

## VILLAGE OF DANVILLE

ORDINANCE NO. 41  
(ENACTED 12-13-99)AN ORDINANCE TO REGULATE, JUNK, BLIGHT, AND JUNK VEHICLES

## THE VILLAGE OF DANVILLE ORDAINS

## SECTION 1: Accumulation, storage of items on private property.

- 1.1 *Motor Vehicles.* Unless otherwise permitted, no person or corporation, whether he is the owner, tenant, or manager of private property, or whether he is the last registered owner of a motor vehicle or transferee on a bill of sale covering the motor vehicle, shall permit the accumulation on private property for a period of more than ten days, of one or more motor vehicles which do not meet the following conditions:
- 1.1.1 Any motor vehicle must be in operating condition, and eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, being Act 300 of the Public Acts of 1949.
- 1.1.2. These minimum conditions of this section, shall include, but not be limited to, an engine that operates, four wheels and four pneumatic tires capable of holding air, and inflated, and equipped with a working battery and able to move forward and backwards under its own power.
- 1.2 *Junk, household appliances, etc.* It shall be unlawful for any owner, occupant, possessor, or any person having control of any private land, whether it be open lot, field, or any open part thereof, to allow any junk and nonoperating tractors, machinery, car parts, and any parts therefrom, household appliances, old iron and metal debris, or any other personal property which because of age, wear and tear, lack of repair or other causes, is no longer usable as such in its then condition to be stored or remain in any such private property, open lot, field, or open part of either for a period of more than ten days.

- 1.3 *Application; exceptions.* The provisions of this section shall apply in all areas of the village except:
- 1.3.1 where the junk and nonoperating automobiles, tractors, machinery, car parts, household appliances, old iron and metal debris are stored in a completely enclosed building, or by a licensed junk dealer.
  - 1.3.2 where a junkyard, duly licensed as such in the Village, exists; or
  - 1.3.3 where an established farm exists on which there is the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

#### SECTION 2: Definition.

- 2.1 An open field, lot or part of a lot is defined for the purpose of this article as any field, lot or part of a lot which is not enclosed with a building or a noncombustible fence at least eight feet high, so constructed and maintained that rats, mice and other rodents cannot enter or leave; so constructed as to prevent children from entering; and so constructed as to prevent lighted cigarettes, cigar butts or other burning objects from being tossed into the field, lot or part of a lot.

#### SECTION 3: Conditions Creating Nuisance.

- 3.1 Inasmuch as old, discarded and nonoperating cars, vehicles unlicensed more than ten (10) days, car parts, tractors, machinery, household appliances, old iron, used lumber, debris and other unsightly junk, if allowed to remain in the open, is dangerous to the health of the Village in that it allows weeds, high grass and brush to grow up around it in which rats and other rodents frequent; is dangerous to the safety of the citizens in that it is an attractive nuisance to children from which children can receive serious injury because of the nuisance or possibly suffocate; and in that it creates a fire hazard because of the dead grass and weeds around and is detrimental to the general welfare of the Village in that it adversely affects the values of the adjoining properties, detracts from the general appearance of the Village and thereby causes citizens to go elsewhere for their business trading and their homes. Therefore, the storing thereof in an open field, lot or part of a lot in the Village is declared to be a public nuisance.

**SECTION 4: Complaints and Notice.**

4.1 Upon complaint from any person, in writing, of any violation of this Ordinance, the zoning administrator shall make an investigation, and if it is found that any of the items mentioned have been stored, placed or allowed to remain in any open lot, field or open part of either for a period of more than ten days, the zoning administrator shall serve upon the owner, occupant, possessor or person having control thereof a written notice to remove the items therefrom within ten days after the receipt of the notice.

4.1.1 The notice shall be served by the zoning administrator.

4.1.2 If it is not possible for the zoning administrator to personally serve the written notice upon the owner, occupant, possessor, or person having control, then it shall be sent by First Class Mail to the individual's last known address with Proof of Mailing and posted on the property by the officer.

