TOWNSHIP OF SCIPIO

ORDINANCE NO: 85-1

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 blighted factors or causes of blight and deterioration thereof, to provide penalties for the violation thereof.

The Township of Scipio Ordains:

Section 1: Legislative findings. It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, inoperative motor vehicles, building materials, and the maintenance of blighted structures upon private property within the Township of Scipio constitutes a hazard to the public health, safety and welfare of the residents of Scipio Township for the reason that they provide a habitat conducive to the breeding and nesting of rats, mice and other vermin and disease, they promote an increase in criminal activity, they contain objects with sharp edges and other hazards which would injure small childen who would be attracted to play thereon without appreciating the danger thereof, and they tend to result in blighted and deteriorated neighborhoods, and all of the above therefore is contrary to the public peace, health, safety and general welfare of the community, and that these regulations contained in this ordinance are the minimum regulations required to eliminate the foregoing undesirable conditions and protect the public peace, health, safety and general welfare of Scipio Township.

Section 2: Definitions. The following words or terms when used therein shall be deemed to have the meaning 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 inoperable 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 and trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle; provided, further that the time limit of such vehicles may remain upon the premises of a motor vehicle repair garage or facility shall be a period of 120 days rather than 60 days, with an extention of an additional 30-day period upon presentation to the Township Supervisor or Township Clerk of written

proof the offending vehicle is involved in insurance claims, litigation or a similar matter and additional time is required for settlement before the 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 of 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, electric wiring or equipment, heating duct or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

(f) The term "rubbish" shall include, without limitation, waste paper, tin ware or aluminum wear, tin or aluminum cans, tin or aluminum cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, brush, long cuttings and hedge trimmings.

(g) The term "garbage" or "trash" shall include, without limitation, any accumulation of refuse, litter, specifically including, but not limited to containers once containing edible, drinkable or useable materials, as well as dead animals (or part thereof) any discarded edible or drinkable items.

(h) 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 hereinotherwise provided, be equally liable as principals.

Section 3: Prohibition against junk materials. It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk, junk motor vehicles, or abandoned vehicles 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 second-hand goods or junk.

Section 4: Prohibition against blighted or vacant structures. It shall be unlawful for any person to keep or maintain a 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 Scipio, and unless such construction is completed within a reasonable time.

Section 5: Regulation against building materials. It shall be unlawful for any person to store or permit storage or accumulation of building materials on any private property except in completely enclosed buildings or except where such building materials are part of the stock and 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 issued by the Township of Scipio, and unless such construction is completed within a reasonable time.

Section 6: Prima facie proof. In any litigation arising out of this Ordinance, testimony that any junk, building materials, trash or rubbish have been observed in the same place on at least two separate dates at least four days apart within any calendar month shall constitute prima facie proof that such materials are inoperable, unused, or unusable. Likewise, in any litigation arising under this Ordinance, testimony that any motor vehicle, or parts thereof, have been observed in the same place for a period of 30 consecutive days shall constitute prima facie proof that such motor vehicle or parts thereof are inoperable, unused, or unusable.

Section 7: Exceptions. This Ordinance does not apply to inventory on premises occupied by a merchant licensed under MCLA 205.53 and conducting a lawful business towards the property of patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station, while left on the premises of either for the purpose of service or repair, nor does this Ordinance apply to junkyards which can be regulated by Public Act 12 of 1929.

Section 8: Declaration of nuisance. Any violation of any provision of this Ordinance is hereby declared to be a nuisance.

Section 9: The Removal of junk vehicles or abandoned vehicles. The Township Supervisor, Clerk or Building Inspector, or the duly authorized representative or such officials may remove or cause to be removed any junk vehicle 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 property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property.

Such junk vehicles or abandoned vehicles, or parts or either, shall be removed and disposed of in accordance with the law. Such removal by the designated enforcement official shall not excuse or relive 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 10: Penalty. Any person who violates any provisoin of this Ordinance shall, upon conviction thereof, be deemed to be found guilty of a misdemeanor and shall be punished by a fine not exceeding $100 or by imprisonment not to exceed 90 days or by both such fines and imprisonment. Each day that a violation of this 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 continued violation of this Ordinance for a period of longer than 90 days.

