

BLIGHT

The Township of Rose, County of Ogemaw, State of Michigan

ORDAINS:

ORDINANCE NO.: _____

Adopted: _____

Effective: _____

AN ORDINANCE to prevent, reduce or eliminate blight, blighting factors or causes of blight within Rose Township, Ogemaw County, Michigan; to provide for the enforcement thereof, and to provide penalties for the violation thereof pursuant to the enacting authority thereof provided by Public Act 359 of 1941 as amended, being the *Blighted Area Rehabilitation Act* (MCL §§ 247.61, *et seq.*).

Section 1. **PURPOSE**

It is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Rose Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may exist in the future in Rose Township.

The intent of this ordinance is to protect property values, the public health and welfare, and to minimize adjacent property owners and those passing by from having to visualize or otherwise be unreasonably, negatively affected by blight. It is not the intent of this ordinance, nor shall it be interpreted or construed, to interfere with an individual's statutory right to farm.

Section 2. **BLIGHT AND/OR BLIGHTING FACTORS**

It is hereby determined that the following uses, structures and activities are considered blight or blighting factors which, if allowed to exist, will tend to result in blight and undesirable neighborhoods. On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of the following blight or blighting factors upon property in Rose Township owned, leased, rented or occupied by such person, firm or corporation; these are expressly post-scripted:

- a. Junk motorized vehicles/watercraft/recreational vehicles/campers: Except in any area within the Township zoned for or as a landfill or waste transfer facility, the storage upon any property of junk motor vehicles, watercraft, recreational vehicles and/or campers, except in a completely enclosed building or in a rear yard not visible from the adjacent public or private road roadway and/or any adjacent residence within 500 feet of the common property line, is forbidden. For the purpose of this ordinance, the term "junk motor vehicles, watercraft and/or recreational vehicles" shall include, without limitation, and whether licensed or not,

any motor vehicles, motor homes, watercraft or boats, and/or recreational vehicles (including without limitation ORVs and ATVs) which are not used for their intended purpose, inoperable and/or which cannot be rendered operable without material and substantial investment of time and/or financial outlay.

“Junk campers” shall mean and include, without limitation, any non-motorized camper, travel trailer or similar device, whether designed to be towed by or placed in or upon the cargo bed or similar portion of a motor vehicle, and which are unlivable, un-occupiable and/or not usable for its intended or designed purpose without material and substantial investment of time and/or financial outlay.

- b. Building materials: In any area zoned for residential purpose, the storage upon any property of building materials is prohibited unless there is in effect a valid building permit issued by the appropriate agency for construction upon said property, and said materials are intended for use in connection with such construction. Building materials shall include, but shall not be 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 construction of any structure.
- c. Junk/Trash/Rubbish/Brush/Refuse Accumulations: Except in any area within the Township zoned for or as a landfill or waste transfer facility, there shall be no storage or accumulation of junk, trash, rubbish, brush or refuse of any kind, except domestic refuse temporarily stored in anticipation of disposal for a period not to exceed 30 days. The terms "junk", "trash", "rubbish", "brush" and "refuse" shall be afforded their ordinary and customary meanings and interpretations, and shall include, without limitation, parts of machinery, inoperative motor vehicles, water craft not water worthy, unused stoves or other appliances stored in the open, remnants of woods, metals or any other material or other cast-off material of any kind, severed trees or vegetation.
- d. Dilapidated Structures: In any area, the existence of any vacant dwelling, commercial building, garage or other outbuilding unless the same are kept securely locked, with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public. Provided, however, that the existence of any vacant boarded up building for a period in excess of six months shall be deemed to be a cause of blight or a blighting factor.
- e. Unfinished structures: In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the city, and unless such construction is completed within a reasonable time.
- f. Noxious Weeds and Grass: For parcels of land whereupon there exists a structure within 500 feet of an adjacent residential structure, the growth of noxious weeds, including but not limited to poison ivy, poison oak, poison sumac, ragweed and goldenrod, and within said 500 feet.

The growth of lawn grass that is allowed to remain twelve (12) inches or more in length for more than (7) consecutive days.

Section 3. **EXEMPTIONS**

With the exception of sub-section 2. f., the provisions and prohibitions of Section 2, above, shall not apply to (i) junk yards properly and lawfully permitted and operated within the Township, or (ii) parcels of land ten (10) acres or greater in area, provided that any uses or conditions thereon otherwise constituting Blight hereunder are not visible and/or are adequately screened from view from any public or private road roadway and/or adjacent residence.

Section 4. **ENFORCEMENT AND PENALTIES**

This ordinance shall be enforced by such person who shall be so designated by the Township Board, who shall send written notice of the blight or blighting factors to the alleged violators, as well as to the owner of record as and at the address identified within the Township property tax rolls. Such notice may be delivered personally or by First Class United States Mail, and shall be deemed delivered on the date deposited with the United States Postal Service.

Said notice shall set forth the conditions found to exist in violation of this Ordinance, and the date from which those notified shall have fifteen (15) days within which to remove or eliminate the same.

Failure to fully and timely comply with such notice by the owner and/or occupant(s) within the time allowed shall constitute a violation of this ordinance. Each day that a violation exists shall be deemed a separate offense hereunder for purposes of penalties, fines and restitution.

Each violation of this ordinance shall be a nuisance *per se*, and shall constitute a Municipal Civil Infraction and be subject to the schedule of fines published from time to time by the Township Board and/or as otherwise imposed by the Court. Further, the Township may choose to file an action in Circuit Court for abatement, injunctive and any other relief not disallowed by law.

Each property owner of record and violator hereunder is additionally responsible for any and all fees and costs incurred by the Township incident to the abatement, remediation or elimination of any violation hereof, including without limitation mowing, brush removal and disposal fees, as well as transportation and labor costs. Such fees and costs shall constitute a lien upon the subject real property, and may be assessed and collected in the same manner as *ad valorem* taxes, without limitation.

In all instances, the offending parties shall be further liable for restitution to the Township's for its actual costs and attorneys fees incurred in the prosecution or other enforcement action take under this Ordinance. The same shall likewise constitute a lien against the subject real property, and may be assessed and collected along with all other fines, fees and costs in the same manner as *ad valorem* taxes, without limitation.

Section 5. **PRIVATE CAUSE OF ACTION**

Each landowner or occupant within the Township suffering, or claiming to suffer or have suffered, a special harm not shared by the public at large, and as a result of an alleged violation

hereunder, may bring and maintain a cause of action for damages and/or abatement hereunder in his/her own name and right, and as against each person or entity violating or permitting another to violate this Ordinance.

Section 6. SEVERABILITY

This Ordinance and various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalidated, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 7. EFFECTIVE DATE AND ADOPTION

This Ordinance shall become effective thirty (30) days after its publication as required by Law.

Made and passed by the Township Board, Rose Township, Iosco County, Michigan on this ____ day of _____, 2023.

CERTIFICATION

The foregoing is a true copy of Ordinance No. _____ which was enacted by the Board of Trustees of the Township of Rose, Ogemaw County, at a regular/special meeting held on the ____ day of _____, 2023. A copy or Notice of same was published in the Ogemaw County Herald on _____, 2023.

KELLI COLLINS, Clerk