

CLAY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN

BLIGHT ELIMINATION ORDINANCE
ORDINANCE NO. 133

An Ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Clay Township, St. Clair, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. The Township of Clay, St. Clair County, ordains:

SECTION 1: PURPOSE

It is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Clay Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may exist in the future in Clay Township.

SECTION 2: INTENT

It is the intent of these regulations to establish reasonable standards concerning the storage of materials, soil, boats, boat houses, and/or vehicles on properties, that if not regulated would have the potential to cause blight and devalue property. The exercise of these regulations, shall within reason, not:

1. Interfere with the normal and good practice operations of farms, farm lands, or forest lands.
2. This Ordinance does not apply as to motor driven equipment which is unlicensed but being used entirely for off-highway work on land zoned agricultural.
3. Discourage the keeping and/or restoration of vehicles having antique or classic value, and other vehicles stored temporarily that are not in junk or salvage condition.
4. Prevent normal good practice of fuel wood and/or lumber intended for building projects (new and used).
5. Abrogate any other normal good practice use of property that is in character with the neighborhood area.

The exercise of these regulations in Clay Township shall give full consideration to the property's neighborhood environment, the intention of the landowner with respect to materials stored, the period of time that the storage is to be maintained, the zoning classification of the property, the environmental features of the property and adjoining properties, the impact on tourism, and in general, the impact on the character of Clay 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 blighting factors which, if allowed to exist, will result in blighted and undesirable neighborhoods. On and after the effective date of the 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 Clay Township owned, leased, rented or occupied by such person, firm or corporation.

A. STORAGE OF JUNK MOTOR VEHICLES

It shall be unlawful for any person to store or to permit the storage or accumulation of junk motor vehicles on any private property in Clay Township except when completely enclosed by a building or shielded from public view from public roadways and adjoining property dwellings by natural objects, plantings, topography, and/or fencing.

For the purpose of this Ordinance, the term "junk motor vehicles" shall include any motor vehicle which is not licensed for use upon public roads and shall also include, whether licensed or not, any motor vehicle which is inoperative for a period of three (3) months or longer, trailers in disrepair, or contractor's equipment in disrepair. This includes any of the above "junk motor vehicles" not licensed for use upon Michigan highways, for a period in excess of 5 days; and shall also include, whether licensed or not, any "junk motor vehicles" that are inoperative for any reason for a period in excess of 14 days.

Anyone in possession of automobiles of a classic or antique nature that are in the process of being restored or converted which are not enclosed by a building or shielded from public view must request in writing to the Ordinance Enforcement Officer that the Township Board issue a one year permit to complete the restoration.

B. BOATS, BOAT HULLS, BOAT CRADLES, AND BOAT HOUSES

It shall be unlawful for any person to store or to permit the storage or accumulation of junk boats or boat equipment on any private property in Clay Township except when completely enclosed by a building or shielded from public view from public roadways and adjoining property dwellings, by natural objects, plantings, topography, and/or fencing.

For the purpose of this Ordinance, the term "junk boats or boat equipment" shall include any watercraft which is not licensed for use in Michigan lakes or waterways and shall also include, whether licensed or not, any watercraft which is inoperative for a period of three (3) months or longer, boat trailers in disrepair, contractor's equipment in disrepair, boat hulls in disrepair, boat houses in disrepair, and boat cradles in disrepair. This includes any of the above "junk boats or boat equipment" not licensed for use upon Michigan lakes or waterways, for a period in excess of 5 days; and shall also include, whether licensed or not, any "junk boats and boat equipment" that are inoperative for any reason for a period in excess of 14 days.

Anyone in possession of watercraft of a classic or antique nature that are in the process of being restored or converted which are not enclosed by a building or shielded from public view must request in writing to the Ordinance Enforcement Officer that the Township Board issue a one year permit to complete the restoration.

C. AUTOMOBILE PARTS, EQUIPMENT AND MACHINERY

It shall be unlawful for any person to upon any property of any automobile parts, equipment or machinery in disrepair, except to the extent such items are kept in a completely enclosed building or are shielded from public view from public roadways and adjoining property dwellings by natural objects, plantings, topography, and/or fencing.

D. BUILDING MATERIALS

It shall be unlawful in any area of Clay Township the storage upon any property of building materials unless there is in force a valid Building Permit issued for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but not be limited to, lumber, bricks, concrete or cement, cinder blocks, plumbing and drainage materials, electrical wiring or heating ducts or equipment, roofing materials, builder's hardware, heating ducts or equipment, shingles, mortar, nails, screws, or any other materials made to be used in constructing any structure. Neatly piled building materials, however, may be stored on property on a temporary basis, if the Township Ordinance Enforcement Officer determines in writing (1) that the materials, as stored, will not be unsightly or cause blight and (2) how long such materials can be stored at such property.

