

STATE OF MICHIGAN
COUNTY OF MENOMINEE
TOWNSHIP OF SPALDING

COPY

BLIGHT ORDINANCE NUMBER 2012-1

An Ordinance to protect the public, health, safety and welfare, preserve property values through the regulation of abandoned or unusable vehicles, equipment, trash, building materials and the maintenance of unsafe structures.

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SECTION 1: PURPOSE

To provide a clean, orderly, healthy, and attractive environment throughout Spalding Township, thereby providing its residents a pleasant place to reside.

SECTION 2: STORAGE OF JUNK MOTOR VEHICLES

It shall be unlawful for any person to store or permit the storage or accumulation of junk motor vehicles on any private property within the township except within a completely enclosed building, or an area screened by natural objects, plantings, fences or grade of the land so as not to be visible from the public roadway or adjoining property owner.

SECTION 3: STORAGE OF TRASH, REFUSE, JUNK, ABANDONED VEHICLES AND DOMESTIC REFUSE

It shall be unlawful for any person to store or permit the storage of any kind or accumulation of trash, refuse, junk, tires, or abandoned motor vehicles or trailers, on any private property or public land in the township, except within a completely enclosed building or in an area screened by natural objects, plantings, fences or grade of the land so as not to be visible from the public road or adjoining property dwellings.

Examples of Screening:

There shall either be a tight board fence of eight (8) feet in height and painted to match the natural surroundings and maintained in good repair and painted, or shall have a planting of evergreens at least three (3) feet in height, when planted, with at least two (2) rows on twelve (12) foot centers located in rows no further apart than four (4) feet (see example below) or a screening fence at least eight (8) feet in height, or an earthen barrier at least five (5) feet in height.

All domestic refuse generated by a person shall be disposed of frequently enough to protect public health and deposited with a licensed hauler and/or deposited in a licensed landfill. The accumulation of trash, refuse, domestic refuse, abandoned vehicles or trailers, and junk which causes or creates a health hazard as determined by the Delta-Menominee District Health Department shall not be permitted.

SECTION 4: UNSAFE STRUCTURES

It shall be unlawful for any person to keep or maintain any unsafe structure or vacant structure, dwelling, garage, outbuilding, factory, shop, store or warehouse unless it is kept securely closed or neatly boarded up, and otherwise protected to prevent entrance into by unauthorized persons or unless the structure is in the course of construction in accordance with a valid building permit as issued by the Menominee County Building Department.

SECTION 5: STORAGE BUILDING MATERIALS

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in an enclosed building or where building materials are neatly piled and/or covered or in an area screened by natural objects, plantings, or grade of the land, or setback a distance of 500 feet from a public roadway, or in an area as not to be visible from the public roadway or adjoining property dwellings, or except where such building materials are part of the stock in trade or business located on the property, or except when the building materials are being used in the construction on the property for the improvements to the structure and such construction is completed within the duration of the county building permit.

SECTION 6: ENFORCING OFFICER

The ordinance shall be enforced by the Spalding Township Blight Officer or person as may be designated by the Spalding Township Board.

SECTION 7: COMPLAINTS

A complaint can only be submitted by a resident or property owner of Spalding Township. The complaint shall be submitted in writing, signed and dated by the person who submitted the complaint. The Blight Enforcement Officer shall investigate such violations and take action as provided for within this ordinance and report back to the Spalding Township Board.

SECTION 8: NOTICE OF VIOLATION OF ORDINANCE

The owner, if possible, or the occupant of any property upon which an accumulation or storage of trash, refuse, junk, motor tires, motor vehicles, abandoned vehicles, domestic refuse or building materials or an unsafe structure exists in violation of the provision of this ordinance, shall be contacted by a certified letter with a return receipt requested by the Blight Enforcement Officer describing the complaint and what action is necessary to remove or eliminate to bring the property in compliance with this ordinance. Whenever the owner of the property fails to comply and/or respond within sixty (60) days, (weather permitting) of this initial contact to remove or eliminate a blight from this property, the Blight Enforcement Officer or a person designated by the Spalding Township Board shall cause the structure or part thereof to be razed and removed, or have the blight removed, either through an available public agency or by contract or arrangement with a private person, and the cost of such razing, removal, or compliance with the blight ordinance shall be charged against the real estate upon which the blight or structure is located and shall be a lien upon such real estate upon a judicial determination that the cost to raze or remove the blight are reasonable.

As an alternative the Township may seek a court order requiring the property owner and/or occupant to remove the nuisance and to bring the property in compliance with this ordinance.

Failure to comply will result in a hearing date scheduled before the Spalding Township Board.

