

ORDINANCE NO 202

TOWNSHIP of STOCKBRIDGE

**AN ORDINANCE TO AMEND THE ANTI-BLIGHT
AND ANTI-NUISANCE ORDINANCE
(ORDINANCE NO 202) BY RESTATEMENT**

An ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, and Act 191 of the Public Acts of 1939, as amended, to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisance in Stockbridge Township, to preserve, promote and protect the health, safety and general welfare of the persons and property within the Township; to provide for the enforcement hereof and to provide penalties for the Violation hereof.

The Township of Stockbridge, County of Ingham, State of Michigan ordains:

Section 1.0 TITLE

This Ordinance shall be known and cited as the Stockbridge Township Anti-Blight and Anti-Nuisance Ordinance, and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

Section 2.0 PURPOSE

It is the purpose of this Section to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisances in the Township by preventing or eliminating certain conditions and uses of land and buildings and structures in the Township which caused blight or nuisance and which conditions and uses may now exist or may in the future exist within the Township.

Section 2.1 DEFINITIONS:

- A.** The following words, terms, and phrases, when used in

this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BLIGHT - A condition that impairs, destroys, or deteriorates the property because of its decay, improper storage, or effect on property or quality of life, including but not limited to such things as garbage, junk, inoperative vehicles and waste. The property storage of materials or equipment incidental to and necessary for the carrying out of any business or occupation lawfully being carried out on the property in question is not the cause of blight or a blighting factor if all applicable Township ordinances are satisfied. The piling and storage of firewood in a neat, orderly manner for consumption by the property residents is not blight.

OPERATIVE CONDITION - A motor vehicle duly licensed for use upon the highways of the state and in a condition to propel itself through or by the mechanical or other means designed to propel it and possessing that operating equipment required by the State Vehicle Code.

Section 3.0 BILGHT, BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF PROHIBITED

All blight, blighting factors, nuisances and causes thereof, as defined herein, are prohibited upon all property in the Township and shall constitute illegal, and nonconforming uses to be abated. No owner, occupant or other person shall permit any such uses to exist upon any property in the Township.

Section 4.0 BLIGHT. BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF

The following conditions and uses of land, building and structures are determined to be blight, blighting factors, or nuisances, causes thereof, which will result in blighted and undesirable

neighborhoods or which will result in public nuisances unless abated:

A. Inoperative motor vehicles. The parking, storage or placing upon any public right-of-way, public property, or private property within the Township of any motor vehicle that is not duly licensed for use upon the highways of the state for a period in excess of 30 days or is not in an operative condition for a period in excess of 14 days unless such vehicle is wholly contained in a fully enclosed building. Vehicles in a state of disassembly or from which parts have been stripped are considered inoperable.

B. Repairing or dismantling vehicles. The repairing, redesigning, modifying, or dismantling of any vehicle or other equipment described in Subsections A through B of this section, unless accomplished in a fully enclosed building, except for repairs of any emergency nature, which shall be completed within a forty-eight-hour period.

C. Building materials. The outdoor storage upon any property of building materials or equipment, unless there is in force a valid building permit issued by the Township for construction upon the property and the materials are intended for use in connection with such construction. Building materials and equipment shall include but shall not be limited to ladders, scaffolding, tools, 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.

D. Litter; junk; garbage. The storage or accumulation of litter, junk, trash, rubbish, refuse, waste materials,

garbage, offal, paper, glass, cans, bottles, debris or other foreign substances of every kind and description except such as may be temporarily stored awaiting collection for periods not to exceed seven days. The term "junk" shall include parts of machinery or motor vehicles, unused appliances stored in the open, remnants of wood, metal, carpet or floor covering materials, furniture or household items intended for indoor use, crates, cartons, or any other cast-off materials of any kind whether or not they could be put to any reasonable use.

E. Uninhabitable structures. The existence of any structure, or part of a structure, that, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended or lawfully used.

F. Vacant buildings. The existence of any vacant dwelling, garage, or other accessory building unless they are securely locked, windows intact, or neatly boarded up, and otherwise protected to prevent entrance by unauthorized persons.

