

LEE TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 2025

BLIGHT ELIMINATION ORDINANCE

An ordinance to amend and restate Ordinance No. 2014 to prevent, reduce or eliminate blight, blighting factors or causes of blight within Lee Township; to provide for the enforcement thereof; to provide for fines and sanctions for the violation thereof; and to repeal Ordinance No. 2006.

THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Ordinance Title.

This Ordinance restates and amends Ordinance No. 2014 and shall be known as "The Lee Township Blight Elimination Ordinance."

Section 2. Purpose.

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

Section 3. Causes of Blight or Blighting Factors; prohibitions.

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 conditions. No person, firm, association, partnership, corporation or governmental entity of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Lee Township owned, leased, rented or occupied by such person, firm, association, partnership, corporation or governmental entity.

- a. The storage upon any property of building materials unless there is in force a valid building permit issued by Lee Township for construction upon said property and said materials are intended for use in connection with such construction. 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. 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. 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.

- c. The existence of any structure or part of any structure which, because of fire, wind or other natural disaster, physical deterioration, or lack of maintenance is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended.
- d. 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 unauthorized entry.
- e. The existence of any partially-completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the Township and unless such construction is completed within a reasonable time.

Section 4. Notice of Violation.

The owner and/or the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 3 hereof are 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/her. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted where good-faith 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 shall constitute a violation of this ordinance.

Section 5. Sanctions and Enforcement.

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction, as defined by Michigan law, which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum</u> <u>Fine</u>	<u>Maximum</u> <u>Fine</u>
1 st Offense	\$ 75.00	\$500.00
2 nd Offense within 3-year period*	150.00	500.00
3 rd Offense within 3-year period*	325.00	500.00
4 th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lee Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, 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. Each day that a violation exists shall constitute a separate offense.

The building official and any deputy sheriff enforcing Township ordinances pursuant to an interlocal agreement between the Township and the county sheriff are hereby authorized to issue and serve appearance tickets under this Ordinance and as provided by MCL 764.9c(2).

Section 6. Severability; validity.

The several provisions of this Ordinance are declared to be separate; if any court shall rule that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

Section 7. Savings clause; repealer.

Ordinance No. 2014 is hereby amended and restated as indicated above. Any section or provision of Ordinance No. 2014 which is inconsistent with this Ordinance is hereby repealed, with the exception that this amendment and restatement of Ordinance No. 2014 shall not effect any enforcement proceeding or prosecution which may be pending under Ordinance No. 2014, which enforcement proceeding or prosecution shall continue until conclusion under Ordinance 2014 as if it had not been amended and restated by this Ordinance. Ordinance No. 2006 is hereby repealed.

Section 8. Effective Date.

This Ordinance shall take effect thirty (30) days after its publication as required by law.

Moved by member Moore, supported by member Cericola to adopt the foregoing ordinance.

Ayes: Black, Cericola, Lowery, Moore, & Christensen

Nays: None

Absent/Abstentions: None

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Board of Lee Township, Allegan County, Michigan, at a meeting held on May, 13, 2002. I further certify that the Ordinance was published on May, 23, 2002 in the Allegan County News. I further certify that a copy of this Ordinance was filed with the Allegan County Clerk on May, 24, 2002.

Donna L. Christensen
Township Clerk

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