

**MUSSEY TOWNSHIP**  
135 North Main Street  
Capac, MI 48014  
(810) 395-4915

ORDINANCE NO. 22

**MUSSEY TOWNSHIP ORDAINS AND AMENDS THE CLEAN COMMUNITY ORDINANCE  
ORDINANCE NO. 22**

An Ordinance to amend and replace the existing Mussey Township Clean Community Ordinance to prevent, reduce or eliminate blight, potential blight, certain environmental causes of blight, or blighting factors which exist or may exist in the future within the Township of Mussey and to provide enforcement as a Municipal Civil Infraction.

Section 1: Purpose

Blight, potential blight, certain environmental causes of blight, or blighting factors which exist or may in the fixture exist shall be prevented, reduced, or eliminated, as defined hereunder with penalties imposed as provided for and allowed by the authority granted by the Township Ordinances Act, Public Act 246 of 1945, and the Michigan Zoning Enabling Act, Act 110 of 2006.

Section 2: Definitions

- A. Building Materials: Including but not limited to lumber, bricks, 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 structures.
- B. Junk: Including but not limited to parts of motor vehicles, unused household appliances, scrap metal or any other *used* materials of any kind.
- C. Junk Motor Vehicles: Including but not limited to any motor vehicle which is not licensed for use upon the highways of the State of Michigan, or which is inoperative.
- D. Portable Storage Units – Land uses that include units such as shipping containers; semi-trailers and similar large transport vehicles or containers; portable on demand storage (PODS) and store and move (SAM) containers.

- E. Shipping Container – A container originally designed or used to store materials or merchandise during shipping or hauling upon ships, rail, or semi-trailers other types of vehicle transportation.
- F. Structure: House trailers and any mobile living unit in the conditions described below in Section 3G or 3H.
- G. Recreational Vehicle: Recreational vehicle means a vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational vehicle includes the following:
1. A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
  2. A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
  3. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
  4. A truck camper, which is a portable structure designed to *be* loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:
    - a. A slide-in *camper*, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary *living quarters* for recreational, camping, or travel use.
    - b. A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
    - c. A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use,

Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

### Section 3: Uses Prohibited

On and after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained the following uses, structures and activities upon *any* leased, owned or occupied property, since they are causes of blight or blighting factors which if allowed to exist will tend to result in blighted and undesirable neighborhoods, unless such uses, structures and activities are otherwise allowed by Township Ordinances:

- A. **Junk Motor Vehicles** *The* storage upon any property of junk motor vehicle which is not in a completely enclosed building is prohibited.
  
- B. **Abandoned Vehicles:** The: abandonment or placement of any vehicle on private property for a period of twenty-four (24) continuous hours or more without consent of the owner or occupant of the property, or for a period of twenty-four (24) continuous hours or more after the consent of the owner or occupant of property has been revoked.
  
- C. **Building Materials:**
  - 1. Structures Requiring Permit: The storage upon any property of building materials unless there is in fence and a valid Building Permit issued by the Township of Mussey for construction upon said property and said materials are intended for use in connection with such construction.
  
  - 2. Structures Not Requiring Permit: Materials used in constructing any structure not requiring a permit shall be stored in a neat and orderly pile out of public view from the roadway and shall be used for such construction within one (1) year or otherwise removed or stored in a completely enclosed building.
  
- D. **Junk:** The storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit is prohibited, *except* that domestic refuse stored for *a period* not to exceed seven (7) days in an enclosed container, building or structure in such container so as not to create a nuisance.
  
- E. **Machinery/Equipment:** Machinery and/or equipment for outdoor use, which is in good working order, must be housed or stored in an orderly manner that is out of public view from the roadway and does not violate any other Township Ordinance. Notwithstanding the above, however, operative machinery

that is in current use on the premises in relationship to a farming or construction activity, is exempt from the provisions of this Section.

F. **Vacant Buildings:** The existence of a vacant dwelling, garage, or other out building, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent casual entry thereto by unauthorized persons.

G. **Inhabitable or Dangerous Structures:** The existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable or is a dangerous structure as defined under Housing Law of Michigan, Act 167 of 1917, Public Act No. 61 of the Public Acts of 1969 as amended, the purpose thereby being to avoid injury to the children and others attracted to such structures or mobile *living units*, the devaluation of property values, and the psychological ill effect of the presence of such upon adjoining residents and property owners.

H. **Partially Completed Structure:** The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing Building Permit issued by the Township and unless such construction is completed within a reasonable time.

I. **Recreational Vehicle:** Locating and/or parking any recreational vehicle within the Township of Mussey is prohibited except for one or more of the following circumstances:

1. *A person referred to in Section 4 of this Ordinance may issue a temporary permit or visitor's permit to park a recreational unit to the owner of the property for a period not to exceed two weeks.*

2. All recreational vehicles owned by residents of Mussey Township and stored on their individual lots shall be stored adjacent to a permanent residence and shall be subject to all yard setback requirements of the district, said recreational units shall not be connected to sanitary facilities and shall not be permanently occupied.

**(Amended 12-14-22 by adding "J")**

J. **Portable Storage Units and Shipping Containers Used for Storage:** Portable storage units and shipping containers are not allowed in any zoning district for the purpose of storage over a 10-day period.

1. Portable storage units and shipping containers are allowed as a temporary use for a 10-day period to allow unloading of such units.

2. During the 10-day unloading period, Portable storage units and shipping containers shall not be placed to cause a nuisance or obstruct motor vehicle line of sight and shall meet all building setback requirements for the district in which they are located.

