson Co. building code;
 - (3) any building of which a portion or appurtenance threatens to fall, become detached or collapse;
 - (4) any building a portion of which has settled such that walls or other structural parts present less wind resistance and structural integrity than that required for new construction under the Dickinson Co. Building Code;
 - (5) any building so deteriorated, dilapidated, decayed, or unstable because of movement or removal of some part of it that it is likely to collapse or a portion of the foundation is likely to fall;
 - (6) any building intended for habitation that is unsanitary or unfit or is likely to cause sickness or disease as determined by the health officer;
 - (7) any building left vacant and open at the doors or windows, leaving the interior exposed to the elements or accessible to trespassers;
 - (8) any building so damaged or dilapidated as to become an attractive nuisance to children who might venture therein to their danger, or afford a harbor for vagrants and criminals or a haven for persons committing a nuisance or illegal acts;
 - (9) any building which for whatever reason is in whole or in part manufactory unsafe for its intended purpose.
- I. The term "enforcing agency" means the Sagola Township Ordinance Enforcement Officer as defined and determined according to ST Ordinance #112-1998, revised Feb. 1999.

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 Sagola tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity and,

therefore, is contrary to the public peace, health, safety and general welfare of the community.

SECTION 3: JUNK, TRASH, RUBBISH, JUNK CARS, ECT.

It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk vehicles or abandoned on any private property in the Township except within a 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 secondhand goods or junk.

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 Dickinson County and unless such construction is completed within a reasonable time.

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 in trade or 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 building permit by Dickinson County and unless such construction is completed within a reasonable time.

SECTION 6: AUTHORITY

The Ordinance Enforcement officer, appointed by the Sagola Township board, shall have the responsibility of serving the owner of, or party in interest of the building or property of an infraction. A written notice details the infraction, any fines involved, and includes a time frame designating when the owner or party must respond. This written notice is served either by registered mail, posted in a conspicuous place, in clear view on the property or in person. First written notice is for a two-week time period, in which the owner or party involved can respond to the infraction. Once a response has been received a window of up to 30 days can be granted to the owner or party to remedy the infraction by the Ordinance Enforcement officer. If the owner or party involved does not respond in timely manner, or the infraction is not corrected, the infraction becomes a violation.

SECTION 7: NOTICE FOR VIOLATIONS

- A. Notwithstanding any other provision of this act, an unresolved infraction becomes a violation, Ordinance Enforcement officer shall issue a notice of the violation and request a hearing with the Violations Bureau.
- B. The Ordinance Enforcement officer shall file a copy of the notice of the violation and request a hearing with the Violations Bureau.
- C. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last township tax assessment records.

- D. The notice shall specify the time and place of a hearing, with details of the stated violation, at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the violation should not be addressed.
- E. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or, in lieu of personal service, shall be mailed by certified mail, return receipt requested, and addressed to such owner or party in interest at the address shown on the tax records at least 10 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

SECTION 8: HEARING, LIEN, COLLECTION

- A. The Violations Bureau shall take the testimony of the Ordinance Enforcement officer, the owner of the property and any interested part. The Violations Bureau shall render their decision either closing the proceedings or ordering the violation to be addressed and remediated.
- B. If the owner or other interested party fails to appear or neglects or refuses to comply with the order, the Violations Bureau shall file a report of their findings and a copy of their order with the Township Board and request that the necessary action be taken to remediate the violation.
- C. The Township Board shall fix a date for hearing, review the findings and order of the Violations Bureau, and shall give notice to the owner or other interested party in the manner prescribed in Section 7 D-E of the time and place of the hearing. At the hearing, the owner or other interested party shall be given the opportunity to show cause why the violation should not be remediated and the Township board shall either approve, disapprove or modify the violation.
- D. The cost of the violation remediation shall be a lien against the real property and shall be reported to Township Treasurer who shall assess the cost against the property on which the structure is located.
- E. The owner or party in interest whose name the property appears upon the last Township tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If they fail to pay the same within 30 days after mailing by the Township Treasurer of the notice of the amount thereof, the Township Treasurer shall add the same to the next tax roll of the Township.

SECTION 9: APPEALS

An owner aggrieved by any final decision or order of the Township Board under Section 8 may appeal the decision or order to the Circuit Court by filing a petition for an order of Superintending control within 20 days from the date of the decision.

SECTION 10: FAILURE TO COMPLY

Any violation or any failure to comply with the provisions of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or both. Each day that a violation of the Ordinance is continued or permitted to exist without compliance shall constitute a 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 of longer than 90 days.

