

BIG CREEK TOWNSHIP ORDINANCE NO. 11

AMENDED 11/19/2020

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALE, SANITATION, DISEASE SUPPRESSION AND THE GENERAL WELFARE OF THE CITIZENS AND TO THE ECONOMIC WELFARE OF THE MUNICIPALITY THROUGH THE ELIMINATION OF BLIGHT AND BLIGHTING FACTORS BOTH NOW AND IN THE FUTURE; TO DEFINE AND PROHIBIT BLIGHT; TO ENFORCE TO PROVIDE PENALTIES FOR VIOLATION HEREOF.

**SECTION 1: TITLE**

This ordinance shall be known and cited as the ***BIG CREEK TOWNSHIP BLIGHT ORDINANCE***.

**SECTION 2: PURPOSE OF BLIGHT ORDINANCE**

In order to promote the public health, safety and welfare; to protect land values; provide for safety of the residents in the area from dangerous junk; to protect the groundwater lying beneath the Township; to reduce the incidence of Blight, vermin and disease carrying insects and to protect the aesthetics in the Township; Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate Blight or potential Blight in BIG CREEK TOWNSHIP, through the prevention or elimination of certain environmental causes of Blight or Blighting factors which exist or may in the future exist in BIG CREEK TOWNSHIP.

**SECTION 3: CAUSES OF BLIGHT OR BLIGHTING FACTORS**

It is hereby determined that the following uses, structures and activities are causes of Blight or are Blighting Factors which, if allowed to exist will result in Blighted and undesirable neighborhoods. On or 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 or future cause or Blight or Blighting factors upon any property in BIG CREEK TOWNSHIP owned, leased, rented or occupied by such person, firm or corporation.

**THE FOLLOWING ACTIVITIES ARE EXPRESSLY PROHIBITED IN THE TOWNSHIP**

- 1.) **Junk automobiles, watercraft, recreational vehicles:** In any area the storage upon any property of "junk automobiles, watercraft, recreational vehicles" unless screened from public view and from adjoining properties by fencing
- 2.) **Garbage, refuse and domestic refuse:** In any area, the storage or accumulation of junk, trash, garbage, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in a receptacle in such a manner as to not to create a nuisance or putrid odor for a period not to exceed 14 calendar days.

3.) **Building Materials:** Building Materials, unless stored/stacked as to not create an "eyesore" or Blighted condition in itself.

4.) **Blighted Structure;** Any dwelling, garage or outbuilding or other structure or part of structure which because of fire, wind other natural disaster, or physical deterioration cannot be occupied as a dwelling; or has any visual defects and is not neatly secured and protected against the elements and from vandals, rodents or other animals; or may attract children and pose a threat real or not to their health and safety.

5.) **Rummage, garage, yard sales;** The use of any property within Big Creek Township for the purpose of rummage sales, garage sales, yard sales, or the like, shall be limited to 15 consecutive days within any 30-day period. The number of days shall be determined to start by the date of complaint.

6.) **Obstruction or Harassment;** It shall be deemed unlawful to obstruct or harass in any way shape or form the Township Designee or Blight Officer from enforcing this ordinance, any obstruction or harassment shall be deemed a separate Civil Infraction and be issued an additional citation.

#### SECTION 4: ENFORCEMENT AND PENALTIES

This ordinance shall be enforced by the designee appointed by the Big Creek Township Board.

The owner or owners if possible and the occupant of any property upon which any of the causes of Blight or Blighting Factors set forth in Section 3 hereof is found to exist, shall be notified in writing to remove and eliminate such causes of blight and blighting factors from such property within 14 days after service of the notice upon them. Such notice may be served personally by the Big Creek Ordinance Officer or Township Designee, or by First Class mail to the address on record with the Township.

Failure to comply with such notice within the time allowed by the owners and/or occupants shall constitute a violation of this Ordinance.

A violation of the Ordinance (or of any rule regulation adopted pursuant to this Ordinance or to Public Act 344 of 1945) constitutes a municipal infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a Civil Infraction. The Civil fine for a Municipal Civil Infraction shall be not less than One Hundred Dollars (\$100.00) for the first offense and not less than two Hundred Dollars (\$200.00) for subsequent offenses, in addition to all other costs, damages, expenses and remedies provided by law.

