

IDA TOWNSHIP ORDINANCE NO. 11-R-17
IDA TOWNSHIP BLIGHT ORDINANCE

AN ORDINANCE enacted pursuant to Public Act 246 of 1945 (MCL §41.81), as amended, to repeal and replace the Ida Township Blight Ordinance, Ordinance No. 11-R-09, which became effective April 25, 2009; to prevent, reduce and eliminate blight, blighting factors or causes of blight within Ida Township, Monroe County, Michigan; to provide for the enforcement thereof, and to provide for the penalties for the violation thereof, to further provide for the definitions of certain terms; to protect the health, safety and general welfare of persons and property within the Township; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF IDA, COUNTY OF MONROE, STATE OF MICHIGAN ORDAINS:

SECTION 1: Purpose.

It is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Ida Township by preventing, reducing, eliminating of certain environmental causes of blight or blighting factors which currently exist or which may in the future exist in the Township. Adequate protection of public health, safety, and welfare requires that blight and conditions that cause blight, including, but not limited to, dismantled or inoperable motor vehicles be regulated and controlled.

SECTION 2: Definitions.

A. “Building Materials” shall include, but shall 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.

B. “Inoperable Motor Vehicle” shall include any Motor Vehicle which, by reason of dismantling, disrepair, or any other cause whatsoever:

1. Is incapable of being propelled under its own power;
2. Lacks all of the necessary component parts to make it operable and serviceable as a Motor Vehicle; or
3. Does not display or have affixed to it a current license plate or tabs as required by the State for the purpose of operating such a Motor Vehicle upon public roads or streets.

C. “Junk” shall mean trash, garbage, rubbish, or refuse, including but not limited to, parts of machinery or motor vehicles, un-mounted motor vehicle tires, broken or unusable furniture, stoves, refrigerators or other appliances stored in the open, remnants of lumber, broken toys and bicycles, metal or any other material, other cast-off material of any kind whether or not the same could be put to any reasonable use, or any out-of-use lawn, garden, or farming equipment, including, but not limited to inoperable farm tractors and combines.

D. “Motor Vehicle” shall include any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in Section 90 of Act 300 of the Public Acts of 1949, as amended, being Section 257.79 of the Michigan Compiled Laws, which is required to be registered for use upon the public streets and highways of this State under Act 300, and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.

E. “Person” shall mean any person, firm, partnership, association, corporation, company, individual, or organization of any kind.

F. “Township” shall mean Ida Township, a general law township located in the County of Monroe, State of Michigan.

SECTION 3: Causes of Blight or Blighting Factors.

A. Blight in General. It is hereby determined that certain 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 Ida Township owned, leased, rented or occupied by such person, firm or corporation.

B. Blight in Areas used for Commercial or Agricultural Purposes. The causes of blight or blighting factors as set forth in this Ordinance shall constitute blight in the areas used for commercial or agricultural purposes, unless such uses of the property are incidental to and necessary for the carrying on of any business, occupation, or farming operation lawfully being conducted upon the premises involved.

C. Blight in All Areas. In any area, the following shall be considered blight in Ida Township:

1. 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 15 days;
2. 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;
3. 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;
4. 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;

5. The storage upon any property of inoperable motor vehicles, except in a completely enclosed building; or
6. The storage upon any property of building materials unless there is in force a valid building permit issued by Ida Township for construction upon said property and said materials are intended for use in connection with such construction.

SECTION 4: Enforcement and Penalties.

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

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

C. Penalties. Violation of this ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding Five Hundred and NO/100 (\$500.00) Dollars or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the Court.

SECTION 5: Abatement of Nuisance.

A. Public Nuisance/Nuisance Per Se. The imposition of the penalties and remedies herein prescribed shall not preclude the Township of Ida from instituting any legal action to restrain, correct or abate a violation, or to prevent or stop an illegal act, conduct, business, or utilization of a building, structure, or premises. In addition to the criminal sanctions herein provided, the Township specifically reserves the right and shall have the authority to proceed in any Court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate civil proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. Any finding of a violation of this Ordinance shall constitute a finding that the premises is a nuisance per se and a danger to the public health, safety, and general welfare of the residents and property owners of the Township of Ida.

B. Nuisance Abatement. If any property is found through legal action to be in violation of this Ordinance thus constituting a per se public nuisance, any duly elected, appointed, and/or designated officials of the Township of Ida, and their agents and contractors, shall

have the right of entry onto such property to abate said nuisance and may physically abate such nuisance. Any costs incurred by the Township of Ida in abating such nuisance may be charged against the real property and shall constitute a lien on the real property for said amount. Any such costs may also be collected by any other legal means.

SECTION 6: Repeal.

All ordinance or parts of ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

SECTION 7: Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional, or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

SECTION 8: Effective Date and Adoption.

This ordinance shall become effective on the thirty-first (31st) day after its publication as required by law.

I, Karen Lieb, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Ida, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Ida, Monroe County, Michigan, at a regular meeting of the Township Board held at the Ida Township Hall, Ida, Michigan, on the 4 day of April, 2017.

**THE TOWNSHIP BOARD OF THE
TOWNSHIP OF IDA, COUNTY OF
MONROE, STATE OF MICHIGAN**

BY: _____
Karen Jo Lieb, Ida Township Clerk

AUTHENTICATED:

BY: _____
Paul Metz, Ida Township Supervisor

I, Karen Jo Lieb, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Ida, and I do hereby certify that a Copy of Ordinance No. 11-R-17, the Ida Township Blight Ordinance, or a summary of it, was published on the 12 day of April, 2017, in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Ida, within thirty (30) days after the adoption.

Dated: _____

Karen Jo Lieb, Ida Township Clerk

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF IDA, COUNTY OF
MONROE, STATE OF MICHIGAN

BY: Karen Lieb
Karen Lieb, Ida Township Clerk

AUTHENTICATED:

BY: Paul R. Metz
Paul Metz, Ida Township Supervisor

I, Karen Lieb, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Ida, and I do hereby certify that a Copy of Ordinance No. 11-R-17, the Ida Township Blight Ordinance, or a summary of it, was published on the 12th day of April, 2017, in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Ida, within thirty (30) days after the adoption.

Dated: 4-4-2017

Karen Lieb
Karen Lieb, Ida Township Clerk

ATTEST:

Paul R. Metz
Paul Metz, Ida Township Supervisor

ADOPTED: 4-4-2017

PUBLISHED: 4-12-2017

EFFECTIVE: 5-13-2017

MJK/db
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