SECTION 9: SELLING OR TRANSFER OF PROPERTY NOT IN COMPLIANCE

It shall be unlawful for the owner of any dwelling unit or structure who has received a complaint described in Section Seven to sell, transfer, mortgage, lease or otherwise transfer ownership or occupancy to another until such violation has been resolved with the Blight Enforcement Officer or a person as may be designated by the Spalding Township Board or until the new owner or occupant of the subject dwelling unit or structure has been made aware of all violations and fines which are payable to the Spalding Township board and accepts unconditional responsibility for resolving such violations and fines. It must be signed, dated and submitted in writing.

SECTION 10: APPEAL RIGHTS

A person notified by the Blight Enforcement Officer by certified mail with return receipt request of a violation, has the right to appeal the alleged violation to the Spalding Township Board within thirty (30) days of being notified. The board will review the violation and give the person a written finding of its decision within thirty (30) days.

SECTION 11: SAVINGS CLAUSE

Should any section, clause or provision of this ordinance be declared by any court to be invalid, the invalid provisions shall not affect the validity of the remaining portions of this ordinance or any part other than the part so declared to be invalid.

SECTION 12: REPEALING CLAUSE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 13: VIOLATION AND PENALTIES

Upon a violation of any provision of this ordinance, the Township may seek legal action. Any person who shall violate a provision of this ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 or by imprisonment not exceeding thirty (30) days, or both fine and imprisonment. Each day that a violation occurs or continues, shall be deemed a separate offense. It shall not be deemed a separate offense during the appeal process.

SECTION 14: DEFINITIONS

- (A) "Abandoned Vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours or more without the consent of the owner or occupant of the property or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.
- (B) "Building Materials" shall include, without limitation, any lumber, brick, 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 uses in constructing any structure.
- (C) "Domestic Refuse" shall included rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter, used or intended to be used for food, or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable. Compost piles are exempt from this definition.
- (D) "Junk" shall include without limitation, parts of machinery, or motor vehicles, trailers, tires, equipment totally inoperable or irreparable, broken and unusable, furniture, stoves, refrigerators or other appliances, or any other cast-off material of any kind, whether or not they could be put to any reasonable use and remnants of wood. Remnants of wood shall not include wood products usually used or intended to be used as firewood in a residence or any other accessory structure.

(E) "Junk Motor Vehicle"

- (1) Shall be any motor vehicle that is not in operating condition nor meeting the minimum requirements of the Michigan Vehicle Code Act 300 of 1939, being but not limited to, four wheels with inflated tires, a working battery, an engine in running condition, and a gear train capable of moving the vehicle at any time.
- (2) Any motor vehicle which is not licensed for use on the highways of the State of Michigan for a period in excess of sixty (60) days unless the vehicle complies with one of the following exceptions:
 - (a) non-licensed but operable vehicles which are used for snow plowing or farm equipment, or used for business trade located on property or seasonal or recreational vehicles or
 - (b) any motorized vehicles that are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicles or
 - (c) any motor vehicle that is inoperable that is due to mechanical failure provided that the time limit such vehicles may remain upon the premises shall be a period of 120 days with an extension of additional thirty (30) day period upon presentation to the Blight Enforcing Officer of written proof that the offending vehicle involved in an insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.

(F) "Person" means any individual, proprietorship, firm, public or private corporation, partnership, trust, public or private agency or any other entity or other group of such person.

(G) "Unsafe Structure" shall include without limitation, any dwelling, garage, outbuilding, any factory, shop, store, office building, warehouse, or any other structure or part of a structure which because of fire, wind, or other natural disaster, or physical deterioration no longer has a useful purpose.

SECTION 15: EFFECTIVE DATE AND ADOPTION

This ordinance, being necessary to protect the public health and welfare, shall become effective thirty (30) days following publication in a newspaper having general circulation within Menominee County.

This ordinance was adopted by the Township Board of Spalding, Menominee County, Michigan at its regular meeting on the January 18, 2012.

ROLL CALL VOTE

Hancheck - *yes*
King - *yes*
Moraska - *yes*
Nelson - *yes*
Schultz - *yes*

Phyllis King, Clerk

Date: 1-18-12

Phyllis King, Spalding Township Clerk
Lillian Schultz, Supervisor
Sandy Hancheck, Treasurer
James Moraska, Trustee
John Nelson, Trustee

I, Phyllis King, the duly elected Clerk of Spalding Township, hereby certifies a copy of the Blight Ordinance #2012-1 was published in the Eagle Herald on _____. A complete copy is also available at the Spalding Township Office. Phone Number is (906)497-5850