

**CLYDE TOWNSHIP BLIGHT ORDINANCE
ORDINANCE NO. 66**

An ordinance to prevent, reduce, or eliminate blight, blighting factors or causes of blight within Clyde Township, St Clair County, Michigan.

THE TOWNSHIP OF CLYDE 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 the township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or may in the future exist in the township.

Further, the Township desires to avoid injury to persons attracted to such blight or blighted structures, the devaluation of property values, and the psychological ill effects to individuals faced with these things.

SECTION 2: DEFINITIONS

1. **BUILDING MATERIALS:** Shall mean lumber, brick, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, or any other materials used in building construction.
2. **JUNK:** Shall mean, without limitation, cast-off parts of machinery or motor vehicles, tree stumps, uncut and unstacked firewood, broken and unusable furniture, dilapidated fences (cast off or in place), stoves, refrigerators and other appliances, remnants of wood, metal or other cast-off material of any kind, whether or not the same could be put to any reasonable use.
3. **JUNK MOTOR VEHICLES:** Shall mean any motor vehicle, boat or accessory vehicle which is not currently licensed for use upon the waters or highway or which is inoperative for any reason for a period in excess of sixty (60) calendar days.
4. **PERSON:** Shall mean all individuals, firms, partnerships, corporations, and all associations of individuals, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee.
5. **PLATTED SUBDIVISION:** Shall mean parcels of land that have been subdivided into lots, that may contain streets, alleys and easements, have been drawn to scale on a map of the township, section or subdivision and include locations and boundaries.
6. **STRUCTURE:** Shall mean anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground. This definition includes mobile homes or other detached structures.

7. **TOWNSHIP BOARD:** Shall mean the township board of trustees, the governing body of Clyde Township.
8. **TRASH & RUBBISH:** Shall mean any and all forms of debris, refuse or household refuse not herein otherwise classified.
9. **NOXIOUS WEEDS AND UNSIGHTLY GRASSES:** Shall include noxious weeds and unsightly grasses as defined by the State of Michigan's Noxious Weeds law, PA 359 of 1941, which is hereby incorporated by reference.

SECTION 3: BLIGHT OR BLIGHTING FACTORS

It is hereby determined that the following conditions, uses, structures, and activities enumerated in this ordinance are causes of blight or blighting factors, which if allowed to exist, will tend to result in blighted 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 these causes of blight or blighting factors upon any property in the township owned, leased, rented or occupied by such person, firm or corporation:

1. **JUNK MOTOR VEHICLES:** The storage on any property of junk motor vehicle which is not kept out of sight from the general public behind an obscuring fence or within an enclosed structure is prohibited.
2. **BUILDING MATERIALS:**
 - a. Structures Requiring Permit. The storage upon any property of building materials for use in connection with construction on that property absent an active, valid building permit issued by the township for construction upon said property, is prohibited. Further, the storage of building materials upon any property for more than fourteen (14) days for utilization on a different property is prohibited.
 - b. Structures Not Requiring Permits. Materials used in constructing any structure not requiring a permit shall be stored in a neat and orderly pile out of public view from the roadway shall be used for such construction within one year or otherwise removed or stored in an enclosed building.
3. **JUNK:** The storage of accumulation of junk, trash or rubbish of any kind without a landfill permit is prohibited, except domestic refuse stored for a period not to exceed fourteen (14) days in an enclosed container, building or structure in such manner so as not to create a nuisance.
4. **MACHINERY and/or EQUIPMENT:** Machinery and/or equipment for outdoor use, which is in good working order, shall be housed or stored in an orderly manner that is out of public view and does not violate any other township ordinance or State of Michigan law. If stored in the open, this type of equipment shall be kept behind an obscuring fence so as to be screened from public view. Notwithstanding, operative machinery that is in

current use on the premises in relationship to a farming or valid and existing permitted construction activity is exempt from the provisions of this Section.

