

Blight Ordinance
(as amended 6/20/24)

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN Fulton TOWNSHIP, GRATIOT COUNTY, MICHIGAN; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF; PURSUANT TO THE ENABLING AUTHORITY THEREFORE PROVIDED BY ACTS 344 (MCL 125.71 ET SEQ.) AND 246 (MCL 41.181 ET SEQ.) OF THE PUBLIC ACTS OF 1945 AS AMENDED.

THE TOWNSHIP OF Fulton, GRATIOT COUNTY, 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 Fulton Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

Section 2. 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 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 Fulton Township owned, leased, rented or occupied by such person, firm or corporation.

- A. Any parking, storage or accumulation of inoperable motor vehicles, including vehicles being repaired or dismantled on any private property, unless that storage or accumulation is inside a completely enclosed building, or a fence made of such material as would hide said accumulation from view, or if such accumulation and/or storage is accomplished in such a manner as to conceal same from view from adjacent private or public property, including public or private roads.

No such storage or accumulation shall be permitted when such storage presents a hazard to public health or safety.

Nothing contained herein shall prohibit the storage, out-of-doors, of operable motor vehicles commonly licensed for farm use, whether such license is currently in effect or not, or operable recreational motor vehicles and operable trailers, whether currently licensed

or not.

For the purpose of this Ordinance, an inoperable motor vehicle is defined as a motor vehicle not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code. These requirements include, but are not limited to, an engine that runs, four wheels and four tires capable of holding air, current license plates, and a working battery. Inoperable recreational vehicles, farm equipment and trailers are required to be able to perform the functions they are intended to perform. Should the equipment be deemed décor, the vegetation surrounding the equipment shall be upkeep.

- B.** The storage upon any property, outside of a fully enclosed building, of building materials. The outdoor storing of building materials is permitted at any retail or wholesale building supply establishment located in a commercial or industrial district. The outdoor storage of building materials is permitted in other zoning districts when stored for the purpose of construction for which construction, a valid building permit has been issued by the appropriate county or township building official and where said materials are intended for use in connection with such construction.

For the purposes of this Ordinance, the term "building materials" is defined to include lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws or any other materials used in constructing any structure.

- C.** In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a land-fill permit, 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 stoves or other appliances stored in the open, remnants of woods, 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.
- D.** 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, nor useful for any other purpose of which it may have been intended.
- E.** 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 up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.
- F.** 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 the Township/City/Village and unless such construction is completed within a reasonable time.

- G. In any area, the existence of any dangerous vegetation or blighted factor that poses a danger to adjacent properties or persons.

Section 3. ENFORCEMENT AND PENALTIES

- A. This Ordinance shall be enforced by such persons who shall be so designated by the Township.
- B. *First offense:* Upon the first offense, a notice of violation shall be personally served by the code enforcement officer upon the owner or upon an adult occupant of the property unless after reasonably diligent effort the owner or an adult occupant cannot be located thereon or personal service is refused, evaded or obstructed by the owner or occupant, in which event the code enforcement officer shall post the notice of violation in a conspicuous place upon the property and shall mail a copy by certified mail to the owner of the property as shown in the tax assessment records of the Township/Village. If the violation involves a vehicle and personal service cannot be made, the notice of violation shall be affixed to the vehicle and a copy mailed to the owner of the property.

Subsequent violations: Upon subsequent or repeat violations by the same offender at the same address such written notice will not be required. All subsequent or repeat violations shall immediately be deemed a misdemeanor and follow the fine schedule and process outlined in section 3E and 3F.

A notice of violation shall contain the following:

1. The date and time of issuance of the notice, and the name, mailing address and telephone number of the code enforcement officer issuing the notice.
2. The address of the property on which the violation is found.
3. The name of the owner or adult occupant if personal service is made.
4. A description of the materials or of the vehicle found to be in violation, and their location on the property.
5. A statement that the materials must be permanently removed from the property or placed in an enclosed building, or if a vehicle either removed, placed in an enclosed building or concealed with a securely fastened fitted cover manufactured for that purpose, before the expiration of thirty (30) days of the date of issuance of the notice.
6. A statement that the refusal, failure or neglect to comply before the expiration of such period of thirty (30) days shall constitute a misdemeanor, that process may issue and the maximum penalty for the violation; that the township may seek additional or other relief by civil process; and that the materials or vehicles may be removed and disposed of by the township and that the expense so incurred shall be paid by the property owner.
7. A statement that the person has the right to appeal the notice of violation to the township board by written notice of the exercise of the right to appeal submitted to the code enforcement officer issuing the notice prior to the expiration of fourteen (14) days from the date of issuance of the notice of violation.

