

STATE OF MICHIGAN
COUNTY OF CASS

TOWNSHIP OF POKAGON
ORDINANCE NO. 1990-02
(as amended by Ordinance Nos. 1996-1 & 1996-2)

An ordinance to prohibit the out-of-door storage of motor vehicles, appliances, boats, machinery, implements and tools and new and used building materials except under those circumstances provided for herein; and prohibiting outdoor storage or accumulation of garbage, trash, rubbish, and refuse for the purpose of protecting the health, safety, and welfare of the residents of Pokagon Township and establishing the procedure for the enforcement of this Ordinance and for the punishment of violators, as well as for abatement of violations through civil proceedings in appropriate Courts and to repeal all Ordinances in conflict herewith.

Pokagon Township ordains:

Section 1. Title

The ordinance shall be known as the Pokagon Township Blight Ordinance.

Section 2. Definitions

- A. Motor vehicle. Any vehicle with two or more wheels propelled by an engine fueled with gasoline, diesel, or a like substance with provision to be driven by its operator without regard to whether such vehicle is licensed or licensable for highway use, but excluding agricultural equipment and machinery.
- B. Boats. All watercraft capable of human transport without regard to whether a license is required for use upon the waterways of the State of Michigan or elsewhere.
- C. Machinery, Implements, and Tools. All devices of a mechanical nature designed for a particular use regardless of whether such use is manufacturing, industrial, farming, or agricultural, commercial or of a household nature, including but not being limited to inoperative pieces or parts of motor vehicles, boats, machinery, tools and equipment of every type or nature.

- D. Appliances. All devices of a mechanical or electric nature used for human convenience and/or entertainment, including, but not being limited to refrigerators, freezers, stoves, ovens, television sets, washers, and dryers, as well as all similar devices and machinery used or adaptable for like purposes.
- E. Building Materials and Supplies. All new or used goods designed and manufactured for use in construction or improvement of buildings or structures or goods which are adapted to or used for construction or improvement of buildings or structures.
- F. Garbage. All discarded food items which were intended for human or animal consumption, all kitchen and table waste incidental to food preparation, cooking or storage of foods intended for human or animal consumption, and containers including, but not being limited to glass, crockery, metal or plastic containers and paper goods of every sort and description which have been in contact with or used in packaging, preparation, cooking or storage of foods.
- G. Trash. All combustible household goods including paper and plastic products not contaminated by contact with garbage as defined in this Ordinance.
- H. Rubbish and Refuse. Scrap derived from building materials and/or debris accumulated as the result of deterioration, fire or demolition of buildings or structures as well as like materials not elsewhere defined in this Ordinance and also including discarded household, commercial, and industrial furniture, fixtures, and other personal property.

Section 3. Outdoor Storage of Motor Vehicles.

- A. Outdoor Storage of Motor Vehicles Prohibited. It is a violation of this Ordinance for the owners or occupants of any premises in Pokagon Township regardless of whether such owner or occupant is an individual person or corporation, partnership, association, or other entity to allow or permit the storage, out-of-doors, of one or more unlicensed or

inoperable motor vehicles on any premises in Pokagon Township for more than 30 consecutive days.

B. Exceptions.

1. Businesses. Motor vehicles may be stored out-of-doors by owners and occupants of premises if such storage is in the regular course of the operation of a business or reasonably incidental thereto, provided said business is in an area zoned by Pokagon Township to permit such use or said business is an established nonconforming use.

2. Powered Farm Vehicles. Self-propelled farm vehicles may be stored out-of-doors by the owners and occupants of premises if such storage is in the regular course of the operation of a farm in an area zoned therefore, or operated as a farm as an established nonconforming use.

Section 4. Outdoor Storage of Certain Boats Prohibited; Exceptions.

A. Outdoor Storage of Boats of Excessive Length or Width prohibited. It is a violation of this Ordinance for the owner or occupant of any premises in the Pokagon Township, regardless of whether such owner or occupant is an individual person or a corporation, association or other entity, to allow or permit for more than forty-five (45) days the outdoor storage of any boat of a length which exceeds twenty three (23') feet or of a width which exceeds ten (10') feet.

