

**Township Of Birch Run
County of Saginaw, Michigan**

**Ordinance No. 02-01
Adoption: April 9, 2002
Publication Date: April 24, 2002
Effective Date: May 24, 2003
Amended: July 18, 2005
Publication: July 27, 2005
Effective Date: August 27, 2005**

An ordinance to prohibit the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials and the maintenance of blighted structures upon any private property within the Township of Birch Run all of which tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease and the increase of criminal activity; to provide for the elimination thereof and penalties therefore and to promote the health, safety and general welfare.

The Township of Birch Run Ordains:

Section 1. Short Title:

This ordinance shall be known as “The Township of Birch Run Anti – Blight Ordinance.”

Section 2. Definitions:

The following words or terms when used herein shall be deemed to have the meaning set forth below:

- (a) The term “junk” shall include, without limitation, parts of machines, motor vehicles, recreational vehicles, travel trailer, broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind whether or not the same could be put to any reasonable use, and second hand or used materials.**
- (b) The term “junk motor vehicles” or trailer shall include, without limitation, any vehicle or trailer which is not licensed which has expired registration for more than 30 days for use upon the highways of the State of Michigan and, whether licensed or not, any motor**

vehicle which is inoperative for any reason for a period in excess of thirty (30) days. Exterior storage of junk motor vehicles is prohibited on any private property in the Township except upon the premises of a properly zoned, legally operating and approved auto parts dealer, auto repair garage, or wrecker business. Available alternatives include storage within a completely enclosed building, offsite storage in an approved storage facility, or disposal at an approved facility.

- (c) The term “abandoned vehicles” shall include, without limitation any vehicle or trailer which has remained on private property for a period of forty-eight (48) continuous hours or more, without the consent of the owner or occupant of the property for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant of the property has been revoked.
- (d) The term “blighted structure” shall include, without limitation, any dwelling, mobile home used as a legal dwelling, travel trailer, recreational vehicle, 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, 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) The term “building materials” shall include, without limitation, lumber, brick, 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 structure.
- (f) The term “person” shall include all natural persons, firms, co-partnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by himself or herself or by 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.
- (g) The term “trash” and “rubbish” shall include any and all forms of debris not herein otherwise classified.
- (h) The term “vehicle” as used in this Ordinance, is defined to include motor vehicles, the term trailer, recreational vehicle, travel trailer and /or a so-called mobile home being used as a dwelling, and which mobile home may not meet the minimum requirements of the Township of Birch Run Zoning Ordinance pertaining to a legal dwelling.

- (i) **The term “large articles in this Ordinance, is defined, but not limited to, motorized vehicles, machinery, farm equipment, boats, trailers, buildings, building materials, etc.**
- (j) **The term “small articles in this Ordinance is defined, but not limited to, small appliances, bicycles, lawn and garden equipment, lawn ornaments, auto parts, fixtures, etc.**

Section 3. Restrictions:

- (a) **It is hereby determined that the storage or accumulation of trash, junk, second hand materials, junk vehicles, abandoned vehicles, building materials and the maintenance of blighted structures upon any private property within the Township of Birch Run tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity and therefore is contrary to the public peace, health, safety and general welfare of the community.**
- (b) **It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, second hand materials, junk, junk vehicles or to abandon same on any private property in the Township except within a completely enclosed building or upon the premises of a properly zoned or legally operating, licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk, operator of an automobile repair garage and/or automobile wrecker business.**
- (c) **It shall be unlawful for any person to keep or maintain any blighted or vacant 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 Township of Birch Run, and unless such construction is completed within the permitted time.**
- (d) **It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade or business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Township of Birch Run and unless such construction is completed within the permitted time.**

- (e) A person shall be permitted to place for sale a maximum of two large articles and a maximum of three small articles for sale upon private property within the Township of Birch Run for no more than 30 consecutive days, twice a year.
- (f) It shall be unlawful for any person to allow the parking, storage, or accumulation of conveyances not usable for the purposes for which they were manufactured or intended, or parts or components thereof for the following items:
1. Non-motorized vehicles or conveyances
 2. Appliances, Televisions or furniture
 3. Mobile Homes and/or trailer/travel trailers that do not meet the minimum standards for inhabitation by humans.
 4. Watercrafts and the accompanying trailers.
 5. Fences, barriers, containment structures and the like.
- (g) A violation of the provisions of this Section shall be a Municipal Civil Infraction. If, upon inspection, the Township Building Inspector, Zoning Administrator, Ordinance Enforcement Officer, any Township Police Officer, Deputy Sheriff, Fire Inspector, Health Officer, Township Manager or County Health Officer, or any authorized person appointed by the Township, shall find that any property within the Township is being used in violation of the above Sections of this Ordinance, the owner and /or occupant shall be notified of such violation which may be given by first class mail to the owner or occupant as it appears on the tax rolls of the Township of Birch Run or by service upon any occupant personally by any official of the Township of Birch Run or the Saginaw County Health Department, or as the Township Board shall otherwise provide. Said notice shall provide that the violation be abated by repair or removal within thirty (30) days.
- (h) If the owner and /or occupant of such premises shall not cause such materials in violation of this Ordinance, as described above, to be abated or removed within the time prescribed in the notice the Township may proceed to secure compliance as provided in Ordinance # 98-03 of the Township of Birch Run. Further, the Township may institute an appropriate court injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.

Section 4. Neighbor Disputes:

The Code Enforcement Department is charged with enforcement of all Township Ordinances that have been adopted to promote the health, safety and welfare of the community. On occasion, this office is called upon to resolve disagreements between residents and their neighbors. Unfortunately, it is often the case that complaints received by this office that are the result of neighbor disputes have no basis in law or are civil matters over which the Township has no jurisdiction.

While it is the Township's responsibility to ensure compliance with Township ordinances, there is no clear obligation for the Township to get involved in civil disputes or cases where neighbors simply do not get along. Though the Township makes every reasonable effort to assist or advise residents who call upon this office concerning such matters, it is often necessary to advise the person that he or she should seek professional consultation. If you are in doubt as to whether the Township can assist you with your complaint, you are encouraged to direct your inquiry to the Code Enforcement Officer at the Birch Run Township Offices.

Section 5. Inconsistent Ordinances:

All other Ordinances of the Township inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, superseded by this Ordinance. Provided, however, said repeal shall not abate any action now pending under or by virtue of the Ordinance or any parts thereof herein repealed, nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur or affect the rights of any person, firm or corporation, or waive any rights of this Township under any section or provision of the Ordinance, or any part thereof, herein, repealed existing at the time of the passage of this Ordinance.

Section 6. Invalidity:

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect and to this end, the provisions of this Ordinance are hereby declared to be severable.


Section 7. Publication:

Pursuant to the provisions of Chapter 7, Section 7.3 of the Birch Run Township Charter, the Birch Run Township Clerk be and hereby is directed to forthwith and cause publication.

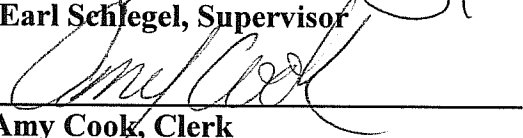
Section 8. Effective Date:

This Ordinance shall become effective the 30th day from summary publication after adoption.

Township of Birch Run


By: 

Earl Schlegel, Supervisor

By: 

Amy Cook, Clerk

I hereby certify that the Township of Birch Run Board adopted the preceding ordinance at its special meeting held on July 18, 2005 and published in the *Birch Run/Bridgeport Herald* on July 27, 2005.



Amy Cook, Clerk