

ORDINANCE NO. 2007-1

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight, to secure the public health, safety and general welfare, to maintain property values and to maintain and improve the aesthetic appearance of Richland Township, Missaukee County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by Act 344 of the Public Acts of 1945, as amended.

THE TOWNSHIP OF RICHLAND, MISSAUKEE COUNTY ORDAINS:

Section 1. Name.

The name of the ordinance shall be cited as the Richland Township Blight Prevention Ordinance.

Section 2. Purpose.

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Richland Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in Richland Township.

Section 3. Definition.

“Junk” means any of the following:

- (a) Old scrap ferrous or non-ferrous material, rubber, cloth, paper, rubbish, refuse, litter, batteries;
- (b) Materials from demolition, waste building materials;
- (c) Junk abandoned, scrap dismantled or wrecked (including parts or several items held for salvaging parts), automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

“Junk Vehicles” means any unlicensed vehicle required to be licensed by the State or any wrecked, junked or dismantled vehicle which is not capable of performing the functions for which it was manufactured.

“Private Premises” means any lot or parcel of land owned or occupied by any person whether or not improved with any house, dwelling, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant.

“Dangerous Structure” means any structure which is unsafe or which is a menace to the health, morals or safety of the public.

Section 4. Regulation.

No person shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Township of Richland owned, leased, rented or occupied by such person.

1. The storage or accumulation on Private Premises any Junk or Junk Vehicles unless the following apply:

(a) The Junk or Junk Vehicles are wholly contained within a fully enclosed building or completely enwalled enclosure;

(b) No more than one (1) modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for purpose other than for which it was manufactured, provided no building or garage is located upon the Premises in which said vehicle could be parked or stored, and further provided that in no event shall any such remodeled or reconstructed vehicle be parked in the front or side street yard area of any residence or premises so as to be visible to passers by;

(c) Junk Vehicles within a salvage yard surrounded by a solid seven (7) foot high fence with screens, which screens all stored materials from outside view;

(d) Junk Vehicles stored on the premises of a commercial repair establishment for not more than thirty (30) days.

2. The storage upon any property of building materials unless there is in force a valid building permit issued by the Missaukee County Building Department for construction.

3. Ashes, household or yard rubbish or trash, except for such reasonable periods of time as such await regular, systematic removal and disposal in accordance with law. Such materials while awaiting removal and disposal shall be temporarily stored in a completely enclosed building, with the exception of yard rubbish and trash which may be temporarily stored either in an enclosed building or at a location on the property where it is as much concealed from public view as practicable.

4. The existence of any structure or damaged part of a structure which, because of fire, wind or other natural causes or physical deterioration, is no longer habitable nor useful for any other purpose for which it was intended.

5. The existence of any vacant building, garage or outbuilding unless such buildings are kept secured or neatly boarded up and protected to prevent any entrance by vandals.

6. The existence of any incomplete structure unless that structure is in the course of construction in accordance with a valid building permit.

7. The existence of any Dangerous Structure.

Section 5. Nuisance.

Any parking, storage, accumulation, placement of Junk or Junk Vehicles or operation or maintaining any Dangerous Structure in violation of the provisions of this ordinance is hereby declared to be a public nuisance which may be enjoined pursuant to the governing law or for which the violator may be subjected to a suit for civil damages, as well as the fines and penalties herein provided.

Section 6. Enforcement.

This ordinance shall be enforced by the Township of Richland as provided in State Law.

The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 4 above is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of this notice to said owner or occupant. Upon a showing of good cause, additional extensions not exceeding sixty (60) days may be granted by the Township, with no more than three (3) extensions granted.

Failure to comply with such notice within the time allowed said owner or occupant shall constitute a violation of this ordinance. Failure to comply with such notice shall be punishable as described in Section 7.

Section 7. Penalties.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), along with the costs of prosecution, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both. Each day that the violation continues to exist shall constitute a separate violation of this ordinance.

In addition to the imposition of the foregoing fines, penalties and other legal remedies, the Sheriff's Department and such other officers of the Township may designate within fourteen (14) days written notice, may cause any blight or blighting factors found in violation hereof to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of said officer. The cost of said removal shall be assessed against the owner of such vehicle or the premises on which same is located. Any sums realized on the sale may be retained by the Township to reimburse it for costs incurred in said removal and sale to the extent of such costs. Any balance of any such sums remaining after such reimbursement shall be paid to the owner of such vehicle or parts thereof. Any costs exceeding any sum realized on the sale shall be charged against the real estate and shall be a lien upon such real estate.

In addition to the foregoing remedies, if said blight or blighting factor involves an abandoned, vacant or unsafe building, the Sheriff's Department and such other officers as the

Township may designate, within fourteen (14) days written notice, may cause said building to be demolished and removed and such costs shall be charged against the real estate upon which the building is located and shall be a lien upon such real estate.

Section 8. Construction.

This ordinance shall apply to any other junk yards, salvage yards, garages, body or paint shops operating within the Township except when exempt by special written agreement from the Township Board and shall be in addition to and not in conflict with all other laws and ordinances, respecting junk, junk vehicles and blight.

Section 9. Saving Clause.

Provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in full force and effect.

Section 10. Effective Date.

This ordinance shall take effect April 1, 2007