

**NEWFIELD TOWNSHIP
OCEANA COUNTY, MICHIGAN**

**BLIGHT, JUNK VEHICLE, and PUBLIC SAFETY ORDINANCE
ORDINANCE NO. NT2024-01**

**ADOPTED: February 20,2024
EFFECTIVE: April 5, 2024**

This Ordinance shall be known as the **Blight, Junk Vehicle, and Public Safety Ordinance** enacted to prevent, reduce or eliminate blight or potential blight; to eliminate inoperable, abandoned or scrap motor vehicles; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF NEWFIELD
OCEANA COUNTY, MICHIGAN
ORDAINS:**

SECTION I: PURPOSE

Pursuant to Public Act No. 344 of 1945 (MCL 125.71 et seq.), it is the purpose of this Ordinance to:

1. Prevent, reduce or eliminate blight or potential blight in the Township by preventing, reducing, or eliminating certain environmental causes of blight or blighting factors which currently exist, or which may exist in the future;
2. Eliminate inoperable, abandoned and scrap motor vehicles pursuant to Public Act No. 300 of 1949 (MCL 257.1 et seq); and
3. Maintain the public safety of the Township.

SECTION II: DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

1. **Building Material** includes, but shall not be limited to, lumber, bricks, concrete or cinderblocks, 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.
2. **Inoperable Motor Vehicle** includes any motor vehicle which, by reason of dismantling, disrepair, or any other cause whatsoever;
 - a. Is incapable of being propelled under its own power;
 - b. Lacks all of the necessary components to make it operable and serviceable as a motor vehicle; or

- c. Does not display or have affixed to it a current license plate or tabs as required by the state for the purpose of operating such a motor vehicle upon public roads and streets.
3. **Junk** means trash, garbage, rubbish, or refuse, including, but not limited to, parts of machinery or motor vehicles, unmounted motor vehicle tires, broken or unusable furniture, stoves, refrigerators, or other appliances stored in the open, remnants of wood, broken toys and bicycles, metal, or any other material or castoff material of any kind, whether or not the same could be put to any reasonable use.
4. **Motor Vehicle** includes any self-propelled or towed vehicle designed or used on highways to transport passengers or property as defined in section 33 of Act 300 of the Public Acts of 1949 (MCL 257.33), which is required to be registered for use upon streets and highways under Act 300, and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.
5. **Public Safety Officer** includes law enforcement (including Township Zoning Official, Constable/Enforcement Officer), fire, medical, or other emergency response personnel.
6. **Responsible Parties** include, in the case of an inoperable motor vehicle, or parts thereof, the following individuals:
 - a. The owner of record of the real property upon which the inoperable motor vehicle, or parts thereof, is located;
 - b. The lessee of the real property upon which the inoperable motor vehicle or parts thereof, is located; and
 - c. The registered owner of the inoperable motor vehicle.

SECTION III: CAUSES OF BLIGHT OR BLIGHTING FACTORS

1. It is expressly recognized that blight is observable at different stages of severity, and that unremedied moderate blight creates a strong probability that severe blight will follow. Therefore, the conditions that constitute blight are to be broadly construed to permit the township to make an early identification of problems and to take early remedial action to correct a demonstrated pattern of deterioration and to prevent worsening of blight conditions.
2. The following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods.
 - a. The storage of an inoperable motor vehicle upon any property except as provided below:
 - i. This subsection shall not apply to an inoperable motor vehicle, or parts thereof, stored and located within a completely enclosed building or wholly enclosed structure.
 - ii. This subsection shall not apply to an inoperable motor vehicle, or parts thereof, owned by or in the possession of a commercial motor vehicle sales or services business or other similar businesses properly permitted and/or licensed by the township, and located on property owned or leased by the business.

- iii. This subsection shall not apply to any owner of record or lessee of the real property who is not the registered owner of the inoperable motor vehicle, provided the owner of record or lessee:
 - 1. Gives written notification to the Township Constable/Ordinance Enforcement Officer within ten days of the date of a notice to remove the inoperable motor vehicle provided under Section V A.(1), that the inoperable motor vehicle is located on the property in question without the consent of the owner of record or the lessee; and
 - 2. Authorizes in writing the township ordinance enforcement officer or a public safety officer to remove the motor vehicle pursuant to section 252a of Public Act No. 300 of 1949 (MCL 257.252a).
- b. The storage of building materials upon any property unless there is in force a current and valid building permit issued by the township for construction upon the property and the building materials are intended for use in connection with the lawfully permitted construction.
- c. The storage or accumulation of junk, trash, rubbish or refuse of any kind upon any property without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days.
- d. The existence of any structure or part of any structure upon any property which, because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable (if the structure is/was a dwelling), or is no longer useful for any other purpose of which it may have been intended.
- e. The existence of any vacant dwelling, garage or other outbuilding upon any property unless such building is kept securely locked, windows kept glazed, neatly boarded up, or otherwise protected and secured to prevent entrance by vandals or other unauthorized persons.
- f. The existence of any partially complete structure upon any property unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within a reasonable time.