B. Pontoon boats, Outdoor Storage of. It is a violation of this Ordinance for the owners or occupants of any premises in Pokagon Township, regardless of whether such owner or occupant is an individual person or a corporation, partnership or association or other entity, to allow or permit for more than forty-five (45) days the outdoor storage a pontoon boat which is in excess of thirty-one (31') feet in length or ten (10') feet in width.

C. Damaged or Unuseable Boats. It shall be a violation of this Ordinance for the owner or occupant of any premises in Pokagon Township, regardless of whether such owner or occupant is an individual person or a

corporation, association or other entity, to allow or permit for more than forty-five (45) days the storage of any boat which has been damaged or which has deteriorated so as to be unusable as a watercraft.

- D. Exceptions. Boats may be stored out-of-doors by owners and occupants of premises if such storage is in the regular course of the operation of a business or reasonably incidental thereto in an area zoned to permit said such use or is an established nonconforming use under the Township Zoning Ordinance.

Section 5. Outdoor Storage of Machinery, Implements or Tools Prohibited; Exceptions.

- A. Outdoor Storage of Machinery, Implements or Tools Prohibited. It shall be a violation of this Ordinance for the owner or occupant of any premises in Pokagon Township, regardless of whether such owner or occupant is an individual person or a corporation, partnership, association or other entity to allow or permit for more than forty-five (45) days the outdoor storage of machinery, implements or tools on any premises in Pokagon Township.

- B. Exceptions.

1. Businesses. Machinery, implements or tools may be stored out-of-doors by owners and occupants of premises in Pokagon Township if such storage is in the regular course of the operation of a business or reasonably incidental thereto in an area zoned by the Township Zoning Ordinance to permit such use or is an established nonconforming use.

2. Farm Machinery, Implements, and Tools. Farm machinery, equipment, implements and tools may be stored out-of-doors by owners and occupants of premises in Pokagon Township if such storage is in the regular course of a farming operation provided that such farming operation is in an area zoned by said Township to permit such use or said farming operation is a valid nonconforming use.

Section 6. Outdoor Storage of Appliances Prohibited; Exception.

It shall be a violation of this Ordinance for the owner or occupant of any premises in Pokagon Township, regardless of whether such owner or occupant is an individual person or a corporation, partnership, association or other entity to allow or permit for more than forty-five (45) days the outdoor storage of appliances on any premises in Pokagon Township; except no freezer, refrigerator, washer, dryer or other appliance shall be stored outdoors at any time unless its doors and locking devices have been removed, or rendered inoperable prior to such appliance having been placed out-of-doors.

Section 7. Outdoor Storage of Building Materials and Supplies Prohibited; Exceptions.

A. Outdoor Storage of Building Materials and Supplies Prohibited. It shall be a violation of this Ordinance for the owner or occupant of any premises in Pokagon Township, regardless of whether such owner or occupant is an individual person or a corporation, partnership, association or other entity to allow or permit for more than forty-five (45) days the outdoor storage of building materials and supplies on any premises in Pokagon Township.

B. Exceptions.

1. Business. Building materials and supplies may be stored out-of-doors by owners and occupants of premises in Pokagon Township if such storage is in the regular course of the operation of a business or reasonably incidental thereto and that said business is in an area zoned by said Township to permit such use or is an established nonconforming use.

2. Valid Building Permit in Effect. Building materials and supplies may be kept or stored out-of-doors on premises while construction is occurring on such premises when a valid building permit for construction on said premises is in effect and for a period of time not to exceed forty-five (45) days from the completion of construction or the expiration of the building permit, whichever first occurs.

issue a permit allowing the continued storage of the motor vehicle or vehicles, boat, appliance, machinery, implement or building materials and supplies, as the case may be, for a period not to exceed forty-five (45) days. A separate fee is required for each period of extension, which shall not exceed a total of ninety (90) days, and no extension shall be permitted thereafter.

