

STAR TOWNSHIP BLIGHT ELIMINATION ORDINANCE
(Amended)

The Star Township Blight Elimination Ordinance is an ordinance to prevent, reduce, and eliminate blight, blighting factors, and causes of blight within Star Township, Antrim County, Michigan; to provide for the enforcement thereof; to provide penalties for the violation thereof; and to repeal ordinances or parts of ordinances in conflict therewith.

SECTION I
TITLE

This ordinance shall be known as the Star Township Blight Elimination Ordinance.

SECTION II
PURPOSE

The purpose of this ordinance shall be consistent with the State of Michigan Constitution and the authority granted by Public Act 246 of 1945, as amended, being MCL 41.181, et seq., which authorizes township boards to adopt ordinances and regulations to secure the public health, safety, and general welfare of persons and property, and which allows townships to enforce its ordinances, and provide sanctions for such violations. Further, Star Township finds and declares that areas within Star Township have become blighted and areas of the Township are deteriorating in a manner which leads to severe blight, with the consequent impairment of taxable values upon which, in large part, the Township revenues depend; that those blighted areas are detrimental or inimical to the health, safety, morals, and general welfare of the citizens of Star Township and to the economic welfare of Star Township; that in order to improve and maintain the general character of Star Township, to protect its health, safety, morals, and general welfare of the community, and to preserve the taxable value of the property within the Township; and that the necessity and the public interest for the provisions enacted in this ordinance is hereby declared to be a public purpose and a public use. Therefore, it is the purpose of this ordinance to prevent, reduce, and eliminate present and future blight.

SECTION III
DEFINITIONS

As used in this ordinance:

- a. Accessories to vehicles includes, but is not limited to, vehicle trailers, coverings, spare parts, and the like.

- b. Blight means any condition within Star Township on public or private property, whether developed or undeveloped, improved or unimproved, with business or residential uses, which endangers the health, safety, morals or general welfare of the Township, including, but not limited to, junk, trash, garbage, refuse, damaged or dilapidated structures, inoperable and/or unsafe vehicles and accessories.
- c. Damaged or Dilapidated Structure means any structure that which is inherently unsafe or does not meet the minimum standards under the construction code enforced within the Township currently in effect or any amendatory version hereinafter in effect.
- d. Dangerous Property means any real property that is in a condition which acts as an attractive nuisance to children or other condition which leads to the propensity of causing personal injury.
- e. Inoperable means any vehicle which cannot be operated under its own power and or whose tires are not properly inflated and or can not maintain proper inflation.
- f. Junk Includes, but is not limited to, inoperable, dismantled or wrecked vehicles and/or accessories or any parts thereof; old or scrap metallic and/or non-metallic matter material, rope, batteries, inoperable or unused stoves, refrigerators, freezers, dishwashers, and like appliances; and other household items that are not normally found outside; construction debris of any type, including, but not limited to, scrap lumber, shingles, nails, piping, wiring, concrete, and any other construction material of any nature that has not been used or will not be used for a legitimate construction project within three months of it being placed on the property:
- g. Person means any individual; partnership, corporation, or any other entity legally recognized by the laws of Michigan.
- h. Trash, rubbish and refuse includes, but is not limited to, any type of or degree of waste parts of food and/or its packaging, any material thrown away as worthless or which: has no readily recognized consumer value, rough broken pieces of stone, brick and the like, and other household waste products.
- i. Unsafe vehicle includes, but is not limited to, any vehicle and/or its accessories stored, so that its fuel and/or oil source may leak and enter onto the ground, and or has tires that are not properly inflated or incapable of maintaining proper air pressure and/or has broken windows, and/or sharp exposed edges which have the potential of

causing personal injury, and/or stored in an unsafe manner; that is, so that the vehicle and/or accessory could cause personal injury or acts as an attractive nuisance.

- j. Vehicle means any motorized vehicle, including, but not limited to, any combustion engine vehicle, recreational and non-recreational, including, but not limited to, cars, trucks, boats, motorcycles, snowmobiles, personal watercrafts, all-terrain vehicles.

All other terms and phrases are to be given their ordinary meaning, consistent with the intent of this ordinance.

SECTION IV BLIGHT NOT PERMITTED

No owner and/or occupant of real property shall allow blight or causes of blight on said property.

