

**FAIRGROVE TOWNSHIP ORDINANCE NO. 2010-01**  
**Anti-Blight/Weed Ordinance of 2010**

**FAIRGROVE TOWNSHIP**  
Tuscola County, Michigan

At a regular meeting of the Township Board of Fairgrove Township, Tuscola County, Michigan, held on the 18<sup>th</sup> day of January, 2010, at the Fairgrove Township Hall, upon motion made by McQuillan, seconded by Aeder, and carried, the following ordinance was adopted:

**ANTI-BLIGHT/WEED ORDINANCE**

An Ordinance to define and establish conditions on real estate which are considered to constitute blight or noxious weeds and to prescribe penalties and other relief available to the Township to eliminate such blight or noxious weed conditions for the purposes of promoting the public health, safety and general welfare of the residents of Fairgrove Township, Tuscola County, Michigan.

THE TOWNSHIP OF FAIRGROVE, TUSCOLA COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. Short Title.**

This Ordinance shall be known as the "Fairgrove Township Anti-Blight/Weed Ordinance of 2010".

**SECTION 2. Definition and Cause of Blight.**

It is hereby determined that the following uses, structures and activities are causes of blight or noxious weeds, which if allowed to exist, will result in blighted and undesirable areas within the Township of Fairgrove. After the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of the following causes of blight or noxious weeds upon any real estate owned, leased, rented or occupied by such person, firm or legal entity within the Township of Fairgrove.

- A. The storage or accumulation of rubbish, refuse, waste materials, paper, glass, cans, bottles, debris, junk or other foreign substances of every kind and description. Domestic refuse which is stored in such a manner as not to create a nuisance for a period not to exceed fourteen (14) days is permitted. The term "junk" shall include parts of machinery or motor vehicles, unused appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- B. The existence of any structure or part of a structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, or not useful for any other purpose for which it may have been intended.
- C. The existence of any partially completed residence unless such structure is in the course of construction in accordance with a valid building permit, and unless such construction is completed within the original deadline of the building permit or any valid extension of the deadline of such building permit.

**SECTION 3. Noxious Weeds.**

- A. It shall be the duty of all owners of land upon which weeds (as defined by MCL §247.62) are growing on parcels of land along improved streets in common usage within the township, to a depth of two hundred (200) feet or the depth of the ownership, whichever is the lesser, to destroy said weeds before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.
- B. Nothing in this ordinance shall apply to weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.

**SECTION 4. Notice to Owner, Agent or Occupant.**

The Township of Fairgrove shall notify, by first class mail or personal service, the owner, agent, and/or occupant of any property upon which any of the causes of blight or noxious weeds set forth in Sections 2 and 3 herein are found to exist, to remove or eliminate such causes of blight or noxious weeds from the property within thirty (30) days after mailing or personal service of the notice upon such owner, agent and/or occupant.

**SECTION 5. Civil Infraction/Remedies.**

Any owner, agent or occupant who shall violate any of the provisions of this Ordinance, and who is found to be responsible for such violation, shall be subject to payment of a civil fine, costs or damages or expenses as ordered by the Court, including costs of not less than \$9.00 or more than \$500.00 to be reimbursed to the Fairgrove Township General Fund. The Court may also issue writs or orders and a lien may be filed against the subject property to compel payment of the indebtedness.

Violation of this Ordinance shall not constitute a criminal offence.

**SECTION 6. Violation Constitutes Nuisance/Remedies.**

The existence of blight or noxious weeds shall be considered a nuisance per se and subject the owner, agent or occupant to any and all legal and equitable remedies available in the courts of the State without limitation and in addition to the penalties set forth in the following section.

In addition to being a civil infraction, the Township may pursue any other legal or equitable remedies available in the courts of this state without limitation to prevent, enjoin and/or correct any violation of this Ordinance. The expense of pursuing any legal or equitable remedies shall also include reasonable attorney fees and any cost incurred in pursuing any legal or equitable remedies authorized by this ordinance shall be borne by the owner, agent or occupant who is found to be responsible for the violation.

**SECTION 7. Validity.**

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same 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 8. Effective Date.**

This Ordinance shall take effect 30 days after the first publication of the Ordinance following adoption, as required by law.

**CERTIFICATION OF ADOPTION**

I, Karen Goodchild, as Clerk for the Fairgrove Township, Tuscola County, Michigan, hereby certify the following relative to the foregoing Ordinance:

1. That the Ordinance was introduced by the Fairgrove Township Board of Trustees on September 21, 2009.

3. That the Ordinance was adopted by the Fairgrove Township Board of Trustees on January 18, 2010, on the following vote:

Ayes: Aeder, Goodchild, McQuillan, Hadeway, and Day

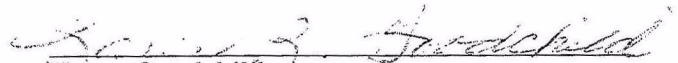
Nays: None

Absent: None

3. That a **Notice of Adoption** of the Ordinance was published in the Tuscola County Advertiser on January 27, 2010.

4. That the Ordinance took effect on February 27, 2010.

DATED: February 27, 2010

  
Karen Goodchild  
Fairgrove Township Clerk

**CERTIFICATION OF TOWNSHIP CLERK**

I, Karen Goodchild, Fairgrove Township Clerk, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted at a regularly scheduled meeting of the Township Board held at the Township Hall on the 18<sup>th</sup> day of January, 2010, and that all persons whose names appearing thereon as voting for or against said ordinance were, at that time, duly elected and serving members of the Township Board.

  
Karen Goodchild  
Fairgrove Township Clerk  
Tuscola County, Michigan