

# BLIGHT

## The Township of Baldwin, County of Iosco, State of Michigan

### ORDAINS:

ORDINANCE NO.: #151-1

Adopted: January 8, 2020

Effective: February 6, 2020

AN ORDINANCE to Amend Ordinance No. 150, adopted on 9 May 2016, to prevent, reduce or eliminate blight, blighting factors or causes of blight within Baldwin Township, Iosco 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 Baldwin 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 Baldwin Township.

The intent of this ordinance is to protect property values, the public health and welfare, and ensure adjacent property owners and those passing by from having to visualize blight. It is not the intent of this ordinance 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 Baldwin Township owned, leased, rented or occupied by such person, firm or corporation; these are expressly post-scripted:

- a. Junk motorized vehicles/watercraft: 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 and/or watercraft, except in a completely enclosed building, is forbidden. For the purpose of this ordinance, the term "junk motor vehicles and/or watercraft" shall include, whether licensed or not, any motor vehicles and/or

watercraft or boats 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.

- 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 15 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, and irrespective of whether the same could be put to some reasonable use.
- d. Dilapidated Structures: Any structure or part of any structure which is either (I) a dwelling or part thereof, and because of either fire, windstorm or other disaster or event, or physical deterioration, is no longer habitable, or (ii) is not useful or safe for any other purpose, shall not be permitted in any area.
- e. Unfinished Structures: Unless in the reasonable course of construction which is completed in accordance with the Township Zoning Ordinance and applicable Construction Code, any partially completed structure.
- f. Noxious Weeds and Grass: The growth of noxious weeds, including but not limited to poison ivy, poison oak, poison sumac, ragweed and goldenrod, within 500 feet of a dwelling structure.

The growth of lawn grass that is allowed to can remain (8) inches or more in length for more than (7) consecutive days.

### Section 3. 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 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 attorney's 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 4. 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 5. 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 6. 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, Baldwin Township, Iosco County, Michigan on this 8th day of January, 2020.