**SECTION 5: Appeals.**

5.1 Any person believing that the notice issued pursuant to this Ordinance is not proper, that the removal of the items within ten days would be an undue hardship, or who is aggrieved otherwise may appeal to the Village Council by delivering a written claim of appeal stating the reasons for appeal to the Village Clerk within ten days of receiving the notice.

5.2 If an appeal is received by the Village Clerk within the required timeframe, then the matter shall be placed on the Council's agenda for the next regular meeting.

**SECTION 6: Hearing and Determination.**

6.1 An appeal under this Ordinance shall be heard by the Village Council at the next regular meeting thereof, and the appellant shall appear before the Village Council and show cause supporting the appeal. The Zoning Officer of the Village or any resident may also appear and present any facts they have regarding the matter.

6.2 After hearing the facts so presented to the Village Council, the Council may, in writing, uphold the notice as given, may extend the time for removal of the items or may set aside the notice entirely, in accordance with the proofs so presented.

- 6.2.1 If a notice is upheld by the Village Council, the appellant shall have ten (10) days thereafter, or such additional time as granted by the council, in which to so remove the items.

#### SECTION 7: Municipal Civil Infraction.

- 7.1 After providing the Notice under Section 4 and allowing any Appeals under Section 5, the Zoning Administrator may issue the owner, occupant, possessor, or persons having control of the offensive item(s) a Municipal Civil Infraction Ticket, pursuant to MCLA 600.8701; MSA 27A.8701, *et seq.*, The Zoning Officer shall not be required to issue any further Notices under Section 4 before issuing a second and subsequent Municipal Civil Infraction Ticket for each day thereafter the Violation of this Ordinance continues.
- 7.1.1 The words "municipal civil infraction" mean an act or omission that is prohibited by this Ordinance, but which is not a crime under this Ordinance or other ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. [MCL 600.8701; MSA 27A. 8701, *et seq.*] A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.
- 7.2 The sanction for a municipal civil infraction violation shall be a civil fine in the amount as provided by this Chapter of the Ordinance Code, plus costs, damages, expenses, equitable relief and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable law.
- 7.2a Unless otherwise specifically provided for in this Chapter, the civil fine for a municipal civil infraction violation shall not be less than \$25.00, plus costs and other sanctions.
- 7.2b. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision this Chapter. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
- I. Committed by a person within 6 month period (unless some other period is specifically provided by this Chapter) and
  - II. For which the person admits responsibility or is determined to be responsible.
- 7.2c. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increase fine for a repeat offense shall be as follows:

- I. The fine for any offense which is a first repeat offense shall be not less than \$50.00, plus costs and other sanctions.
  - II. The fines for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$100.00, plus costs and other sanctions.
- 7.3 The person who shall receive the municipal civil infraction by the Zoning Administrator is the owner, occupant, possessor, or person having control of the offensive item.
- 7.4 A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance, including any omission or failure to act where the act is required by this Ordinance.
- 7.5 In addition to any remedy available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- 7.6 The Zoning Administrator shall have the authority to issue Municipal Civil Infraction Tickets pursuant to this Ordinance, after an investigation and authorization by the Village Attorney, pursuant to MCL 600.8707 (2), MSA 27A.8707 (2).

**SECTION 8: Repealer:**

- 8.1 All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect, including the Repeal of Ordinance Number 4.

**SECTION 9: Severability:**

- 9.1 A declaration that any section, subdivision, clause or phrase of this Ordinance is invalid, shall not affect the validity of the Ordinance as a whole or any Part other than the part so invalidated.

**SECTION 10: Effect:**

This Ordinance shall be published immediately and take effect on 12-13-99.

YEAS: Murrell, Ruest, Colburn, Speck, Young

NAYS: None

ABSENT: Butler

Melanie Murrell  
Melanie Murrell, Village President

I certify that the above is a true and complete copy of Ordinance No. 41 adopted by the Village Council at a meeting held on the 13th day of December, 1999 and published in the Community News on 19th day of December, 1999.

Cheri Foster  
Cheri Foster, Village Clerk

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Drafted by John L. Gornley (P-53539)  
Law Offices of Joseph K. Cox & Associates, PLC  
203 West Grand River, Box 0239  
Webberville, MI 48892  
(517) 521 - 3015