G. Partially completed structures. The existence of any partially completed structure unless such structure is during construction in accordance with a valid and subsisting building permit issued by the Township unless such construction is completed within the time specified by existing ordinance.

H. Broken glass or any other dangerous pointed or edged substances.

I. Any hole, excavation or partially constructed basement which is not sufficiently covered so as to prevent access thereto by any person or is not fenced with a good and substantial

fence to a height of not less than four (4) feet where the same is for the purpose of ongoing construction of a building or structure pursuant to valid land use and building permits and where more than sixty (60) days has elapsed from the date of the commencement of digging or excavation.

J. Any hole, shaft, pit, trench or other non-natural opening in the ground which is not filled in with dirt or sufficiently covered so as to prevent access thereto by any person or fenced with a good and substantial fence to a height of not less than four (4) feet and any such opening, even if fenced, which is allowed to accumulate stagnant or putrid water.

K. Any land, building or structure which has thereupon any obstruction or hindrance of any sort which would be reasonably expected to interfere with the efficiency and use of any fire, ambulance or police protection equipment, either upon or around that, or any other, land, building or structure.

L. Any dwelling which does not have adequate facilities for the disposal of human excreta or other sewage.

M. Any dwelling which does not have available therein, or upon its premises, a sufficient source of clean water which could be reasonably expected to meet the needs of persons residing thereat.

N. Any dwelling or portion thereof, which is conducive to the harboring or breeding of rats, rodents or vermin.

O. Any building or structure, or any portion thereof, which due to any one or more, of the aforesaid conditions cannot be repaired, rehabilitated or completed, so as to abate its violation of this Ordinance, at a cost less than its state

equalized value.

Section 5.0 ENFORCEMENT OFFICER

The Stockbridge Township Zoning Administrator, as enforcement officer, and the Stockbridge Township Board are charged with the enforcement of this Ordinance as more fully hereinafter set out.

Section 6.0 ENFORCEMENT PROCEDURES

Section 6.1 When an alleged violation of this Ordinance comes to the attention of the Township Zoning Administrator ("Administrator") the Administrator will investigate the allegation, including an inspection of the alleged violation site.

Section 6.2 If the investigation and inspection verifies that a violation of this Ordinance is occurring, the Administrator will prepare a written notice in form approved by the Township Board. The notice will have a copy of this ordinance attached to it and will include the following information:

- A. The date of the inspection of the alleged violation.
- B. The name or names of the individual or individuals who conducted the inspection.
- C. A statement of each section of this Ordinance that is allegedly violated and a statement of the facts upon which the Administrator bases the conclusion that a violation is occurring.
- D. A statement of specific actions that can be taken to correct, or abate the violation referenced to each section of this Ordinance that is being violated.

E. A statement of the date by which the actions to correct or abate the alleged violation must be completed. This date must not be more than thirty (30) days, from the date the notice is served.

F. A statement that the Administrator's determination may be appealed to the Township Board in writing, delivered to Stockbridge Township Hall within fourteen (14) days of the date the notice is served. An appeal form must be attached to the notice.

G. A statement that a copy of this Ordinance is attached to the notice.

Section 6.3 The notice required in the preceding section shall be directed to and served upon the owner of the premises where the violation is occurring. Additionally, if the owner is not the occupant of the property, the notice shall be directed to and served upon the occupant of the premises. Service shall be made as follows:

A. The notice shall be served by certified mail, return receipt requested, to the person at his/her last known post office address. Service is complete on the date that the recipient signs the post office receipt for the notice.

B. If the person to be served cannot be served by certified mail, service may be made in person. If the person cannot be served by either certified mail, or in person, the notice shall be posted on the premises upon which the violation of this Ordinance is alleged to be occurring by securely attaching it to the front door of any dwelling upon the premises.

C. If there is no dwelling upon the premises, then by securely attaching a copy of the notice upon or at the main entrance to

any other building or structure upon the premises, if there is no building on the property, the notice may be affixed to a post placed in the ground on the premises. Service is effective on the date the notice is posted. Proof of service may include a photograph of the posted notice.

