

GARFIELD TOWNSHIP ORDINANCE 98A

Anti-Blight Ordinance of 1998

At a regular meeting of the Township Board of Garfield Township, Bay County, Michigan held on the 8th day of June, 1998, held at the Garfield Township Hall, upon motion made by Florence Gotfryd seconded by Walter Kotz Jr., and carried, the following ordinance was adopted.

ANTI-BLIGHT ORDINANCE

An Ordinance to define and establish conditions on real estate which are considered to constitute blight and to prescribe penalties and other relief available to the Township to eliminate such blight conditions for the purposes of promoting the public health, safety, and general welfare of the residents of Garfield Township, Bay County, Michigan.

THE TOWNSHIP OF GARFIELD, BAY COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Short Title.

This Ordinance shall be know as the "Garfield Township Anti-Blight Ordinance of 1998"

SECTION 2. Definition and Cause 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 areas within the Township or Garfield. 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 the following causes of blight or blighting factors upon any real estate owned, leased, rented or occupied by such person, firm or corporation within the Township of Garfield.

A. The outdoor storage upon any property of three or more disabled motor vehicles or the disassembling, tear down or scrapping of a motor vehicle, or the scavenging or stripping of a motor vehicle, except as permitted by this or other Ordinance of the Township of Garfield. For the purpose of this Ordinance, the term "disabled motor vehicle" shall include any motor driven vehicle which is incapable of being self-propelled upon the public streets, or which does not meet the statutory requirements for operations upon the public streets, including a current license.

(1) Disabled motor vehicles shall not be permitted to be parked nor stored in a front or side yard of a parcel as defined by the Garfield Township Zoning Ordinance, provided however, that a reasonable time not to exceed seven (7) days from the time of disability, shall be permitted for the removal or servicing of a disabled vehicle in an emergency caused by accident or breakdown of the vehicle.

(2) Two or fewer disabled motor vehicles will be permitted in the rear yard, as defined by the Garfield Township Zoning Ordinance, on any lot or parcel of land in the Township provided however, a disabled vehicle shall not be permitted to remain outside of a building for a

period in excess of thirty (30) days on any lot used for residential purposes or on that portion of any lot within twenty (20) feet of an abutting lot used for residential purposes.

(3) Storage, service and repair of disabled motor vehicles or other machinery incidental to and during a period when agricultural operations are being conducted in an agricultural zone shall be permitted by an owner or tenant of the premises, provided that such use is neither a commercial nor industrial use and provided further when outside such use is set back at least 100 feet from the nearest adjoining residential building used for residential purposes and upon the further conditions that such use shall not be permitted within a front yard as defined by the Garfield Township Zoning Ordinance.

B. The storage or accumulation of rubbish, refuse, waste materials, garbage, paper, glass, cans, bottles, trash, debris, junk or other foreign substances of every kind and description. Domestic refuse which is stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days is permitted. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open remnants of wood, metal or other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

C. The existence of any structure or part of a structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, or not useful for any other purpose for which it may have been intended.

D. The existence of any partially completed residence unless such structure is in the course of construction in accordance with a valid building permit, and unless such construction is completed within the original deadline of the building permit or any valid extension fo the deadline of such building permit.

SECTION 3. Notice to Owner, Agent or Occupant.

The Township of Garfield shall notify, by first class mail or personal service, the owner or owners, agent or agents, and/or occupant or occupants of any property upon which any of the causes of blight or blighting factors set forth in Section 2 herein are found to exist, to remove or eliminate such causes of blight or blighting factors from said property within thirty (3)0 days after mailing or personal service of the notice upon such owner or owners, agent, or agents and/or occupant or occupants.

SECTION 4. Violation Constitutes Nuisance.

The existence of such cases of blight or blighting factors shall be considered a nuisance per se and subject said owner, agent or occupant to any and all legal and equitable remedies available in the Courts of the State without limitation and in addition to the penalties set forth in the following section.

SECTION 5. Civil Infraction.

Any owner, agent or occupant who shall violate any of the provisions of this Ordinance, and who is found to be responsible for such violation, shall be subject to payment of a civil fine, costs or damages or expenses as ordered by the Court, including costs of not less that

\$9.00 or more than \$500.00 to be reimbursed to the Garfield Township General Fund. The Court may also issue writs or orders and a lien may be filed against the subject property to compel payment of the indebtedness.

Violation of this Ordinance shall not constitute a criminal offence.

In addition to being a civil infraction, the Township of Garfield may pursue any other legal or equitable remedies available in the courts of this state without limitation to prevent enjoin and/or correct any violation of this Ordinance.

SECTION 6. Effective Date.

This Ordinance shall take effect 30 days after the first publication of the Ordinance following adaption as required by law. The above Ordinance was adopted at a regular meeting of the Garfield Township Board on the 8th day of June, 1998.

Yeas: Ray Monsion, Marilyn Rutkowski, Walter Kotz Jr., Florence Gotfryd, James Dubay

Nays: None

Absent: None

Garfield Township Clerk
Bay County, Michigan