

Au Train Township Blight Ordinance

An Ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within AuTrain township, Alger 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 AuTrain, Alger County, Michigan, ordains;

Section 1 **Purpose**

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in AuTrain Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which could in the future exist in said Township.

Section 2 **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 property 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or for a period of 48 continuous hours, or more, after the consent of the owner or occupant of the property has been revoked.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. Blighted structure shall include, without limitation, any dwelling, garage or out-building, or 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, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.
- C. Garbage shall include, without limitation, rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that result from the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit, or vegetable.
- D. Junk shall include, without limitation, broken and unused furniture, parts of machinery or motor vehicles, refrigerators, stoves, or other appliances, metal or any other cast-off material of any kind, whether or not it could be put to any reasonable use.
- E. Refuse shall include, without limitation, all putrescible and nonputrescible solid waste except body waste along with rubbish, ashes, incinerator ash, incinerator residue, street sweepings, and solid market and industrial waste and remnants of wood or other substances which may become a nuisance. Remnants of wood shall not include wood or wood products usually used or intended to be used a firewood in a residence or any accessory structure.
- F. Person shall include any individual, proprietorship, firm, public or private corporation, partnership, trust, public or private agency, or any other entity, or any group of such persons.
- G. Rubbish and Trash shall include any and all other forms of debris not otherwise classified.

Section 3

Unusable and/or Abandoned Vehicles

The storage of more than one (1) unusable and/or abandoned vehicle upon any property is prohibited except in an area which has been fenced from view to a minimum height of six (6) feet on all side, or unless enclosed in a garage or other suitable building. For the purpose of this Ordinance, the term "junk automobile" shall include any motor vehicle or part of a motor vehicle, or former motor vehicle which is not currently licensed for use upon the highways of the State of Michigan, and is either;

- A. Unusable or inoperable because of lack of, or defects in, component parts
- B. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized
- C. Beyond repair and therefore not intended for future use as a motor vehicle; or
- D. Being retained on the property for possible salvageable parts.

Section 4

Junk, Trash, Rubbish, Refuse

In any area zoned for other than industrial purposes, the storage or accumulation of junk, rubbish, trash or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days.

The term "junk" shall include all parts of machinery or motor vehicles, unused appliances stored in the open, remnants of weeds, decayed, weathered, or broken construction materials no longer suitable or safe for use, approved building materials, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

Section 5

Building Materials

The storage of building materials upon any property zoned for residential purposes, which are untended for use on said premises, must be in a neat and orderly fashion. Building materials can not be stored for more than six (6) months without a valid building permit issued by Alger County.

Building materials shall include, but 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 constructing any structure.

Section 6

Uninhabitable Buildings

In any area, the existence of any structure or part of any structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable, if a dwelling and not useful, or reasonably safe for use for any other purpose for which it may have been intended is considered a blight.

Section 7

Vacant Dwellings

In any area, the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded and otherwise protected to prevent entrance thereto by vandals is considered a blight.

Section 8
Building Construction

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 Alger County and unless such construction is completed within the time line of said permit, shall be considered blight.

Section 9
Manner of Making a Complaint

Any resident or landowner of the Township of AuTrain may make a complaint concerning properties and/or individuals that are acting in violation of this ordinance. To make a complaint, the following steps must be followed:

1. The Complaint must be made in writing and contain the name of the Complainant as well as the address of the Complainant.
2. The complaint must specify the individual and/or properties that are in violation of this ordinance as well as the date or dates of the alleged violation.
3. The complaint must specify the type of blight that is the subject of the violation.
4. The complaint must be made to the AuTrain Township Board at a regularly scheduled meeting, in writing on a complaint form approved by the AuTrain Township Board.
5. Complaint forms can be obtained by contacting any AuTrain Township Board member.

Section 10
Enforcement and Penalties

- A. This Ordinance shall be enforced by the AuTrain Township Board or such persons who shall be designated by the AuTrain Township Board.
- B. The owner, if possible, and the occupant upon which any of the causes of blight or blighting factors set forth in Section 2 hereof 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 the notice upon him/her. Such notice shall be made personally or by certified mail, return receipt requested.

Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

- C. Failure to comply with such notice within the time allowed shall constitute a violation of this Ordinance, subjecting the owner and/or occupant to criminal prosecution.
- D. A person responsible for violation of this ordinance shall be guilty of a Civil Infraction as defined in revised Judicature Act of 1961 (Excerpt) of Act 236 of 1961, as amended, Section 113, MCL 600.113, punishable by civil fine according to the following schedule: First offense, \$50.00; Second offense within one year, \$100.00; Third offense and subsequent offenses within one year, \$150. For purposes of computing the one year period, time shall run from the date of the first offense.

Section 11
Saving 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
Effective Date

This ordinance shall take effect on July 18, 2008. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved by the Au Train Township Board at a Regular Board Meeting held on June 11, 2008.

Motion made for approval by: Clerk Rogers

Second: Trustee Gramm

Ayes: ROGERS, GRAMM, STEINHOFF, CLAPP

Nays: None

Motion declared passed by the Au Train Township Trustee Gramm, acting chair.

By: Mary F Rogers June 11, 2008
Mary F Rogers, Au Train Township Clerk Date:

Appeared for publication on: June 18, 2008 In the Munising News.