

ARTICLE V. - BLIGHT

Sec. 5-141. - Legislative findings.

It is hereby determined that there exists on privately owned parcels of land within the township, accumulations of junk and/or garbage and that such accumulations of junk and/or garbage constitute a hazard to the public health, safety and welfare of the residents of the township for the reasons that they provide a habitat conducive to the breeding and nesting of rats, mice, and other vermin and also that they contain objects with sharp edges and other hazards which could injure small children who would be attracted to play thereon, not appreciating the danger thereof, and that the regulations contained in this article are the minimum regulations required to eliminate the foregoing undesirable condition and protect the public safety and welfare.

Sec. 5-142. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building materials includes but is 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 structure.

Garbage means the accumulation of trash, refuse, or litter specifically including, but not limited to, containers once containing edible products, drinkable products or usable materials, as well as dead animals (or parts thereof) and discarded edible or drinkable items.

Junk means any unused or unusable furniture, machinery, appliances, or parts thereof, including inoperable motor vehicles which, because of mechanical condition or missing parts, cannot be driven, or are not properly licensed or are not covered.

Rubbish means waste paper, tinware or aluminumware, tin or aluminum cans, tin or aluminum cuttings, box, glass, straw, shavings, barrels, lumber, paper cartons, rocks, lawn cuttings and trimmings.

Sec. 5-143. - Enforcement.

This article shall be enforced by the building official of the township.

Sec. 5-144. - Exceptions.

This article does not apply to inventory on premises occupied by a merchant licensed under MCL 205.53, MSA 7.523 conducting a lawful business or to the property that patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station while left on the premises of either for purposes of service or repair; nor does this article apply to junkyards which can be regulated under Act No. 12 of the Public Acts of Michigan of 1929 (MCL 445.451 et seq., MSA 19.731 et seq.), as amended.

Sec. 5-145. - Storage of junk.

No owner, occupant or possessor of land in the township shall keep or permit to be kept at any two (2) times not less than four (4) days apart within any calendar month on such parcel any accumulation of junk thereon, unless the same is within a completely enclosed building.

Sec. 5-146. - Storage of rubbish and garbage.

No owner, occupant or possessor of land in the township shall keep or permit to be kept at any two (2) times not less than four (4) days apart within any calendar month on such parcel any rubbish or

garbage unless the same is kept within a closely covered can or other metal, plastic or rubber container designed for the same, and sufficient to prevent entry by rats, mice, cats, dogs and other vermin.

Sec. 5-147. - Storage of building materials.

No owner, occupant or possessor of land in the township shall keep or permit to be kept on the premises, not within a completely enclosed building, any accumulation of building materials, unless construction is being done on such premises and unless such materials are intended for use in connection with such construction.

Sec. 5-148. - Vacant dwellings.

No owner, occupant or possessor of land in the township shall keep or permit to be kept any vacant dwelling or garage, or outbuilding unless the same is kept securely locked, windows kept glazed and otherwise protected to prevent entrance thereto by any unauthorized person, or entrance thereto by cats, dogs, rats, mice and other vermin.

Sec. 5-149. - Deteriorated dwellings.

No owner, occupant or possessor of land in the township shall keep or permit to be kept any structure which, because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

Sec. 5-150. - Partially completed structures.

No owner, occupant or possessor of land in the township shall keep or permit to be kept 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 township, and unless exterior construction is completed within one (1) year after the issuance of such building permit.

Sec. 5-151. - Prima facie proof.

In any litigation arising under this article testimony that any furniture, machinery, appliance, or parts thereof have been observed in the same place on at least two (2) separate dates at least four (4) days apart within any calendar month shall constitute prima facie proof that such machinery, appliance or parts thereof are inoperable, unused, or unusable. Likewise, in any litigation arising under this article, testimony that any motor vehicle, or parts thereof have been observed in the same place for a period of thirty (30) consecutive days shall constitute prima facie proof that such motor vehicle or parts thereof are inoperable, unused, or unusable.

Sec. 5-152. - Declaration of nuisance.

Any violation of any provision of this article is hereby declared to be a nuisance per se. Any township official may petition a court of competent jurisdiction to order such nuisance abated and owner and/or agent in charge of such dwelling, building, structure, tent, trailer, mobile home or land can be adjudged of maintaining a nuisance per se and the same may be abated by order of any court of competent jurisdiction.

Sec. 5-153. - Notice of violation.

Whenever there exists upon a parcel the storage of junk, rubbish, garbage or building materials, or the maintenance of a vacant, deteriorated or partially completed structure, or any other thing or condition which under the terms of this article would endanger the economic structure, public health, safety and welfare upon which the public good depends, the township building official shall serve written notice of the existence of such condition upon the owner, if possible, and/or the occupant of that parcel. Such notice shall be served personally or by certified mail, return receipt requested.

Sec. 5-154. - Correction of violation.

- (a) Upon the receipt of a notice of violation of this article, the person notified shall have ten (10) days from the service of the notice to eliminate the condition. Additional time may be granted by the enforcement officer if bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- (b) Failure of the owner or occupant to eliminate the conditions specified in the notice within the time allowed shall constitute a violation of this article. Each day that there is such failure to comply shall constitute a separate offense.
- (c) Violation of this article shall be deemed a municipal civil infraction and shall be punishable by the fine schedule set forth in the municipal civil infractions ordinance as restated herein:

First offense: \$50.00.

First repeat offense: \$250.00.

Second (or any subsequent) repeat offense: \$500.00.

In addition, the township specifically reserves 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 article.

(Ord. No. 10-00, § 2, 12-2-00)

Secs. 5-155—5-170. - Reserved.