

Ordinance As Amended at the Regular Board meeting held on March 5, 2005

Effective Date March 05, 2005

HAMILTON TOWNSHIP ANTI-BLIGHT ORDINANCE

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS, OR CAUSES OF BLIGHT, WITHIN THE TOWNSHIP, AND TO SECURE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY PROHIBITING THE ACCUMULATION OF TRASH AND JUNK OR EITHER OF THEM ON PREMISES OTHER THAN IN YARDS, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

NOW, THEREFORE THE TOWNSHIP ORDAINS:

SECTION 1 Title

This ordinance shall be known and cited as the "Hamilton Township Anti-Blight Ordinance", regulating junk storage, its accumulation and blighted buildings in Hamilton Township.

SECTION 2 Purpose

Consistent with the letter and spirit of Public Act 344 of 1945 as amended and Public Acts 359 of 1941 as amended, it is the purpose of this ordinance to prevent, reduce, or eliminate potential blight and noxious weeds in Hamilton Township by the prevention or elimination of certain environmental causes of blight or blighting factors, and the elimination and/or control of noxious weeds which exist or which may in the future exist in said township.

Section 3 Definitions

- a. The term "junk" and "trash" are used synonymously and each shall include, without limitation, inoperative or dilapidated machinery, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes not meeting the minimum standards for inhabitation by humans, televisions, furniture or any other scrap or waste material of any kind, including parts of any of the above.
- b. The term 'premises' shall mean any lot or parcel of land owned or occupied by any person, whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant.
- c. The term "Person" as used shall include any person, firm or corporation or other entity of any kind.
- d. The term "junk motor vehicle" shall include any motor vehicle (i.e. automobiles, trucks, snowmobiles, ATV's, motorcycles, motor homes, ORVs and the like), not licensed for the use in which it is intended in the State of Michigan, and shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all its main components parts attached. Shall not include motor vehicles which are specifically designed for use in the production of crops, or the management of livestock (i.e. tractors, combines), also any motor vehicle or equipment used for the sole purpose of husbandry (drilling rig).

- e. The Hamilton Township Board shall appoint one or more “Ordinance Enforcement Officers” who shall serve on an at will basis, and be subject to the direction of the Hamilton Township Board.
- f. The term “blighted structure” shall be synonymous with the “dangerous building” and includes without limitation, any dwelling, garage, outbuilding, warehouse or any other structure or part of a structure, which because of fire, wind or other natural disaster, or physical deterioration, demolition or partial demolition when said demolition is not carried out within a reasonable period or time, is not longer habitable as a dwelling, or useful for any other purpose for which it may have been intended, or has uncovered openings which may provide unrestrained access to enter the structure,
- g. For the purpose of this ordinance, the term “farm” shall be as defined in Hamilton Township Zoning Ordinance.

SECTION 4 Regulations

- a. No person shall accumulate, place, store, or allow the accumulation, placing or storing of “trash or junk or junk motor vehicles” on any public right of way for more than 48 hours, or only premises for more than thirty (30) days in said Township unless licensed to do so by the State of Michigan. Any such licensee shall cause his premises to be screened by natural objects, plantings, fences or other appropriate means so that the trash, junk or junk motor vehicles shall not be visible to public view except at a road entrance, which shall be no more than 25 feet in width
- b. No person shall keep and or maintain any bighted structure upon premises in the Township of Hamilton nor any structure which shall be considered a dangerous building as defined in subsection (a) of (i) of Michigan Compiled laws 125.539. It is not intended that this provision apply to farm outbuildings.

SECTION 5. Violation

Violation of this prdinanc3e shall be a misdemeanor, punishable upon conviction by fine of not to exceed \$500.00 or by imprisonment in the county jail for a period not exceeding ninety (90) days, or both fine and imprisonment. Each day that a violation exists shall constitute a separate offense.

Notwithstanding any other penalty or provision of this ordinance, the township, by its authorized representatives, may proceed to abate any conditions, which shall be a blighted condition as provided in Section 4 of this ordinance. Abatement may include the demolition and removal of a blighted structure. Where appropriate, the township shall proceed as follows:

The township board shall establish a hearing and time at which testimony shall be taken from the enforcing officer, the owners or any other interested person as to the condition of the premises and reasonable abatement. The “land owner” of record according to the records of the township assessor shall be provided a notice of hearing as provided in M.C.L. 125.540 (5).

Following the hearing, the township board shall enter its order as to whether the structure or premises shall be properly maintained, made safe, or demolished as provided in this ordinance. The order shall provide for a time for compliance with the order.

If the owner or persons responsible for the structure or premises fail to comply with the order, the township board shall fix a date for a hearing such that the owner or representative may show cause as to why the township board should not proceed to enforce the order. If the owner or representative shall not show cause why the order shall not be enforced, or modified if the circumstances warrant modification, then the township shall establish a date by which the owner or representative shall have complied with the order, and if compliance shall not have occurred, then the township may proceed to hire or retain persons or firms to enter upon the premises and effect the township's order.

The cost to bring the property into compliance with this ordinance shall be reimbursed to the township by the owner in whose name the property appears.

The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the township clerk of the cost of bringing the premises in compliance with this ordinance by certified mail at the address shown on the records. If the owner or party in interest fails to pay the cost within thirty (30) days after mailing by the township clerk of the notice of the township to bring the property into compliance with the ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in the subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in same manner as provided for property tax liens under the general Property Tax Act No. 206 of the public acts of 1893, being Section 211.1 to 211.157 of the Michigan Compiled Laws.

In addition to the other remedies under this ordinance, the township may bring an action against the owner of the building or structure for the full cost of bringing the building or structure in compliance with this ordinance. The township shall have a lien provided for the amount of a judgment obtained pursuant to this subsection. The Lien provided for in the subsection should not take effect until notice of the lien is filed or recorded as provided by law. The Lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION 6 Validity

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 7 Non-repeal

This ordinance shall not be construed to repeal by implication any other ordinance of Hamilton Township, pertaining to the same subject matter.

SECTION 8 Effective date

This ordinance shall become effective thirty (30) days after publication in a newspaper circulating within the Township of Hamilton, Clare County, Michigan.

BY ORDER OF THE HAMILTON TOWNSHIP BOARD

Supervisor: Robert Duby II

Clerk: Sally Zelt

PROCEDURE FOR HAMILTON TOWNSHIP ANTI-BLIGHT ORDINANCE ENFORCEMENT

The following is the procedure that will be used in the enforcement of the Hamilton Township Anti-Blight Ordinance:

Step One:

The complaint must be in writing, with proper documentation such as location, landowner (if known), date, time and a general description of the violation

Step Two:

The Township Supervisor or one of the two Trustees will make a visual inspection of the premises in question.

Step Three:

The Township Supervisor, or one of the two Trustees will inform the owner of record by certified mail of the verified violation.

Step Four:

If there is no response within ten (10) days from date of postmark, then the Board will determine if a violation notice will be issued. However, if the owner contacts the Township Supervisor or one of the two Trustees within the ten day period, he/she will avail himself/herself in an attempt to produce a satisfactory resolution to the problem before any further actions are initiated.

Step Five:

If the preceding steps fail to produce a satisfactory resolution to the problems, the measures outlined in the Hamilton Township Anti-Blight Ordinance will be initiated.