5. **VACANT BUILDING:** The existence of a vacant dwelling, garage, or other out-building is prohibited unless such buildings are kept securely locked, windows kept glazed and/or neatly boarded up, or otherwise protected to prevent casual entry thereto by unauthorized persons.
6. **UNINHABITABLE STRUCTURE:** The existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or similar physical deterioration or neglect is no longer habitable or is a dangerous structure or building as defined under Act No. 61 of the Public Acts of 1969 as amended, is prohibited.
7. **PARTIALLY COMPLETED STRUCTURES:** The existence of any partially completed structure is prohibited, unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the township.
8. **NOXIOUS WEEDS/NEGLECTED LAWNS:** Landscaping of all residential areas in zones R1 and R2 shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other code violations. Landscaping in these residential areas shall consist, at a minimum, of the establishment of grass or sod to hold the earth and prevent dust and/or the establishment of noxious weeds. The property owner shall ensure that the landscaping is maintained, that all lawns are mowed regularly, not to exceed eight (8) inches in height, shrubs are trimmed so as not to provide visual barrier/hazard to the front entrance and to provide a clear view of the front entrance, and that noxious weeds are eliminated. All ground surfaces other than a paved or graveled driveway or approved parking area or patio areas must be covered with grass, unless they include fruit, vegetable, herb, shrub, flower garden areas or recreational structures for children.

SECTION 4. ENFORCEMENT AUTHORITY

This ordinance shall be enforced by such persons who shall be so designated by the Township Board.

SECTION 5. VIOLATIONS

1. **NOTIFICATION.** The owner and the occupant of any property upon which any of the causes of blight or blighting factors set forth in the ordinance is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property. Such notice may be personally delivered to an occupant or posted in a conspicuous location on the property, but shall also be delivered by first class mail to the addressee listed in the Township tax rolls.

2. **GRANTING OF ADDITIONAL TIME.** Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting facts are in progress. The determination of bonafide efforts shall be the sole discretion of the enforcement authority.
3. **FAILURE TO COMPLY.** Failure to comply with notice of a blight violation within fourteen (14) days shall constitute a violation of this ordinance. The enforcement authority must then relate the failure to comply to the Township Board. If the Township Board agrees that the blight or blighting factors have not been removed after service of the removal notice as set forth in this ordinance, a penalty as set forth in Section 8 shall be assessed.
4. **REMEDIAL MEASURES.** After a determination of failure to comply with the ordinance is made by the Township Board, the cause of the blight or blighting factors may be removed by the township upon the direction of the Township Board. The entire cost of removal of such blight shall be billed to the owner of the subject property, and all invoices which remain unpaid for more than thirty (30) days shall become a lien on the property and assessed on the tax rolls of the Township.
5. **NOXIOUS WEED VIOLATIONS.** If a property owner, agent or occupant of a lot along an improved street in common usage fails to destroy noxious weeds after ten (10) days notice, the township may enter the lot and destroy noxious weeds by cutting. Expenses incurred in destroying the weeds must be paid by the owner of the lot, and the township shall impose a lien on the property's tax roll for its expenses. The lien is enforced as a tax lien pursuant to MCL 247.64.

SECTION 6. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 7. REPEAL

This Ordinance repeals Clyde Township Ordinances 8 and 14.

SECTION 8. PENALTY

Any person or persons, firm or corporation violating or failing to comply with the provisions of this ordinance shall be guilty of a municipal civil infraction and upon conviction shall be punished in accordance with Ordinance 56, the Clyde Township Civil Infraction Ordinance, as amended.

SECTION 9. EFFECTIVE DATE

This ordinance shall become effective (30) days after publication.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 66 duly adopted by the Township Board of Clyde Township, County of St Clair, Michigan, at a special meeting held on June 27, 2011 at 7:00pm which the following members were present:

Marks, Turner, Gerspach, Vincent, Simpson, DeShon & Muir.

That said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act being 267, Public Acts of Michigan, 1976 as amended, and that the Minutes were kept and will be and have been made available as required by said Act.

I further certify that the members voted for the adoption of said Ordinance: 66
7 Ayes, and 0 Nays against.

I further certify that said Ordinance has been recorded in the Ordinance book of the Township and that such recording has been authenticated by the Supervisor and Township Clerk.

I, Kathleen Turner, Clerk of Clyde Township, do hereby certify that Ordinance No. 66 adopted by Clyde Township at a special meeting of the Board held at the Clyde Township Hall on the 27th of June was published as provided by law, once in the Times Herald, a paper published in the County of St. Clair and circulated in Clyde Township on 5th of July, 2011 this being the first and final day of publication of this ordinance.

Signature on File

Kathleen Turner, Clerk

Adopted: June 27, 2011
Published: July 5, 2011
Effective: August 4, 2011