

Nuisance Elimination – Ordinance #69.01

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Napoleon Township, Jackson 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.*).

THE TOWNSHIP OF NAPOLEON, JACKSON COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

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 Napoleon 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 Napoleon 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 Napoleon Township owned, leased, rented or occupied by such person, firm or corporation.

In any area zoned for residential purposes, the storage upon any property of junk or dismantled vehicles, except in a completely enclosed building. For the purpose of this ordinance, the term junk automobiles shall include 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 inoperative.

In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by Napoleon Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall 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.

In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 14 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.

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.

In any area, the existence of any vacant dwelling, garage or other out-building 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.

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 and unless such construction is completed within a reasonable time.

Section 3: Enforcement

This ordinance shall be enforced by such persons who shall be so designated by the Township Board.

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 2 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 bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

Section 4: Severability Clause

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.

Section 5: Conflicts

Any ordinance or parts of ordinances in conflict or inconsistent with any of the provisions of this chapter are hereby repealed.

Section 6: Penalty

Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this ordinance.

(A) Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a municipal civil infraction and shall be punished by a fine(s) as provided for by Ordinance 72. Each day that a violation continues to exist shall constitute a separate offense.

(B) In addition, any violation of this chapter shall be deemed a nuisance per se, permitting the Township Board, its officers, agents, or any private citizen to bring an action in any court of competent jurisdiction to cause the abatement of the nuisance, including injunctive relief.

Section 7: Effective Date

This ordinance shall be published in the manner provided by law and shall take effect 30 days after publication.

At a regular meeting of the Napoleon Township Board held in the Township Hall on the 13 day of May, 2008, at 7:00 p.m., the foregoing ordinance was offered by member Wymer, and supported by member Lammers.

The foregoing Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the boundaries of the Township of Napoleon and qualified under state law to publish legal notices promptly within its adoption, and shall take effect thirty (30) days after the date of publication.

MEMBERS PRESENT: Butler, Day, Stetler, Lammers and Wymer

MEMBERS ABSENT: None

MEMBERS VOTING IN FAVOR OF ADOPTION: Butler, Day, Stetler, Lammers and Wymer

MEMBERS VOTING AGAINST ADOPTION: None

Adopted: May 13, 2008

Effective: June 20, 2008

Denise Butler, Supervisor

Janet Day, Clerk