SECTION V EXCEPTIONS TO BLIGHT

A vehicle and/or its accessories will be exempt from this ordinance if it is stored in a safe manner, upright, with a latched trunk, glass intact or window openings blocked, adequately locked up registered and licensed and/or securely covered as to prohibit access by unauthorized persons; or stored within a secured storage building.

Junk or salvage yards are exempt from this Blight Elimination Ordinance if, and only if, its junk and/or vehicles and/or other materials it collects is stored in a safe, orderly manner, so as not to have the propensity to cause injury to persons or property or to be an attractive nuisance and stored within a secured building or securely; enclosed by a fence-type structure as to prohibit and prevent unauthorized access, which also keeps such collection out of the direct view of the general public. In addition, any junk or salvage yard must maintain any and all required state licenses and be properly insured for personal liability and property liability in an amount of not less than \$500,000.00

SECTION VI DAMAGED STRUCTURES

Damaged structures shall be immediately made safe and kept safe at all times. Further, all damaged structures shall be cleaned up or restored to current construction code standards within one year of the structure being damaged.

SECTION VII
DILAPIDATED STRUCTURES

All dilapidated and/or unsafe structures are hereby considered blight and constitute an attractive nuisance, and therefore shall be eliminated.

SECTION VIII
ENFORCEMENT AND PENALTIES

This ordinance shall be enforced by the Star Township Board.

Owner(s) and/or occupant(s) of property discovered to be in violation of this ordinance shall be notified in writing sufficiently describing the violation. Notice to any one owner and/or occupant of the property is deemed notice to all owners and/or occupants. The notice shall inform the person(s) that the violation(s) contained in the notice must be corrected and/or remedied within thirty (30) days of the notice, otherwise all owner(s) and/or occupant(s) shall be subject penalty.

The notice may be delivered either personally or by first class mail. If the notice is delivered personally, the thirty (30) days shall commence from the date of such personal service. If the notice is delivered by mail, the thirty (30) [days shall commence from the date of mailing. All notices by mail will be addressed to one of the owner(s)/occupant(s) last known address as found on the Star Township tax rolls.

Upon a written request to the Star Township Board by an owner(s)/occupant(s) found to be in violation of this ordinance, with good cause, may petition the Star Township Board for additional time, not to exceed six (6) months, to correct and/or remedy the violation(s). The Star Township Board may grant the petitioner's request for additional time when the Star Township Board is convinced that bona fide efforts have been made to correct and/or remedy the violation(s) and that such corrections and/or remedies are in progress.

Persons who fail to correct and/or remedy noticed violations within the time period proscribed herein shall be guilty of a misdemeanor, which shall be punishable upon conviction thereof by a fine not exceeding Five Hundred (\$500.00) Dollars, in addition to actual costs of prosecution, or imprisonment not exceeding ninety (90) days, or both. Any criminal action for a violation of this ordinance shall be instituted in the District Court for Antrim County. Fines and costs imposed or assessed in such art action shall be distributed in accordance with state law.

Each and every day the violation continues beyond the time period proscribed herein shall be deemed a separate offense.

A violation of this ordinance shall be deemed a nuisance per se for those persons who fail to correct and/or remedy noticed violation(s) within the time period proscribed herein.

This section shall not be construed to be the Star Township Board's sole and exclusive remedy. The Star Township Board, at its discretion, hereby reserves the right to pursue equitable relief and money damages from a court of competent jurisdiction; including but not limited to the filing of a civil law suit permitting the Township the authority to enter upon the premises in violation of this ordinance to cure or remedy the violation itself and to assess the actual costs in eliminating the blight, including but not limited to the cost to prosecute such a civil action. Such actual costs and attorney fees shall be assessed on the property owner(s) personally as well as such costs and attorney fees being assessed as an additional property tax, which may be treated as any other property tax, including being subject to property tax forfeit and foreclose.

SECTION IX SEVERABILITY

Should any part or section or subsection, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so invalidated.

SECTION X EFFECTIVE DATE

The provisions of this ordinance are hereby ordered to take effect thirty (30) days after the first publication of this ordinance.

Approved on this 1 day of August, 2018 by the Star Township Board.

Phyllis Hoogshople
By:
Star Township Clerk