

**TOWNSHIP OF CLARENDON
COUNTY OF CALHOUN, MICHIGAN
ORDINANCE NO. 2014-1**

At a regular meeting of the Township Board of the Township of Clarendon, held in the Town Hall, 21947 R Drive South, Homer, Michigan, on the on the tenth day of February, 2014 at 7:30 PM.

PRESENT: Members: Bruce Mittelstadt, Sharla Vincent, Rose Mary Berry, Steve Schrock

ABSENT: Members: Milford E. Combs

The following ordinance was offered by Steve Schrock and supported by Rose Mary Berry:

**AN ORDINANCE TO REGULATE AND CONTROL THE DISPOSAL AND
ACCUMULATION OF SOLID AND LIQUID WASTE, JUNK, REFUSE,
TRASH AND OTHER DISCARDED ITEMS**

THE TOWNSHIP OF CLARENDON ORDAINS:

SECTION 1 SHORT TITLE

The ordinance shall be known and may be cited as the "Clarendon Township Blight Ordinance."

SECTION 2 FINDINGS AND PURPOSE

The Township Board of the Clarendon Township ("Township") hereby finds that it is hereby essential and necessary to the health, safety and welfare of the residents of the Township to adopt this ordinance so as to ensure that the disposal and accumulation of solid and liquid waste, junk, refuse, trash and discarded items occurs only in a sanitary, orderly and safe fashion.

SECTION 3 AUTHORIZATION

This ordinance is authorized and enacted pursuant to MCL 41.181 et seq. and other applicable laws.

SECTION 4 DEFINITIONS

- A. "Person" means any individual, association, organization, corporation, partnership, firm (either incorporated or unincorporated) or business entity of any type, including, but not limited to, limited liability companies.

- B. "Building Materials" shall include, but not be limited to, lumber, building blocks or bricks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, insulation, nails or screws, and other materials of a similar nature.
- C. "Junk" shall include, but not be limited to, the following:
1. Any broken or discarded material, stored outside.
 2. Anything that is regarded as worthless or useless and/or which cannot be readily caused to function for the purpose for which it was originally constructed.
 3. Junk may also include unused stoves or other appliances, broken or unused furniture, remnants of wood, metal or any other material of any kind depending upon whether or not the same could be put to any reasonable use.
- D. "Rubbish and Trash" shall include, but not be limited to, the following:
1. Worthless or unwanted material that is rejected or placed outdoors.
 2. Debris or litter.
 3. Rubbish may also include non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind that will be detrimental to the public health, safety or welfare.
- E. "Hazardous Waste" shall include, but not be limited to the following:
Discarded or unwanted material, in whatever form, which because of its quality, concentration, or physical, chemical or infectious characteristics, may cause or contribute to an environmental or health hazard.

SECTION 5 PROHIBITED ACTS

Unless otherwise expressly permitted by Section 6 hereof, it shall be unlawful for any person to do or permit any of the following, or to assist in doing any of the following, within Clarendon Township:

- A. Operate an unlicensed or unlawful dump, landfill, or sanitary landfill.
- B. Utilize, bury or dispose of any item at an unlicensed or illegal landfill or disposal site knowing the same to be unlicensed or illegal.

C. Pour, inject, drain, dump, abandon, bury or dispose of any discarded liquid which may be hazardous, toxic, nuclear, poisonous, putrid, dangerous, or biologically harmful into, below, within or onto the ground, substrata, a road, or any soil, lake, stream, pond or wetland or to accumulate or store such discarded liquids outdoors. For purposes of this subsection, the words hazardous, toxic, nuclear, poison, putrid, dangerous, or biologically harmful shall be as defined by any federal or Michigan law. This prohibition shall include, but not be limited to, gasoline, oil, cleaning fluid, heating oil, industrial or commercial waste, medical waste, paint waste, processed food byproducts or waste, flammable liquid and liquid industrial by-products.

D. Deposit, dump, drain or cause to be drained, any harmful or hazardous liquid, sewage, or industrial waste substance from any sink, tank, motor vehicle, or any other thing, onto the surface of land or into any open ditch, lake, stream, pond, or wetland, or into any pipe or conduit which directly or independently empties or deposits any such substance onto the surface of any land or into any open ditch, lake, creek, wetland or stream.