SECTION IV: PROHIBITION IN RESIDENTIAL, AGRICULTURAL, COMMERCIAL AND INDUSTRIAL PROPERTIES

- 1. It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk motor vehicles, abandoned or inoperable vehicles on any property in the Township.
- 2. No person (owner, lessee, renter, or occupant) shall maintain or be permitted to maintain any causes of blight or blighting factors upon any property zoned in a residential, agricultural, commercial or industrial in the township, except as provided by this Ordinance.
- 3. No causes of blight or blighting factors shall be permitted in the front yard of any property.

4. Any outdoor storage of materials that would otherwise be considered to cause blight or be blighting factors shall be adequately screened so that the materials are not easily visible from view of the road right-of-way or adjacent properties.
 - a. Such screening shall be provided by landscaped berms, fences, vegetation, trees, or other appropriate types of screening materials.

SECTION V: REMOVAL OF INOPERABLE MOTOR VEHICLES

1. Notice to remove
 - a. The township constable/ordinance enforcement officer or a public safety officer shall prepare a written notice clearly identifying the inoperable motor vehicle, or parts thereof, and the location within the Township. Such notice shall be posted on the motor vehicle and personally delivered to the responsible parties or sent by first class mail to the responsible parties. Such notice shall require the responsible parties to remove the inoperable motor vehicle, or parts thereof, within ten days of the mailing date or personally delivering the notice. The notice shall further state that failure to so remove the inoperable motor vehicle, or parts thereof, shall constitute a violation of this article.
2. Failure to remove. If a responsible party, after receiving a notice to remove pursuant to subsection 1a of Section V, fails to remove the inoperable motor vehicle, or parts thereof, then:
 - a. The inoperable motor vehicle, or parts thereof, shall constitute a nuisance and the owner of the real property, the owner of the vehicle or parts, and/or anyone in control of the site shall be subject to all fines and penalties applicable to nuisances.
 - b. The township may remove the motor vehicle, or its parts, and dispose of them in accordance with section 252a of Public Act No. 300 of 1949 (MCL 257.252a); and
 - c. The responsible party will be subject to the enforcement and penalty provisions contained in Sections IX and the Newfield Township Civil Infraction Ordinance.

SECTION VI: NOISE CONTROL

1. **General Prohibition:** It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, within the limits of the Township of Newfield.
2. **Specific Offenses:** The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:
 - a. **Horns, signaling devices, etc.:** The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the Township, except as a danger warning; the creation by

means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- b. Radios, phonographs, etc.: The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- c. Loudspeakers, Amplifiers for Advertising: The using, operating or permitting to be played, used or operated for any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- d. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- e. Animals, birds, etc.: The keeping of any animal or bird, which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- f. Steam whistles: The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper Township authorities.
- g. Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, snowmobiles, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- h. Defect in vehicle or load: The use of any automobile, motorcycle, snowmobile, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- i. Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- j. Construction or repairing of buildings: The erection (including excavating),

demolition, alteration or repair of a building other than between the hours of 7:00 a.m. and 6:00 p.m. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector. Such permit may be granted for a period not to exceed three (3) days while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if the Building Inspector shall further determine that loss or inconvenience would result to any party in interest, they may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

- k. Schools, courts, churches, hospitals: The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
 - l. Hawkers, peddlers: The shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
 - m. Drums: The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
 - n. Metal rails, pillars, columns, and transportation thereof: The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
 - o. Pile drivers, hammers, etc.: The operation between the hours of 7:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
 - p. Blowers: The operation of any noise creating blower or power fan or any internal combustion engine, the operation which causes noise due to the explosion of operation gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. Blowers may not be operated between the hours of 7PM and 7AM except for those used in agricultural activities.
3. **Sound Trucks**: In the interpretation of this Chapter, the following definitions shall apply:
- a. "Sound Truck," as used herein, shall mean any sound amplifying equipment attached to a motor vehicle.
 - b. "Sound Amplifying Equipment," as used herein, shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound Amplifying Equipment," as used herein, shall not be construed as including standard automobile radios when used and heard only by

occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

4. **Commercial Advertising by Sound Truck Prohibited:**

- a. No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the Township of Newfield with sound amplifying equipment in operation.

Section VII: Nuisance Lighting

No person shall install or maintain lighting on their property that will be directed upon any neighboring properties or produce a beam which directly strikes a neighboring residence, outside deck, porch, patio, or outdoor pool.

SECTION VIII: VIOLATION

1. *Nuisance Per Se.* Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, or Newfield Township Ordinance 2019-01 (Zoning Ordinance), is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
2. *Violation.* Any person who violates, disobeys, neglects or refuses to comply with any provision of this ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

SECTION IX: PENALTIES

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the Newfield Township Civil Infraction Ordinance if not corrected within 10 days of initial notice of violation.

SECTION X: SEVERABILITY

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 XI: EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The previous Blight, Junk Vehicle, and Public Safety Ordinance 2017-1 is hereby repealed and replaced with this ordinance.

NEWFIELD TOWNSHIP

Nancy Conley, Clerk