For the purposes of this Section "Subsequent Offenses" means a violation of this Ordinance committed by the same person within Twelve (12) Months of a previous violation of the same provision or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any subsequent violation continues shall be deemed a separate offense. Additional time may be granted by the Ordinance Enforcement

Officer where efforts to remove and eliminate such causes of blight or blighting factors are in progress.

Notwithstanding any provision herein, a violation of this ordinance may be prosecuted as a nuisance and abated by Circuit Court action.

#### **SECTION 5: SEVERABILITY**

The provisions of this Ordinance are hereby declared severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this ordinance, which shall continue in full force and effect.

#### **SECTION 6: EFFECTIVE DATE, CONFLICTS**

This ordinance as amended shall become effective Thirty (30) days after a copy of this Ordinance (Or summary thereof) appears in the newspaper. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

#### **SECTION 7: DEFINITIONS**

A.) **JUNK AUTOMOBILES:** Shall include but not limited to any vehicle that is unable to be moved under its own power. If the said vehicle has been sitting for over 3 months in its current condition, it is a junk automobile unless there is a verifiable order for parts to repair it and said repairs will be completed within 30 calendar days, or there is a verifiable certificate of inspection declaring it is safe and lawful to be operated per its intended manufactured use.

B.) **JUNK WATERCRAFT:** Shall include but not limited to any Watercraft that cannot be utilized for its intended manufactured use in its current condition unless there is a verifiable order for parts to repair it and said repairs will be completed within 30 calendar days. A certificate of inspection deeming the watercraft safe shall be provided at this time.

C.) **RECREATIONAL VEHICLES:** Shall include but not be limited to Travel Trailers, Motorhomes, Campers, Snowmobiles, Utility Vehicles, Golf Carts, Motorcycles, etc. that cannot be utilized per the intended manufactured use in their current condition unless there is a verifiable order for parts to repair it and said repairs will be completed within 30 calendar days. A certificate of inspection deeming any or all before mention items safe and lawful shall be provide at this time.

D.) **FENCING;** All "Fencing" shall be constructed of the normal Industry Standard Materials and installed per these same standards. Vegetative Fencing shall have "Green Foliage" during normal growing season and be kept neat and trimmed. ALL fencing shall be maintained as to not become an "Eyesore" or blight in itself.

E.) **JUNK:** Shall include but not limited to parts of machinery, motor vehicle parts, vehicles, construction equipment/machinery, unused appliances and or their components, metals, plastics, paper, glass, rope, rubber, tires (mounted or not) Mobile Homes not meeting the Industry

Standards for Habitation by Human, furniture, lawn and Garden equipment and their components.

F.) **GARBAGE**: Shall include but not limited to by-products of food or food processing.

G.) **REFUSE**: Shall include but not limited to cement pieces, commercial waste, any or all building/construction materials.

H.) **DOMESTIC REFUSE**: Shall include but limited to grass clippings, leaves, vegetable or other garden debris used for composting. Composting must be active and placed out of public and private view.

I.) **RUBBISH**: Shall include but not limited to "litter", limbs, fire wood that is not stacked/stored in a safe and orderly manner.

J.) **RECEPTACLE**; Means a container manufacture solely for the use to temporarily house garbage, refuse or junk. *ALL* materials Must be contained within the confines of the receptacle at all times. The receptacle shall be located and emptied as to not become an eyesore or Blight in itself.

The above Ordinance was offered for adoption by Big Creek Township Board Member Mitchell and was seconded by Big Creek Township Board Member Mundt the vote being as follows:

YEAS: Mitchell, Stone, Booth, Mundt

NAYS: Avery

ABSENT/ABSTAIN: None

#### *CERTIFICATION*

THEREBY DECLARE THAT THE ABOVE IS A TRUE COPY OF AN Ordinance adopted by the Big Creek Township Board at a REGULAR meeting held on November 19, 2020 at the Big Creek Township Hall, pursuant to the required statutory procedures.

Dated: November 19, 2020

Respectfully Submitted,

By Rhonda Mundt, Township Clerk