- C. A compliance agreement between the code enforcement officer and the person, firm or corporation whom owns, leases, rents or occupies the property is required to be written and signed within fourteen (14) days of contact.
- D. After issuance of a notice of violation by a code enforcement officer and the refusal, failure, or neglect by the person to comply as provided in this article before the expiration of the thirty (30) day period prescribed, the designated code enforcement officer or township may, in lieu of or in addition to arrest and criminal prosecution and/or the institution of other action provided by law, enforce the provision of this ordinance. Enforcement can, but is not limited to, the actions outlined in section 4.
- E. Any violation of this Ordinance shall constitute a nuisance per se. Violation of, or any failure to comply with, the provisions of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment but not to exceed ninety (90) days or both. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in the Section, provided no person shall be imprisoned for a period in excess of ninety (90) days.
- F. In the event a Court Order is entered ordering the abatement of such nuisance, the Township designee may, if the Defendant fails to obey such Order, take such measures as necessary or as directed by the Township designee to abate such nuisance and the entire cost thereof including all costs and attorney fees shall, at the option of the Township designee, become a lien against the premises upon which the nuisance was located and shall be added to the tax rolls, or become a deficiency Judgment to be enforce by levy, execution, garnishment or otherwise.

Section 4. COMPLIANCE

In order to be in compliance with this ordinance, the property in which a complaint is against must be substantially and materially free of blight factors described in the complaint and as defined in Section 2 as determined by the code enforcement officer. In order to ensure compliance, the property owner or adult occupant can perform, but is not limited to:

- A. Any blighted factors outlined in Section 2 may be repaired, replaced or removed by the owner or adult occupant.
- B. The designated code enforcement officer or township/village may remove and disposal of junk, ashes, building materials, or household or yard rubbish or trash and shall be paid by the owner of the property from which the materials were removed; and such expenses shall constitute a lien against the property until paid.
- C. Any abandoned vehicle or inoperable vehicle may be taken into custody and removed or caused to be removed by a member of the Sheriff's Department, and disposed of in accordance with applicable provisions of the Michigan Vehicle Code (MCL 257.1 et seq). Recovery of expenses incurred by the designated code enforcement officer or

township/village shall be provided by such Act, and any deficit of expenses not so recovered shall constitute a civil claim in favor of the township/village.

- D. Any area visible from the road frontage 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, nor useful for any other purpose of which it may have been intended. The township/village may repair, replace, or remove the blighted structure, dependent on the level of deterioration and the most cost-effective method as determined by the code enforcement officer; and such expenses shall constitute a lien against the property until paid.
- E. For any area, the existence of any vacant dwelling, garage or other outbuilding will be securely locked, windows kept glazed or boarded up and otherwise protected or otherwise protected to prevent entrance thereto by vandals, animals or other unauthorized persons by the township/village.
- F. Following the final approved site inspection completed by the code enforcement officer to determine compliance, the township/village will receive a notice of compliance and will have thirty (30) days to provide a written response. If no response is received within the thirty (30) day period, the complaint will be closed.

Section 5. SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section 6. EFFECTIVE DATE AND ADOPTION

- A. This ordinance shall become effective thirty (30) days after its publication as required by law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- B. This Ordinance was adopted by the Township Board of the Township of Fulton, Gratiot County, Michigan at the Regular meeting thereof held on October 15, 2020.

Doug Antes
Township Board Supervisor

June 24, 2024
Date

Denise Rossman
Township Clerk

June 24, 2024
Date

Published Date: July 18th, 2024
Effective Date: August 17th, 2024
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