As used in this Section of the Ordinance, "incur hardship" means that a person shall face or endure an unreasonable burden in order to comply with the requirements of this Ordinance due to age, infirmity, or the physical characteristics of the property, including but not limited to, the accumulation of ice, snow and other natural phenomenon.

Section 10. Accumulation of Garbage Prohibited; Exceptions.

It shall be a violation of this Ordinance for the owner of any premises in Pokagon Township, or the occupants of any premises in Pokagon Township, regardless of whether the owner or occupant is an individual person, corporation, partnership or association or other entity to accumulate or to permit or allow the accumulation of garbage out-of-doors on any place or premises in Pokagon Township other than at a land fill or other place designated for the collection and/or disposal of garbage and licensed by the State of Michigan in an area zoned to permit the operation of a collection or transfer station, except that garbage which may be stored on a premises within the Township prior to its disposal in a covered container designed and manufactured for such purpose for a period not to exceed fifteen (15) days.

Section 11. Accumulation of Trash Prohibited; Exceptions.

It shall be a violation of this Ordinance for the owner of any premises in Pokagon Township, or the occupants of any premises in Pokagon Township, regardless of whether the owner or occupant is an individual person, corporation, partnership or association or other entity to accumulate or to permit or allow the accumulation of trash out-of-doors on any premises in said Township other than at a land fill, transfer station or other place designated for the disposal of trash which is licensed by the State of Michigan and in an area zoned to permit such use, except that trash may be stored in a secure manner on premises within the Township prior to its disposal for a period not to exceed fifteen (15) days.

Section 12. Accumulation of Rubbish and Refuse Prohibited; Exceptions.

It shall be a violation of this Ordinance for the owner of any premises in Pokagon Township, or the occupants of any premises in Pokagon Township, regardless of whether the owner or occupant is an individual person, corporation, partnership association or other entity to accumulate or to permit or allow the accumulation of rubbish and refuse out-of-doors on any premises in said Township other than at a land fill, a waste hauler's transfer station or other place designated for the disposal of rubbish and refuse which is licensed by the State of Michigan in an area zoned to permit such use, except that rubbish and refuse may be stored in a secure manner on premises prior to its disposal for a period not to exceed fifteen (15) days.

Section 13. Enforcement Official.

The Pokagon Township Supervisor and Ordinance Enforcement Officer are hereby empowered to inspect premises, investigate violations and to take all steps necessary to enforce this Ordinance including the issuing of Appearance Tickets and Complaints on approved forms. All other law enforcement officers of the State of Michigan empowered to enforce the general laws of the state and local ordinances may enforce the provisions of this Ordinance.

Section 14. Penalty.

Any person, firm, association, partnership, corporation or governmental entity who violates any provision of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute and which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
First offense within 3-year period	\$75.00	\$500.00
Second offense within 3-year period	\$150.00	\$500.00
Third offense within 3-year period	\$325.00	\$500.00
Fourth offense within 3-year period	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Pokagon

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 purposes of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. .

Section 15. Provisions, Sections, and Sentences Severable.

The provisions, sections and sentence of this Ordinance are declared severable and any part which is declared inoperative for any reason by a Court of competent jurisdiction shall in no way effect the remaining provisions, sections, or sentences of this Ordinance.

Section 16. Conflicting Ordinances Repealed-Exception.

Any Ordinance in conflict herewith is hereby repealed, except that the Township may prosecute violations of prior Ordinances and the provisions governing remedies and penalties remain intact for such purposes.

Section 17. Effective Date.

This Ordinance shall have effect thirty (30) days following its publication in Dowagiac Dailey News or some other newspaper of general circulation within the Pokagon Township.

The foregoing Ordinance duly adopted by the Pokagon Township Board at it's regular meeting conducted at the Pokagon Township Hall, Cass County, Michigan on 14th day of November, 1990.