

**CALVIN TOWNSHIP
CASS COUNTY, MICHIGAN**

ORDINANCE NO. 18-02

ADOPTED: March 13, 2018

EFFECTIVE: April 23, 2018

**ORDINANCE REQUIRING LESSOR TO REMOVE PERSONAL
PROPERTY FROM LEASED PREMISES WITHIN TWENTY-FOUR
TO THIRTY HOURS OF PHYSICAL EVICTION**

**THE TOWNSHIP OF CALVIN
CASS COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and cited as Calvin Township Landlord Tenant Eviction Ordinance”.

SECTION 2

PURPOSE

The purpose of this Ordinance is to ensure the public health, safety and welfare by requiring the timely removal of tenant personal property from out-of-door storage upon leased premises so as to minimize the adverse affects of the same such as motorist distractions; attractive nuisance to children; the presence of looters and other individuals picking through the personal property; the presence of household waste and garbage among said possessions; the attraction of vermin and insects to said items; and ugly aesthetics.

This Ordinance requiring the removal of tenant personal property from out-of-door storage is a necessary supplement to statutes allowing physical eviction under particular circumstances which do not limit the time in which said items can be stored out-of-doors.

SECTION 3

SCOPE

This Ordinance shall apply to all owners of real property on premises offered for rent within the Township of Calvin who physically evict tenants from premises with or without a court order of eviction.

“Personal property” as the term is used herein refers to those items removed from a leased premises pursuant to a Judgment of Possession, Writ and Order Of Eviction made by a court of competent jurisdiction or any other physical eviction carried out by a landlord including but are not limited to: food, clothing, bedding, furniture, electronics, grooming products, cleaning supplies, rags, newspapers, paper products, recorded music, tapes, videotapes, digital video disks (DVD’s), computers and parts thereof and any other items removed from a leased premises and placed out-of-doors upon leased premises pursuant to physical eviction.

“Physical eviction” as the term is used herein refers to the removal of a tenant or former tenant’s personal property from inside a leased premises pursuant to a judgment of possession and a writ commanding a sheriff or any other officer authorized to serve process to cause the lessor to be restored to possession in accordance with 1972 PA 120, as amended or any removal of a tenant’s personal property from inside the landlord’s premises and placement thereof out-of-doors.

SECTION 4

REGULATIONS

Any landlord or lessor of real property premises within the Township of Calvin that, pursuant to a Judgment of Possession, Writ and Order Of Eviction from a court of competent jurisdiction, or otherwise arranges the removal of a former tenant’s personal property from inside the leased premises within the Township of Calvin shall eliminate or cause to be eliminated any and all remaining personal property of said tenant that has been placed out-of-doors not less than thirty (30) nor more than forty-eight (48) hours from the time the items were placed out-of-doors.

SECTION 5

TOWNSHIP REMOVAL OF PERSONAL PROPERTY

In the event that the lessor fails or refuses to effectuate the elimination of personal property of a tenant or former tenant after physical eviction within thirty (30) to forty-eight (48) hours as ordained herein and, due to the health, safety and welfare concerns enumerated above, the Township of Calvin may after forty-eight (48) hours post-eviction remove, or cause to be removed, and dispose of any and all remaining personal property of a tenant or former tenant and charge the costs of removal and disposal thereof to the lessor.

SECTION 6
PENALTY

Any person, firm, association, partnership, or public or private corporation that 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:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
--- 1 st Offense	\$ 75.00	\$500.00
--- 2 nd Offense	150.00	500.00
--- 3 rd Offense	325.00	500.00
--- 4 th or More Offense	500.00	500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Calvin Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or 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 7
SEVERABILITY

This Ordinance and various parts, sections, subsections, provisions, sentences and clauses therein are severable. If any part of this Ordinance is found to be unconstitutional or invalid it is declared that the remainder of this Ordinance shall not be affected thereby.

SECTION 8
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication, after adoption. All Ordinances or parts of Ordinances in conflict herewith are repealed.

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