D. A copy of the notice shall be delivered to the office of the Stockbridge Township Supervisor.

Section 6.4 If a person to whom the notice is directed appeals the notice as provided for herein, or action has not been taken as required by said notice to correct and abate the violations as required in the notice, the Township Board shall set a date for a hearing before the Township Board at which hearing a determination shall be made by the Township Board as to whether any violation of this Ordinance is occurring upon the premises in question and, if so, to what enforcement action shall be taken to correct and abate such violation. The Township Board shall serve a notice of hearing as provided in Section 6.2, not less than ten (10) days before the hearing. A copy of the notice required by Section 6.2 shall be attached to the notice of hearing. The notice of hearing shall also state the following information:

A. The date, time and place of the hearing.

B. A statement that the person shall have the right at the hearing to:

1. Question or cross-examine the Administrator and all other persons who give evidence against him or her at the hearing with respect to the alleged violation of this Ordinance.

2. To produce witnesses on his or her behalf and to

question such witnesses or otherwise have them give evidence in his or her support.

3. The right to present any other evidence, in addition to witnesses, which he or she may desire to present.

Section 6.5 In the event that, at the hearing, the Township Board determines that a violation of this Ordinance exists the Board shall:

A. Determine what remedial actions are necessary to effectuate compliance with this Ordinance and to correct and abate the violation thereof.

B. Determine the ability of the owner or occupant (as the case may be) to effectuate such remedial action.

C. Determine a date certain by which such actions must be completed if it is determined that there is or will be an ability to do so.

D. In the event that the owner of the premises or occupant (as the case may be) demonstrates that he or she cannot or will not complete the necessary remedial action to correct and abate the violation of this Ordinance then the Board may authorize the Administrator to take action in the District Court requesting injunctive relief to allow the Township to take the remedial actions. If the Township incurs costs to remediate the violation, then the cost of the actions, including attorney fees and court costs shall be assessed against the premises in question in the same manner and form as a Special Assessment against the property and the same shall constitute a lien thereon in favor of the Township.

Section 6.6 If a building or structure has been deemed by the

Building Inspector to be dangerous, or condemned the Board may require that the building or structure is removed, or destroyed; however, in no event shall the Board require any building or structure, or partially completed structure, to be destroyed or removed from the premises unless the cost of repair or completion, as the case may be, would be greater than the building's state equalized value.

Section 6.7 Nothing in this Ordinance shall prohibit or be construed to prohibit the Township of Stockbridge from proceeding in a court of competent jurisdiction to cause a violation of this Ordinance to be abated, nor to charge any violation of this Ordinance as a misdemeanor as provided for herein.

Section 7.0 MISDEMEANOR: PENALTY

Any person who shall violate any of the terms of this Ordinance shall upon conviction in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine or not more than Five Hundred Dollars (\$500.00) or to imprisonment for a period of not more than ninety (90) days, or both, plus costs of prosecution.

Section 8.0 RIGHT TO AMEND

The Township of Stockbridge specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same.

Section 9.0 SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section 10.0 EFFECTIVE DATE

This Ordinance will become effective thirty days after the first publication in the Jackson Citizen Patriot. This Ordinance was adopted on the 15th day of January 2024 by the Stockbridge Township Board at a meeting duly scheduled for the conduct of Township business.

Roll call vote: Sommer Yes, Wetherell Yes, Muraf Yes, Wireman Yes, Lantis Yes

CLERK'S CERTIFICATE

I, Becky Muraf, Clerk of the Township of Stockbridge, County of Ingham, State of Michigan, hereby certify that the foregoing Ordinance No. 202, Anti-Blight and Anti-Nuisance Ordinance, was duly approved by the Township Board of the Township of Stockbridge at a regular meeting on January 15, 2024, and was published within thirty(30) days after adoption by printing the same in the Jackson Citizen Patriot on January 24, 2024.

Adoption by Township Board: January 15, 2024

Publication Date: January 24, 2024

Effective Date: January 31, 2024

Published: Jackson Citizen Patriot