

**NEWFIELD TOWNSHIP  
OCEANA COUNTY, MICHIGAN**

**BLIGHT, JUNK VEHICLE, and PUBLIC SAFETY ORDINANCE  
ORDINANCE NO. 2017-01**

**ADOPTED: April 18, 2017  
EFFECTIVE: May 30, 2017  
AMENDED: October 15, 2019**

This Ordinance shall be known as the **Blight, Junk Vehicle, and Public Safety Ordinance** enacted to prevent, reduce or eliminate blight or potential blight and to eliminate inoperable, abandoned or scrap motor vehicles; to provide penalties for the violation thereof; 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 prevent, reduce or eliminate blight or potential blight in the Township by preventing, reducing, eliminating certain environmental causes of blight or blighting factors which currently exist or which may in the future exist in the Township and to eliminate inoperable, abandoned and scrap motor vehicles pursuant to Public Act No. 300 of 1949 (MCL 257.1 et seq) and to 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 component parts 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 woods, broken toys and bicycles, metal, or any other material or other 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 Constable), 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

A.) 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.

B.) 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.

- (1) The storage of an inoperable motor vehicle upon any property except as provided in subsections (1) a. through c. of this section.

- a.) This subsection (1) shall not apply to an inoperable motor vehicle, or parts thereof, stored and located within a completely enclosed building or wholly enclosed structure.
- b.) This subsection (1) 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.
- c.) This subsection (1) 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 ordinance enforcement officer within ten days of the date of a notice to remove the inoperable motor vehicle provided under section 1423(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).

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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

A.) **Agricultural and Residential Properties.** 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. Further, no person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property zoned in an agricultural or residential zoning district in the township that is owned, leased, rented or occupied by such person.

B.) **Commercial and Industrial Properties.** 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. Further, no person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property zoned in a commercial or industrial zoning district in the township that is owned, leased, rented or occupied by such person, except as provided by this section. No causes of blight or blighting factors shall be permitted in the front yard of any property. 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. 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

A Notice to remove.

(1) The township 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, 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 date of posting, mailing 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.

B Failure to remove. If a responsible party, after receiving a notice to remove pursuant to subsection (a)(1) of this section, fails to remove the inoperable motor vehicle, or parts thereof, then:

(1) The inoperable motor vehicle, or parts thereof, shall constitute a nuisance and shall be subject to all fines and penalties applicable to nuisances.

(2) 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

(3) The responsible party will be subject to the enforcement and penalty provisions contained in Sections VIII and IX.

## **Section VI NOISE CONTROL**

### **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.

### **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, street car 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, motor boat, 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 an 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, which permit may be granted for a period not to exceed three (3) days or less while the three (3) days or less 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 he/she shall further determine that loss or inconvenience would result to any party in interest, he 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.

### **Sound Trucks:**

In the interpretation of this Chapter the following definitions shall apply:

**A.** "Sound Truck ", as used herein shall mean any motor vehicle, or horse-mounted thereon, or attached thereto, any sound amplifying equipment.

**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.

### **Commercial Advertising by Sound Truck Prohibited:**

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** **ORV Operation**

### **A. Purpose**

The purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Newfield Township, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to, MCL 324.81131

### **B. Definitions**

1. County means county of Oceana.
2. Township means township of Newfield
3. Township Board means a board of trustees of the township of Newfield.
4. Driver license means an operator's or chauffeur's license or permit issued to an individual by the secretary of state for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
5. Operate means to ride in or on, and be in actual physical control of the operation of an ORV.
6. Operator means a person who operates or is an actual physical control of the operation of an ORV.
7. ORV means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, golf cart, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing

maintenance on its facilities on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft. A golf cart, Gator, Mule, Quad, four-wheeler and dirt bike are considered ORVs, properly equipped and determined by the Department of Transportation.

8. Road means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.

9. Road Commission means the Oceana County Road Commission.

10. Safety certificate means a certificate issued pursuant to 1954 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state.

11. Visual supervision means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

#### 21.02 Operating an ORV on township roads

An ORV may be operated only on the far right of the maintained portion of a road in Newfield Township with no more than two wheels on the paved part of the road. The maintained portion of a road is any portion that is graded or paved. ORVs may be operated on private property with written permission of the property owner. An ORV can be operated only after March 31 and prior to December 1 of each year.

#### 21.03 Township roads prohibited from operating ORVs

1. ORVs are prohibited from riding on any state highway such as M-20 and M – 120. An ORV may not be operated on the road surface, roadway, shoulder or right of way of any state or federal highway in the county. Operators of ORVs may cross any state highway at a 90-degree angle in order to ravel from one approved riding location to another.