E. Place, throw, bury, dump, abandon, store or accumulate outdoors any empty or partially filled cans, food containers, broken or whole bottles, trash, rubbish, garbage, litter, junk, rags, used or broken glass, mobile homes not meeting township ordinance requirements, debris, used tires, used tanks, discarded or scrap plastic, waste, boxes, barrels, scrap metal, cardboard, inoperable or partially assembled equipment or machinery, scrap rubber, crockery or utensils of any kind, automobile or vehicle bodies or parts of automobiles or vehicles (except in a duly licensed junk yard), old stoves or appliances, furniture, parts of machinery, contaminated soil, illegal pesticide, illegal fertilizer, refuse, scrap Styrofoam, paper, broken pallets, cloth, batteries, mattresses or bed springs, flammable matter or substances, offal, medical waste, industrial byproducts or waste substances, or objects of a similar nature, upon, under or on any land in the Township, or to permit any such things or substances to accumulate on land or water over which the person permitting the same occupies, owns, leases or has control.

F. Allow the accumulation of materials which provide rat harborage or which may serve as food for rats or is accessible to such rodents or in or around which flies, insects, rodents or vermin may exist, breed or multiply.

G. Litter on any property or roadway within the Township.

H. Accumulate, place, store or allow permit the accumulation, placement or storage of trash or junk outdoors on property in Clarendon Township, except in a lawful sanitary landfill, a lawful junk yard or not to exceed fifteen (15) days storage in watertight storage receptacles designed for the temporary accumulation of trash prior to proper disposal.

SECTION 6 EXCEPTIONS TO THIS ORDINANCE

The following activities shall not be subject to the requirements of Section 5 of this ordinance:

- A. The lawful disposal of materials or items into or within a lawful sanitary landfill, lawful waste disposal site, or lawful hazardous materials landfill or facility or incinerator.
- B. The lawful use, storage and application of lawful fertilizers, herbicides and insecticides pursuant to agricultural, landscaping, lake weed control or horticultural uses.
- C. The lawful storage of automobile or vehicle bodies or parts at a lawful and approved junk yard.
- D. Outdoor storage of modified farm equipment, farm implements and farm vehicles, if being used for ongoing farm operations at this site and if in compliance with any and all other applicable Clarendon Township ordinances.
- E. The small scale and temporary storage of junk as follows:
 - 1. On a parcel of land up to two (2) acres, in a designated area not exceeding 225 square feet, junk items may be kept temporarily for up to thirty (30) days so long as the items are covered or contained.
 - 2. On parcels of land greater than two (2) acres, but not exceeding ten (10) acres, in a designated area not exceeding 400 square feet, junk items may be kept temporarily for up to thirty (30) days so long as the items are covered or contained.
 - 3. On parcels of land greater than ten (10) acres, in a designated area not exceeding 1,600 square feet, junk items may be temporarily kept for up to sixty (60) days so long as the items are screened from view.

SECTION 7 BUILDING MATERIALS

No building materials shall be stored outside of a fully enclosed building for over sixty (60) days. This Section shall not apply, however, to building materials stored at a lawful building materials supply business or to building materials stored on a lot or parcel for two (2) years or less, for which a valid building permit has been issued or where said materials are intended for use in connection with the permitted construction on that same lot or parcel.

SECTION 8 PENALTIES/ENFORCEMENT

A. Municipal Civil Infraction. A violation of this ordinance is a municipal civil infraction, for which the fine shall be determined according to the current fee schedule as defined by the Clarendon Township Board of Trustees, for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purposes of this section, a “subsequent offense” means a violation of this ordinance committed with respect to a separate incident by the same person within twelve (12) months after a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

B. Injunctive Relief. In addition, a violation of this ordinance is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and the imposition of municipal civil infraction penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

SECTION 9 SEVERABILITY

In the event that any provision of this ordinance is held to be invalid, such holding shall not affect the validity or enforceability of any of the remaining provisions of this ordinance.

SECTION 10 REPEAL

All resolutions or ordinances, and parts thereof, which are in conflict, in whole or in part, with any of the provisions of this ordinance are hereby repealed.

SECTION 11 EFFECTIVE DATE/PUBLICATION

This Ordinance shall take effect thirty (30) days after publication, on the 19th of March 2014.

Bruce Mittelstadt, Supervisor

Sharla Vincent, Clerk

Clerk's Certification

I, Sharla Vincent, the duly elected, qualified and acting clerk of the township of Clarendon, Calhoun County, do certify that the above Ordinance was adopted at a regular meeting of the Township Board held on the tenth day of February, 2014 at 7:30 PM by a majority of the members of the board present and voting: Schrock: Yes; Mittelstadt: Yes; Vincent: Yes; Berry: Yes. Milford E. Combs: Absent.

Sharla Vincent, Clerk

Township Board First Reading: January 13, 2014

Township Board Second Reading and Adoption: February 10, 2014

Date of Publication: February 19, 2014

Effective Date: March 19, 2014