

ORDINANCE NUMBER: # 64

Anti - Blight Ordinance

PURPOSE:

An Ordinance to prevent, reduce or eliminate blight or potential blight in Fraser Township, Bay County, Michigan by defining and establishing conditions on properties which are considered to constitute blight and to prescribe penalties and other relief available to the Township to eliminate blight and blighting conditions for the purpose of promoting the public health, safety, and general welfare of the residents of Fraser Township, Bay County, Michigan.

THE TOWNSHIP OF FRASER, BAY COUNTY, MICHIGAN, ORDAINS:

Section 1: Short Title.

This Ordinance shall be known as the Fraser Township Anti-Blight Ordinance, Ordinance No. 64.

Section 2: Definitions and Causes of Blight or Blighting Factors.

It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors, which if allowed to exist, will tend to result in blighted and undesirable areas within Fraser Township. 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 causes of blight or blighting factors upon any properties owned, leased, rented, or occupied by such person, firm, or corporation within Fraser Township.

- The outdoor storage upon any property of any disabled motor vehicle or the disassembling, tear down, or scrapping of a motorized vehicle, or the scavenging or stripping of a motorized vehicle, including any motorized equipment used for farming practices, lawn care, or construction equipment, except as permitted by this or other Ordinances of the Township of Fraser. For the purpose of this Ordinance, the term "disabled" motor vehicle includes any motor driven vehicle which is capable of being self-propelled upon public rights-of-way (streets, roads, highways, freeways), and private roads, whether so licensed or not, or any other motorized vehicle or equipment which is not licensed for use upon a public right-of-way for a period in excess of thirty (30) days. The storage of a disabled motor vehicle(s), including motorized equipment, may be permitted providing such storage is within a totally enclosed building. The term "disabled" shall mean any motor vehicle, which cannot be operated and/or is not properly licensed and stored outside of an enclosed building. Disabled motor vehicles may be permitted when stored within an enclosed building.
- The storage, service, and repair of disabled motor vehicles or other machinery or equipment incidental to and during a period when agricultural operations are being conducted shall be permitted by the owner or tenant of the premises, provided, however, that such use is neither a commercial or industrial use. The storage, servicing, or repair

work shall not exceed thirty (30) days upon which time such disabled motorized vehicle, machinery or equipment shall be removed from the premises.

- The storage upon any property of building materials unless there is in force a valid building permit by the Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include, but not necessarily limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles or other roofing or siding materials, concrete or cement, nails, screws, or any other material used in constructing any structure.
- The storage or accumulation of junk, trash, rubbish, 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 parts of machinery or motor vehicles, unused appliances stored in the open, remnants of woods, metals, or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.
- The storage of wood cut for the purpose of being used for fuel in fireplaces and/or wood burning appliances on residential parcels one (1) acre or less in size shall be limited to one (1) full cord of cut wood. A full cord being defined as cut fuel wood equal to 128 cubic feet in a stack measuring four (4) feet by four (4) feet by eight (8) feet. In no case shall cut fuel wood be stacked higher than four (4) feet in height on these residential parcels. The storage of such wood, however, may be allowed in agricultural districts with no limitations providing the property meets or exceeds the lot area requirements for the zoning district where the property is located.
- 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, as a dwelling, principle structure or accessory structure, nor useful for any other purpose for which it may have been intended.
- In any area of Fraser Township, the existence of any vacant buildings, dwellings, garages, or other outbuildings unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons.
- In any area the existence of any partially completed structure unless such structure is in the course of construction and is in accordance with a valid and subsisting building permit issued by the Township.

Section 3. Notice to Owner, Agent or Occupant.

The Township of Fraser shall notify, by registered mail, return receipt requested, or by personal service, the owner or owners, agent or agents, and/or occupant or occupants of any property upon which any of the causes of blight or blighting factors as set forth in Section 2 herein are

found to exist. The notice shall request the removal or elimination of such causes of blight or blighting factors from said property within thirty (30) days after mailing or personal service of the notice upon such owner or owners, agent or agents, and/or occupant or occupants. Failure to comply with such notice within the time allowed by the owner or owners, agent or agents, and/or occupant or occupants shall constitute a violation of this Ordinance.

The Zoning Administrator shall inspect each alleged violation of this Ordinance and issue an order to correct to the violator within ten (10) days of his inspection. All violations shall be corrected within thirty (30) days after the order to correct is issued, or within a period of time not to exceed six (6) months as the Fraser Township Board may permit, upon evidence, that additional time is required to remedy the violation. A violation not corrected within the allotted time period may be corrected by the Township with the cost of such corrections being charged to the violator. In the event the violator fails to pay for this cost, the Township may place a lien against the property for the cost to correct a violation and/or report the violation to the Township Attorney who shall initiate the prosecution of the violator.

Section 4. Violation Constitutes a Nuisance.

The existence of such causes of blight or blighting factors shall be considered a nuisance per se and subject said owner, agent or occupant to any and all legal and equitable remedies available in the Courts of the State of Michigan without limitation and in addition to the penalties set forth in the following section.

Section 5. Enforcement Cost. (Amended 02/08/15)

In cases where in the Township enforces its ordinances against a person or business, the Township shall be entitled to actual fees and court costs against the party or parties violating the Township ordinances. The Township shall be entitled to a Judgment lien against the real estate involved for its attorney fees and costs.

Violation of this Ordinance shall not constitute a criminal offense.

Section 6. Each Day a Separate Offense.

A separate offense shall be deemed committed upon each day after the order to correct has been issued.

Section 7. Rights and Remedies are Cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 8. Repeal of Conflicting Ordinances

All Township Ordinances in conflict herewith, either in whole or in part, shall be and are hereby repealed.

ORDINANCE NO. 64

**Amendment to the Anti-Blight Zoning Ordinance
Fraser Township
Bay County, Michigan**

An amendment to the Anti-Blight Ordinance # 64 of Fraser Township by Amending Section 5 to read as follows:

Section 5. Enforcement Cost.

In cases where in the Township enforces its ordinances against a person or business, the Township shall be entitled to actual fees and court costs against the party or parties violating the Township ordinances. The Township shall be entitled to a Judgment lien against the real estate involved for its attorney fees and costs.

Violation of this Ordinance shall not constitute a criminal offense.

Repeal of Conflicting Ordinances

All Township Ordinances in conflict herewith, both in whole or in part, shall be and are hereby repealed.

Effective Date

This amendatory Ordinance shall become effective seven (7) days after publication as required by law.

Publication

This Ordinance shall be published in a newspaper of general circulation within the Township of Fraser as required by law.

Adopted at a regular scheduled meeting of the Township Board of the Township of Fraser, held at the Township Hall, on the 9th day of February, 2015.

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Certification

I do hereby certify that the foregoing is a true and correct amendment to the Anti-Blight Ordinance No. 64 adopted by the Township Board Township of Fraser of Bay County and the State of Michigan, at a regular scheduled meeting of said Board, held at the Township Hall, on the 9th day of February, 2015.


Sharon Hugo
Fraser Township Clerk