2. ORVs are prohibited from riding on any power line, gas line, or railroad right of way.

3. ORVs are prohibited on any U.S. Forest Service road or two tracks in the township.

4. ORVs are prohibited on all primary roads except Loop Road east of 192 nd .

C. Conditions of operation:

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in Newfield Township:

1. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
2. By a person not less than 12 years of age.
3. With the flow of traffic.
4. In a manner which does not interfere with traffic on the road or street
5. Traveling single file, except when overtaking and passing another ORV.
6. While displaying a lighted headlight and lighted taillight.
7. While the operator and each passenger is wearing a crash helmet and protective eye wear approved by the United States department of transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
8. With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
9. While the ORV is equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation.
10. Pursuant to noise emission standards defined by law.
11. Operated in a manner that does not cause damage to the environment, a township road, or other property.
12. Operated with the full understanding that the operator of the ORV involved in an accident is considered at fault under this ordinance until proven otherwise.

D. License provisions:

1. A person under 18 years of age shall not operate an ORV on a road unless

the person is in possession of a valid driver license or under the direct visual supervision of an adult and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state. A person under 12 years of age shall not operate an ORV pursuant to this ordinance. The requirements of this section are in addition to any applicable requirement of MCL 324.81129.

2. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the Township if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

3. Under this ordinance, an ORV must have a proper state ORV registration sticker.

#### E. Violations of Ordinance

1. Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not less than \$100 or more than \$ 500.00. The Oceana County Sheriff and his or her deputies as well as any township or village municipal police officer with jurisdiction over a road or street in this township may enforce the Ordinance as the "Enforcement Officer." If an Enforcement Officer determines that there is probable cause that this Ordinance has been violated, the Officer is authorized to issue and serve an Appearance Ticket upon a person or entity violating this Ordinance. The Appearance Ticket shall direct the recipient to appear at the Oceana County District Court to respond to the alleged violation.

2. A court may order a person who causes damage to the environment, a road, or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

3. All fines and damages collected under this ordinance should be used for repairing damage to roads, the environment, and for posting signs indicating ORV speed limits or indicating whether roads are open or closed to the operation of ORVs. All fines for damage done to the public entity or person whose road way or property was damaged should be properly paid to such.

#### F. County Road Commission Authority

1. The County Road Commission may close not more than 30% of the total linear miles of roads in the township to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety.

The County Road Commission may not close a municipal street to ORVs opened under MCL 324.81131 subsection 5. The County Road Commission may reduce the speed limit on any road where ORVs are authorized under this Ordinance to 15 miles per hour if the County Road Commission determines that such reduction is reasonable and necessary to public safety and provide such lowered speed limit is posted as reasonable intervals.

#### G. Master Map

1. The township shall maintain a master map of all roads under the jurisdiction of the Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to this Ordinance. The township shall make such master map available for interested groups or organizations to make copies for distribution to the general public.

### **SECTION VIII**

#### **VIOLATION**

a. *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 018-01 (Zoning Ordinance), is hereby declared to be a nuisances per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

b. *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 following schedule:

<b><u>Violation Type</u></b>	<b><u>Fine</u></b>
Violation of Blight Ordinance 1 <sup>st</sup> Violation	\$25
Violation of Blight Ordinance 2 <sup>nd</sup> Violation	\$50
Violation of Blight Ordinance 3 <sup>rd</sup> and Subsequent Violations	\$100
Violation of Noise Ordinance 1 <sup>st</sup> Violation	\$50
Violation of Noise Ordinance 2 <sup>nd</sup> Violation	\$75
Violation of Noise Ordinance 3 <sup>rd</sup> and Subsequent Violations	\$100
Habitation of an Uninhabitable/Prohibited Structure	\$100
Illegal/Unpermitted Campground	\$100
Illegal Unpermitted Junkyard	\$200
Illegal/Unpermitted Waste Disposal Site	\$500
Violation of ORV Ordinance	\$50
Violation of Ordinance 018-01 (Zoning Ordinance) 1 <sup>st</sup> Violation	\$50
Violation of Ordinance 018-01 (Zoning Ordinance) 2 <sup>nd</sup> Violation	\$75
Violation of Ordinance 018-01 (Zoning Ordinance) 3 <sup>rd</sup> and Subsequent Violations	\$100

\*Determined on the basis of the date of commission of the offense(s). Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Newfield Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

## **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.

**NEWFIELD TOWNSHIP**

Nancy Conley, Clerk