E. JUNK, TRASH AND RUBBISH

The storage or accumulation of junk, trash, rubbish or refuse of any kind, except in a completely enclosed building or completely shielded from public view from public roadways and adjoining property dwellings by natural objects, plantings, topography, and/or fencing. The term "junk" shall include but not be limited to stoves, refrigerators or other appliances, abandoned vehicles, remnants of wood except firewood neatly stacked, metal or other cast off materials of any kind stored in the open whether or not such materials could be put to any reasonable use. Farm machinery in normal use in an area zoned agricultural is exempt from the provisions of this section.

All domestic refuse shall be disposed of in a timely manner that does not create a hazard to the public health. Disposal upon a person's own private land is permitted provided that it does not create a public health hazard and is permitted by state or other local governing law. The accumulation of any domestic refuse under this section that creates a public health hazard, as determined by the St. Clair County Health Department, shall not be permitted.

F. INCOMPLETE BUILDING

The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid existing building permit shall not be permitted.

G. DAMAGED OR UNUSED BUILDINGS

The existence of any structure or part of structure which because of fire, wind, natural disaster, or physical deterioration, which in the judgment of the Township Building Inspector is an

unusable structure as defined in the State Building Code, and is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended shall not be permitted.

H. HOUSE TRAILERS, MOBILE HOMES, CAMPERS, OR RECREATIONAL VEHICLES

House trailers, mobile homes, campers, or recreational vehicles in disrepair for a period of one (1) year shall not be permitted unless stored in a completely enclosed building or completely shielded from public view from public roadways and adjoining property dwellings by natural objects, plantings, topography, and/or fencing.

I. DREDGINGS AND SOIL

It shall be unlawful for any person to permit earth including but not limited to dredged soil, rocks, sand, vines, grass, underbrush, branches, or other vegetation to pile up/accumulate on private property reaching heights of more than three feet tall, unless shielded from public view from public roadways and adjoining property dwellings.

SECTION 4: PUBLIC NUISANCE.

All causes of blight or blighting factors in violation of the provisions of this ordinance are hereby declared to be a public nuisance.

SECTION 5: NOTICE, ENFORCEMENT AND PENALTIES

- A. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 3 above is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 30 days after service of the notice upon such owner or occupant. Such notice may be delivered personally or sent by certified mail, return receipt requested. Additional time may be granted by the Township Ordinance Enforcement Officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- B. If the owner or occupant fails to comply the notice to eliminate the offending blight within the times set forth in subparagraph A above, the Township Enforcement Officer may thereafter issue a citation for violation of this Ordinance.
- C. The issuance of a citation for a municipal civil infraction shall not in any way exempt the offender from compliance with the requirements of the Ordinance and shall not in any way limit the Township from seeking enforcement of this Ordinance in any other manner, including, but not limited to, an action to abate any nuisance created by a violation of this Ordinance and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law in connection with such abatement and the enforcement of this Ordinance. All expenses incurred in such removal or elimination shall be paid by the owner of such land. The Township shall have a lien upon such land for the full amount of such expenses, which may be enforced in the same manner as the

enforcement of real property tax liens through entry upon the next tax roll of the Township and assessment as a general Township tax. Such expenses shall be subject to all interest and penalties provided for taxes due and collectible within the Township under the general tax laws of the State of Michigan. In addition to the foregoing, the Township may sue the owner in an appropriate court of law for the collection of such expenses.

- D. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- E. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- F. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Fine
1 st offense	\$100.00
2 nd offense	\$300.00
3 rd or subsequent offense	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- G. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer(s) of the Township, or by such other person(s) as the Township Board may designate from time to time.

SECTION 6: SEVERABILITY

This ordinance and its various sections, subsections, sentences, phrases, and clauses are severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

SECTION 7: REPEAL

All prior blight ordinances and any other ordinances or parts thereof, that are in conflict in whole or in part with any provisions of this ordinance as of its effective date are hereby repealed to the extent of such conflict.

SECTION 8: INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 4170 Pte. Tremble Road, Clay, Michigan 48001, during regular posted office hours.

SECTION 9: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication as required by law.

Lisa White
Clay Township Clerk
4710 Pte. Tremble Road
Algonac, Michigan 48001
(810) 794 -9303

**BLIGHT ELIMINATION ORDINANCE
ORDINANCE NO. 133**

Motion by Thomas Fetter supported by Charles Miller to Adopt Blight Elimination Ordinance No. 133

Upon Roll Call Vote, the vote was as follows:

AYES: J. Arthur Bryson, Lisa White, Thomas Fetter, Karen Straffon, John Horvath and Charles Miller
NAYES: None
ABSENT: Thomas Krueger

Ordinance No. 133 was adopted on April 21, 2014 at a regular Township Board Meeting.

CERTIFICATION

The undersigned Clerk of the Township of Clay, hereby certifies that the foregoing constitutes a true and complete copy of an Ordinance adopted by the Clay Township Board of Trustees of the Township of Clay, County of St. Clair, Michigan at a meeting held on April 21, 2014 at which six (6) members of the Township Board were present and voted as indicated, that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Lisa White Clay Township Clerk

Arthur Bryson
Supervisor

4-22-14