

ORDINANCE NUMBER 45 **BLIGHT ORDINANCE**

THE CHARTER TOWNSHIP OF EUREKA HEREBY ORDAINS:

An Ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Eureka Township, Montcalm County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL 125.71 et seq.)

SECTION 1.0 TITLE

The Title of this Ordinance is the Eureka Charter Township Ordinance 45 Eureka Charter Township Blight Ordinance.

SECTION 2.0 PURPOSE

- A. 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 Eureka Charter 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 Eureka Charter Township.
- B. Definitions:
1. Blight - A deteriorated condition, dilapidation of a property or parcel.
 2. Motor Vehicles - Any wheeled vehicles which are or are intended to be operable as self propelled vehicles.
 3. Inoperable Motor Vehicles - Motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this State because of inability to comply with the State Motor Vehicle Code.
 4. Dismantled and Partially Dismantled Vehicles - Motor vehicles from which some component of such motor vehicles has been removed or is missing.
 5. Junk Vehicles - Any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle which is inoperable.
 6. Inoperable Machinery and Equipment - any item or piece of machinery or equipment which by reason of dismantling,

disrepair, or other cause is incapable of functioning or being operated as it was intended to function or be operated.

7. Junk - Parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood with the exception of neatly piled wood to be used for bonfires or heating of homes or accessory buildings, construction materials, pallets, metal or other cast-off materials of any kind whether or not the same could be put into any reasonable use. Note: Farm equipment stored outside and in operable condition is exempt.
8. Salvage - Usable material parts taken from non-usable equipment and structures.
9. Rubbish - Waste material; items that have or are to be thrown away.
10. Waste - Discarded materials.
11. Refuse - Food waste that is discarded.
12. Trash - anything worthless, useless, or discarded

SECTION 3.0 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. 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 Eureka Charter Township that is or may be owned, leased, rented or occupied by such person, firm or corporation.

1. The storage upon any property in the Township of any dismantled, partially dismantled, or inoperable motor vehicles, machinery, equipment or junk vehicles in any zoned area, over 48 hours, except in a completely enclosed building, unless a valid junk yard permit, or special use permit has been issued for the business.

2. The storage upon any property of building materials in any zoned area unless there is in force a valid building permit issued by the Montcalm County Building Department, and said materials are intended for use in connection with construction on the property. Building materials shall include, but not be limited to: lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. Note: The owner of a property in Eureka Charter Township may store small amounts of salvage materials, neatly piled, if not visible from the road, or from other residences in the area.

3. The storage or accumulation of junk, trash, rubbish or refuse of any kind in any zoned area (unless there is a valid landfill permit) and except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days.
4. Any deteriorated structure or any parts of a deteriorated structure which is the result of fire, wind or natural disaster or physical deterioration in which the structure is no longer habitable nor used for any other purpose which it may have been intended.
5. Any vacant dwelling, garage or other outbuilding located in any zoning classification 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.
6. Any partially completed structure located in any zoning district unless such structure has a valid and subsisting building permit issued by the Montcalm County Building Department or said structure is in the process of being completed within a reasonable time frame as set by Zoning Ordinance 79 section 3.24 Timely Completion of Construction Required.

SECTION 4.0 GRANDFATHER (*NON-CONFORMING*) *CLAUSE*

Historical structures (i.e. old barns), if maintained, are exempt from this Ordinance.

SECTION 5.0 ENFORCEMENT AND PENALTIES

- A. This Ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- B. 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 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 10 days after service of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the Enforcement Officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- C. Failure to comply with notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance.
- D. Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this

Ordinance or fails to comply with a duly authorized order pursuant to this Ordinance shall be deemed to be in violation of the Ordinance and subject to a municipal civil infraction.

- E. Fines for a civil municipal infraction shall be determined annually by the Eureka Charter Township Board.
- F. The violator shall pay costs which may include all expenses, direct and indirect, that Eureka Charter Township has incurred in connection with the municipal infraction.
- G. The Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.
- H. Each day that a violation of this Ordinance exists shall constitute a separate violation of the Ordinance.

SECTION 6.0 SEVERABILITY CLAUSE

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 7.0 EFFECTIVE DATE AND ADOPTION

- A. This Ordinance shall amend the current Ordinance 45 and will become effective thirty (30) days after its publication in a local newspaper.
- B. This Ordinance was adopted by the Township Board of the Charter Township of Eureka, Montcalm County, Michigan at a regular meeting thereof held on September 14, 2009.

Adopted: 9/14/09
Published: 11/06/09
Effective: 12/06/09