

MUSSY TOWNSHIP  
CLEAN COMMUNITY ORDINANCE  
ORDINANCE NO. 22

An Ordinance to amend the existing Mussey Township, Clean Community Ordinance, to prevent, reduce or eliminate blight, potential blight, certain environmental causes of blight, or blighting factors which exist or may exist in the future within the Township of *Mussey*, to provide definitions there under and to change violations of the ordinance from misdemeanors to municipal civil infractions.

Section 1 : Purpose

Blight, potential blight, certain environmental causes of blight, or blighting factors which exist or may in the fixture exist shall be prevented, reduced, or eliminated, as defined hereunder with penalties imposed **as** provided for and allowed by the authority granted and vested in the Township of Mussey.

Section 2: Definitions

- A. Building Materials: Including but not limited to lumber, bricks, 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 structures.
- B. Junk: Including but riot limited to parts of motor vehicles, unused household appliances, scrap metal or any other *used* materials of any kind.
- C. Junk Motor **Vehicles**: Including but not limited to any motor vehicle which is not licensed for use upon the highways of the State of Michigan, or which is inoperative.
- D. Structure: House trailers and any mobile living unit in the conditions described below in Section 3G or 3H.
- E. **Recreational Vehicle**: Recreational vehicle means a vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has **its** own motor *power or is mounted on or* drawn by another vehicle *which is self powered*. Recreational vehicle includes the following:
  - (a) A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
  - (b) A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
  - (c) A motor home, which is a vehicular structure built on a self- propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

(d) A truck camper, which is a portable structure designed to *be* loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:

(i) A slide-in *camper, which is a portable* structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary *living quarters* for recreational, **camping, or travel use.**

(ii) A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.

(e) A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use, Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

### Section 3; Uses Prohibited

On and after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained the following uses, structures and activities upon *any* leased, owned or occupied property, since they are causes of blight or blighting factors which if allowed to exist will tend to result in blighted and *undesirable* neighborhoods, unless such uses, structures and activities are otherwise allowed by Township Ordinances:

- A. **Junk Motor Vehicles** *The* storage upon any property of junk motor vehicle which is not in a completely enclosed building is prohibited.
- B. **Abandoned Vehicles:** The: abandonment or placement of any vehicle on private property for a period of twenty-four (24) continuous hours or more without consent of the owner or occupant of the property, or for a period of twenty-four (24) continuous hours or more after the consent of the owner or occupant of property has been revoked,
- C. **Building Materials:**
  - 1. Structures Requiring Permit: The storage upon any property of building materials unless there is in fence a valid Building Permit issued by the Charter Township of Mussey for construction upon said property and said materials are intended for use in connection with such construction.
  - 2. Structures Not Requiring Permit: Materials used in constructing any structure not requiring a permit shall be stored in a neat and orderly pile out of public view from the roadway and shall be used for such construction within one (1) year or otherwise removed or stored in a completely enclosed building.
- D. **Junk:** The storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit is illegal, *except* that domestic refuse stored for *a period* not to exceed seven (7) days in an enclosed container, building or structure in such mariner so as not to create a nuisance.
- E. **Machinery anchor equipment:** Machinery and/or equipment for outdoor use, which is in good working order, must be housed or stored in an orderly manner that is out of public view from the roadway and does not violate any other Township Ordinance. Notwithstanding the above, however, operative machinery that is in current use on the premises in relationship to a farming or construction activity, is exempt from the provisions of thus Section.

- F. **Vacant Buildings:** The existence of a vacant dwelling, garage, or other out building, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent casual entry thereto by unauthorized persons.
- G. **Inhabitable Structures:** The existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable or is a dangerous structure or building as defined under Act No. 61 of the Public Acts of 1969 as amended, the purpose thereby being to avoid injury to the children and others attracted to such structures or mobile *living units*, the devaluation of property values, and the psychological ill effect of the presence of such upon adjoining residents and property owners.
- H. **Partially Completed Structure:** The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing Building Permit issued by the Township and unless such construction is completed within a reasonable time.
- I **Recreational Vehicle:** Locating and/or parking any recreational vehicle within the Township of Mussey is prohibited except for one or more of the following circumstances:
- (A) *A person referred to in Section 4 of this Ordinance may issue a temporary permit or visitor's permit to park a recreational unit to the owner of the property for a period not to exceed two weeks.*
  - (B) All recreational vehicles owned by residents of Mussey Township and stored on their individual lots shall be stored adjacent to a permanent residence and shall be subject to all yard set back requirements of the district, said recreational units shall not be connected to sanitary facilities and shall not be permanently occupied.

