

# **Bennington Township Property Standards Ordinance**

Ordinance Number 04-01-01

An Ordinance to protect the public health, safety, and welfare of the residents, property owners and other persons within the Township of Bennington, Shiawassee County, Michigan, by regulating and controlling the storage, accumulation, and disposition of junk, trash, rubbish, or wrecked or dismantled vehicles or inoperable, unlicensed vehicles, building material and deteriorated structures; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF BENNINGTON, SHIAWASSEE COUNTY, MICHIGAN ORDAINS:

## **SECTION 1: TITLE**

This ordinance shall be known and cited as the Bennington Township Property Standards Ordinance.

## **SECTION 2: PURPOSE AND INTENT**

The purpose of this ordinance is to protect the public health, safety and welfare of the residents, property owners and other persons within the Township of Bennington, Shiawassee County, Michigan, by regulating and controlling the storage, accumulation, and disposition of junk, trash, rubbish, or wrecked or dismantled vehicles or inoperable, unlicensed vehicles, building material and deteriorated structures.

## **SECTION 3: DEFINITIONS**

- A. Junk, Trash or Rubbish - The storage or accumulation of liter, junk, trash, rubbish, refuse, waste materials, garbage, offal, paper, glass, cans, bottles, debris or other foreign substances of every kind and description. The term “junk” shall include parts of machinery or motor vehicles, unused appliances stored in the open, remnants of wood, metal or any other cast-off materials of any kind whether or not the same could be put to any reasonable use.
- B. Wrecked or Dismantled Vehicles or Inoperable, Unlicensed Vehicles - Shall mean any motor vehicle including but not limited to cars, trucks, tractor trucks and trailers, motorcycles, boats, mobile homes, recreational vehicles, travel trailers, campers, trailers, snow mobiles and other similar vehicles which are not registered or licensed by the State of Michigan, and shall also include, whether registered or not, any motor vehicle which is inoperable or does not have all of its main component parts attached.
- C. Building Material - Shall include lumber, bricks, concrete, 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.
- D. Deteriorated Structures - 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. 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.

#### **SECTION 4: DETRIMENT**

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials, and the maintenance of deteriorated structures upon any private property within the Township of Bennington tends to result in deteriorated neighborhoods, the spread of vermin and disease, the decrease of marketable value, and therefore is contrary to the public peace, health, safety and general welfare of the community.

#### **SECTION 5: NUISANCES**

Any violation of this property Standards ordinance, is hereby declared to be a public nuisance, which may enjoined, or which may subject the violator to civil damages, fines and penalties as herein provided for.

#### **SECTION 6: CAUSES OF SUBSTANDARD PROPERTY**

- A. Junk, Trash or Rubbish - It shall be unlawful for any person to store, or to permit the storage or accumulation of junk, trash or rubbish 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 or except that which may be temporarily stored awaiting collection for periods not to exceed thirty (30) days.
- B. Wrecked, Dismantled or Unused Vehicles - It shall be unlawful for any person to park or store a wrecked, dismantled or unused vehicle outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license is issued and in effect) for a period in excess of thirty (30) days.
- C. Building Material - It shall be unlawful for any person to store building materials outside of a completely enclosed building in any area for a period in excess of thirty (30) days, not including building materials used for a legally operated business, and not including building materials stored on the site of property for which a valid building permit has been issued by the appropriate County building official if the materials are intended for use in connection with construction on the property.
- D. Deteriorated Structures - It shall be unlawful for any person to keep or maintain any deteriorated 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 County of Shiawassee.

#### **SECTION 7: ENFORCEMENT AND PENALTIES**

- A. Enforcement - This ordinance shall be enforced by the Bennington Township

Ordinance Enforcement Officer, or such other persons as shall be specifically designated and authorized to do so by action of the Township Board.

- B. Notice - The owner and/or occupant of any property upon which any of the causes of substandard property factors set forth in Section 5 hereof is found to exist shall be notified in writing to remove or eliminate such causes of substandard property from such property within thirty (30) days after service of notice upon him. Such notice shall be served personally upon the owner or occupant of the property, or by certified mail. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of substandard property are in progress.
- C. Penalties -
  - 1. Within thirty (30) days after a violation notice is issued, if the property does not meet the standards set forth in this ordinance the property owner will be deemed guilty of a Municipal Civil Infraction and is subject to a fine of One hundred dollars (\$100) and given an additional thirty (30) days to comply with the violation; and if within sixty (60) days after the original notice is issued, if the property does not meet the standards set forth in this ordinance Bennington Township will assess a fine to the property owner in the amount of Five hundred dollars (\$500).
  - 2. Any person, firm, or corporation, who violates any provisions of this Ordinance, shall be deemed guilty of a civil infraction, which shall be subject to civil sanctions, and remedies, as herein provided. Each day that a violation continues to exist, shall constitute a separate offense.

## **SECTION 8: REPEALER**

All Ordinances and parts thereof which are in conflict in whole or part with any of the provisions of this Ordinance, as of the effective date of this Ordinance, are hereby repealed to the extent of such conflict.

## **SECTION 9: VALIDITY**

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 10: EFFECTIVE DATE**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, A.D.

See the original ordinance at the Bennington Township Hall for filing details.