3. No part of such units shall be located in the street or road right of way.

4. Portable storage units and shipping containers shall not be used for human habitation.
5. Portable storage units and shipping containers shall not be used to store hazardous materials.
6. Portable storage units and shipping containers are not be stacked on each other or on any other structure or building.
7. Portable storage units and shipping containers shall not be used if the use becomes a nuisance or safety hazard.
8. Any person who wishes to exceed the time limitation or forego a certain requirement listed in this section may apply for a Temporary Conditional Use Permit.
9. Portable storage units and shipping containers lawfully existing at the time of the adoption or amendment of this Ordinance may be continued to the extent not creating a safety hazard. However, the use of portable storage units and shipping containers for permanent storage shall be deemed a nonconforming use or structure and shall not be expanded, enlarged and if not in use for a period of six months shall be deemed abandoned and the requirements of this Ordinance shall apply.

#### Section 4: Enforcement

This Ordinance shall be enforced by such persons who shall be so designated by the Township Board as a Municipal Civil Infraction under the penalty provisions of Ordinances 20 and 21 pursuant to the authority granted by the Revised Judicature Act of 1961, Public Act 236 of 196, Chapter 87, Municipal Civil Infractions.

#### Section 5: Violations

In the case where a violation of this Ordinance is found to exist by the Township's designated enforcement person, the owner of the property and the occupant, if different than the owner, shall be given written notice of the violation. The notice shall provide the following:

1. The date of the notice.
2. The address of the property where the blight conditions exist.
3. The name and contact information for the Township enforcement person issuing the notice.
4. A description of the nature and location of the blight conditions on the property.

5. A statement that the blight conditions need to be removed within ten (10) days after the date of the notice.

6. A statement that the failure to comply with the notice will constitute a municipal civil infraction that will result in fines, the removal of the items that result in the blight conditions, a lien against the property, and/or other action consistent with Mussey Township Ordinance No. 22 and applicable law.

7. The notice may be served 1) personally; 2) by U.S. Certified Mail with return receipt requested; or 3) by posting the notice in a conspicuous place on the property and sending it U.S. First Class Mail to the property address and the address of the owner on file with the Township's Assessment office if different than the property address.

#### Section 6: Granting of Additional Time

Additional time may be granted for good cause by the enforcement officer where efforts to remove or eliminate such causes of blight or blighting facts *are* in progress.

#### Section 7: Penalties

The penalties for failure of a person to comply with a notice of a violation of this Ordinance shall result in the following penalties:

1. The failure to comply will constitute a municipal civil infraction under Mussey Township Ordinance No. 22 and may result in a citation and fine, or other applicable remedies designated under the by the Revised Judicature Act of 1961, Public Act 236 of 196, Chapter 87, Municipal Civil Infractions.

2. In the case where the alleged violator admits responsibility, or a default is entered against the alleged violator, or the alleged violator is found responsible for the municipal civil infraction by the presiding judge or magistrate, the remedy may include that Township may remove the blight conditions from the property and dispose of any items removed from the property, or the Township may employ a contractor to perform this activity on its behalf. Upon the completion of this activity, the Township may charge the alleged violator for any cost and expense associated with removing the blight conditions from the property and enforcing the terms of this Ordinance, including the Township's legal costs and attorney fees as allowed by law.

3. In the event the alleged violator fails to pay the amount charged pursuant to paragraph 2, above, within thirty (30) days after the Township provides an invoice to the owner and the occupant, if different than the owner, in a manner acceptable for service of a notice under Section 5 of this Ordinance, the Township may file an assessment lien against the property for the amount of the invoice and enforce the lien in the same manner as unpaid real property taxes or as otherwise permitted by law.

4. A judge or magistrate presiding over a municipal civil infraction Issued under this Ordinance may make any other and further rulings determined by the judge or magistrate to be appropriate.

Section 8: Repeal of Conflicting Ordinances

All ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 9: Effective Date

This Ordinance shall become effective thirty (15) days after publication.

Section 10: Summary of the Regulatory Effect

This Ordinance regulates land uses in all geographic areas and zoning districts.

**MOTION AND VOTE**

MOVED BY TRUSTEE MONICA STANDEL, SECOND BY TRUSTEE DEB LEWIS TO AMEND AND REPLACE THE MUSSEY TOWNSHIP CLEAN COMMUNITY ORDINANCE NO. 22 AND CODIFY THE ORDINANCE INTO THE RECORD OF ORDINANCES

ROLL CALL VOTE ON THIS ORDINANCE WAS AS FOLLOWS:

	Yes	No	Abstaining
Michael Lauwers, Supervisor	X	_____	_____
Sheila McDonald, Clerk	X	_____	_____
Deborah Lewis, Treasurer	X	_____	_____
Bruce Downey, Trustee	X	_____	_____
Monica Standel, Trustee	X	_____	_____

**AUTHENTICATION AND CERTIFICATION**

We hereby certify that the foregoing constitutes a true and complete copy of the Ordinance adopted by majority vote at a Regular Meeting of the Mussey Township Board of Trustees held on the 14<sup>TH</sup> day of December, 2022.

Witness my official signature this 14<sup>th</sup> day of December, 2022.

---

Sheila McDonald, Clerk

**PUBLICATION CERTIFICATION**

I do hereby further certify that the Ordinance/Notice of Ordinance Adoption was published as required by State Law in the Tri City Times, a newspaper published and circulated in Mussey Township, Michigan, on the 28<sup>th</sup> day of December, 2022.

---

Sheila McDonald, Clerk