Section 11: Savings clause. Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not effect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

Section 12: Effective date. This Ordinance shall take effect on the 18th day of May, 1985.

Clerk, Township of Scipio

Supervisor, Township of Scipio

SCIPIO TOWNSHP ORDINANCE # 2017-01

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF CITATIONS FOR CIVIL INFRACTIONS AND TO PROVIDE THE PROCEDURE THEREFORE

An Ordinance adopted to preserve the public health and general welfare of the inhabitants of the Scipio Township; to provide for the issuance of citations for Civil Infractions, establish the authority for certain individual ordinances of the Township to be amended so as to convert criminal penalties into civil penalties pursuant to statute made and provided, and to provide for the repeal of all ordinances or parts of ordinances in conflict herewith.

The Scipio Township ordains:

Section 1 - **Title** - This Ordinance shall be known and cited as the **Scipio Township, Hillsdale County, Ordinance to Provide for the Issuance of Citations for Civil Infractions.**

Section 2 - **Definitions and rules of construction.**
As used herein:

Act means Act No. 236 of the Public Acts of Michigan of 1961, as amended.

Authorized village official means the Scipio Township Supervisor or other Township official authorized by this chapter to issue municipal civil infraction citations.

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Section 3 - **Municipal civil infraction action; commencement.** A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 4 - **Municipal civil infraction citations—Issuance and service.** Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:

(1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(2) The place for appearance specified in a citation shall be the Hillsdale County District court.

(3) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the township and issued to the alleged

violator as provided by section 8705 of the Act.

(4) A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

(5) An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and completely as possible. an original and required copies of a citation.

(6) An authorized Township official may issue a citation to a person if:

a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or Township attorney approves in writing the issuance of the citation.

(7) Municipal civil infraction citations shall be served by an authorized Township official as follows:

a. Except as provided by subsection b. of this subsection, an authorized Township official shall personally serve a copy of the citation upon the alleged violator.

b. If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

Section 5 - **Contents.**

(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(b) Further, the citation shall inform the alleged violator that he may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail. by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

a. Appearing in person for an informal hearing before a judge or district

court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.

b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.

(4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 6 - **Schedule of civil fines established.**

(a) A schedule of civil fines payable to the Township for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations shall be contained within each individual ordinance and a composite schedule for various ordinances shall be maintained by the Township clerk.

(b) A copy of the schedule, as amended from time to time, shall be posted at the Township office.

Section 7 - **Severability** - If any Section, provision, clause or term of this Ordinance or the application thereof to any person, partnership, corporation, unincorporated association, company or any other entity is held to be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

Section 8 **-Repeal** - Upon the effective date of this ordinance all other rules or ordinances or parts thereof which are in conflict with any of the provisions of this ordinance shall be deemed repealed.

Section 9 -**Effective Date** - This ordinance was approved by the Township Board on February 13, 2017 and was ordered to take effect 30 days following the publication of the notice required by MCL Sec. 125.281a.

This Ordinance was duly adopted at the Township's regularly scheduled monthly meeting held on the 13th day of February, 2017.

The following members of the Board members voted for the adoption of the Ordinance:

Harold T. Spencer, Gary L. Nye, Judy A. Leedy, John A. Branstetter and Todd L. Miller

The following members of the Board members voted against the adoption of the Ordinance:

none

CERTIFICATION OF ADOPTION BY TOWNSHIP SUPERVISOR AND CLERK

That the within Ordinance was adopted by the Township Board at the Township's regularly scheduled monthly meeting held on the 13th day of February, 2017.

Dated: 2-13-2017

Harold T. Spencer
Harold T. Spencer, Township Supervisor

Dated: 2-13-2017

Judy A. Leedy
Judy A. Leedy, Clerk

CERTIFICATION OF PUBLICATION AND FILING

We further certify that the Ordinance was recorded in the Township's Book of Ordinances on the 7th day of April, 2017, and that an attested copy of the Ordinance was published in the Hillsdale Daily News on the 8th day of March, 2017.