#### **Section 4; Enforcement**

This Ordinance shall be enforced by such persons who shall be so designated by the Township Board.

#### **Section 5; Violations**

~~The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in this Ordinance is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) Days after service of the notice upon him. Such notice may be personally delivered or by Certified Mail, return receipt requested. (amended 7/08/2015). Amended to state as follows:~~

In the case where a violation of this Ordinance is found to exist by the Township's designated enforcement person, the owner of the property and the occupant, if different than the owner, shall be given written notice of the violation. The notice shall provide the following:

1. The date of the notice.
2. The address of the property where the blight conditions exist.
3. The name and contact information for the Township enforcement person issuing the notice.
4. A description of the nature and location of the blight conditions on the property.
5. A statement that the blight conditions need to be removed within ten (10) days after the date of the notice.
6. A statement that the failure to comply with the notice will constitute a municipal

civil infraction that will result in fines, the removal of the items that result in the blight conditions, a lien against the property, and/or other action consistent with Mussey Township Ordinance No. 22 and applicable law.

The notice may be served 1) personally; 2) by U.S. Certified Mail with return receipt requested; or 3) by posting the notice in a conspicuous place on the property and sending it U.S. First Class Mail to the property address and the address of the owner on file with the Township's Assessment office if different than the property address.

### **Section 6.: Granting of Additional Time**

Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting facts *are* in progress.

### **Section 7: Penalties**

~~Failure to comply with such notice within time allowed by the owner and/or occupant shall constitute a municipal civil infraction. Each day the person is in continuous violation of said ordinance is a separate civil infraction subject to additional fines and costs per day. (amended 7/08/2015). Amended to state as follows:~~

The penalties for failure of a person to comply with a notice of a violation of this Ordinance shall result in the following penalties:

1. The failure to comply will constitute a municipal civil infraction under Mussey Township Ordinance No. 22 and result in a citation and fine, as provided in Ordinance No. 22.
2. In the case where the alleged violator admits responsibility, a default is entered against the alleged violator, or the alleged violator is found responsible for the municipal civil infraction by the presiding judge or magistrate, the Township may remove the blight conditions from the property and dispose of any items removed from the property, or the Township may employ a contractor to perform this activity on its behalf. Upon the completion of this activity, the Township may charge the alleged violator for any cost and expense associated with removing the blight conditions from the property and enforcing the terms of this Ordinance, including the Township's legal costs and attorney fees.
3. In the event the alleged violator fails to pay the amount charged pursuant to paragraph 2, above, within thirty (30) days after the Township provides an invoice to the owner and the occupant, if different than the owner, in a manner acceptable for service of a notice under Section 5 of this Ordinance, the Township may file an assessment lien against the property for the amount of the invoice and enforce the lien in the same manner as unpaid real property taxes or as otherwise permitted by law.
4. A judge or magistrate presiding over a municipal civil infraction issued under this Ordinance may make any other and further rulings determined by the judge or magistrate to be appropriate.

### **Section 8: Repeal of Conflicting Ordinances**

All ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

### **Section 9; Effective Date**

This Ordinance shall become effective thirty (30) days after publication.

**Published in Tri City Times**  
**on July 15, 2015**

**Effective Date**

This ordinance shall become *effective thirty (30) days after* publication.

**Effective date of Ordinance No. 22**

**August 13, 2015**

I hereby certify that the foregoing Ordinance was adopted by the Township of Mussey at a regular meeting of the Township Board on the 8<sup>th</sup> day of July 2015

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Sheila McDonald, Township Clerk