

ARTICLE II
ANTI-BLIGHT

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|------------------|------------------------------------|------------------|--------------------------------|
| § 100-20. | Title. | § 100-26. | Additional Regulations. |
| § 100-21. | Purpose. | § 100-27. | Effective Date. |
| § 100-22. | Definitions. | | |
| § 100-23. | Regulations. | | |
| § 100-24. | Violations and Enforcement. | | |
| § 100-25. | Validity. | | |

[HISTORY: Adopted by the Township Board of the Charter Township of Rutland May 11, 2022.]

EFFECTIVE: JUNE 18, 2022

ARTICLE II
Anti-Blight
[Adopted 5-11-2022 by Ord. No. 2022-182]

§ 100-20. Title

This Ordinance shall be known and cited as the “Rutland Charter Township Anti-Blight Ordinance.”

§ 100-21. Purpose

The purpose of this Ordinance is to promote and preserve the general health, safety and welfare of the residents and property owners of Rutland Charter Township, and to minimize the devaluation of property and the psychological ill effects of the presence of blighting conditions upon adjoining residents and property owners, by preventing, reducing, or eliminating blight, or potential blight, in the Township through the prevention or elimination of certain causes of blight or blighting conditions and causes in the Township.

structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure.

- F. Enforcement of Judgment. A judgment in an action brought pursuant to § 220-8.E of this ordinance may be enforced against assets of the owner other than the building or structure.
- G. Lien for Judgment Amount. The Township shall have a lien for the amount of a judgment obtained pursuant to § 100-8.E of this chapter against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

§ 100-9. Violations and enforcement

- A. A person who fails or refuses to comply with an order approved or modified by the Township Board under § 100-6 of this chapter within the time prescribed is guilty of a misdemeanor, punishable by imprisonment for not more than 120 days and/or a fine of not more than \$1,000.
- B. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- C. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- D. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Rutland Charter Township and by such other person or persons as the Township Board may designate.

§ 100-10. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

§ 100-22. Definitions

For the purpose of enforcing the provisions of this Ordinance certain terms and words used herein shall have the following meaning:

- A. “implement of husbandry” means a farm tractor, a vehicle designed to be drawn or pulled by a farm tractor or animal, a vehicle that directly harvests farm products, or a vehicle that directly applies fertilizer, spray, or seeds to a farm field. Implement of husbandry does not include a motor vehicle licensed for use on the public roads or highways of this state.
- B. “building materials” means lumber, bricks, concrete, 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.
- C. “inoperable” motor vehicle means any motor vehicle which is being dismantled for the sale, salvage, repair or reclamation of parts thereof, or which does not have all of its main component parts properly attached, or which is incapable of being driven under its own power, lawfully, upon the public streets as a result of any other or additional conditions.
- D. “junk, trash, rubbish or refuse of any kind” means unmotorized vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof, or scrap or waste metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass or garbage, or appliances, televisions or furniture, or mobile homes not meeting the minimum standards for inhabitation by humans, or trailers or watercraft not usable for the purposes for which they were manufactured, or concrete, brick or other materials from demolished structures, or any other scrap or waste material of any kind, including parts of any of the above. “Junk, trash, rubbish or refuse of any kind” shall not include firewood stored in an orderly manner, and shall also not include domestic refuse stored for fourteen (14) or fewer days in such a manner as not to become offensive by reason of odors, insects, rodents, pollution, litter, inadequate or improperly covered containers for the same, the lack of such containers, or the improper depositing of such material into or around such containers, or in such a manner as to otherwise create a nuisance.
- E. “junk vehicle” means any motor vehicle which is not currently and validly licensed for use upon the public streets and highways of the State of Michigan, and any motor vehicle, whether licensed or not, which is inoperable or does not have all its main component parts attached.
- F. “main component parts” means fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment as are necessary for a vehicle to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300.

§ 100-23. Regulations

- A. It shall be unlawful for any person, firm, corporation or entity of any kind, either as the owner, lessee, renter, occupant or possessor of any property, to cause, permit, or allow any of the following conditions or activities which are hereby determined to be causes of blight or blighting conditions which, if allowed to exist, will adversely affect the public health, safety and welfare:
1. The parking or storage of an inoperable vehicle or unlicensed vehicle outside of a fully enclosed building upon any premises not zoned or approved for such activities; except in the following circumstances:
 - a. Licensed vehicles that are temporarily inoperable because of minor mechanical failure but which are not in any manner dismantled and have substantially all main component parts attached, may be parked or stored upon the premises outside of a fully enclosed building for no more than 30 days in any one calendar year, calculated on a cumulative basis for the same or different vehicles.
 - b. One unlicensed vehicle that (1) is mechanically operable, (2) has substantially all main component parts attached, (3) or is posted for sale by the owner or occupant may be parked upon the premises outside of a fully enclosed building. Only one such vehicle per premises at any one time shall be permitted.
 - c. Such vehicle is an “implement of husbandry” as defined in this ordinance and is used or usable for the agricultural purposes for which it was manufactured.
 2. The storage or accumulation of junk, trash, rubbish, litter or refuse of any kind outside of a fully enclosed building upon any premises not zoned or approved for such activities for a period in excess of 30 consecutive days; provided this regulation does not apply to such materials that are neatly and properly stored between regular collections from the premises at intervals of not less than 30 days.
 3. The storage or accumulation of building materials outside of a fully enclosed building upon any premises not zoned or approved for such activities for a period in excess of 30 consecutive days; unless the materials are for use in a construction project on the premises for which a building permit has been issued by the Township and is in effect.
 4. The storage or accumulation of landscaping materials outside of a fully enclosed building upon premises not zoned or approved for such activities for a period in excess of 30 consecutive days; unless the materials are for use in a landscaping project upon the property and the subject materials are intended for use only in connection with the landscaping project.
 5. The presence of a blighted structure upon any premises.

- B. In the event the foregoing regulations create any special or particular hardship beyond the control of a particular violator thereof because of unforeseen circumstances, upon written application, the Township Board shall have the authority to grant an extension or waiver for the applicant to operate contrary to these regulations for a period of time to be determined by the Township Board, not to exceed 90 days. If the Township Board determines (a) special or peculiar circumstances exist; (b) no adjoining property owner is adversely affected hereby; and (c) the spirit and purpose of these regulations are still being observed, the special permit may renewed for an additional 30 day period. All extensions and waivers must be in writing.

§ 100-24. Violations and Enforcement

- A. Any person, firm, corporation, or entity of any kind who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order/permit issued under the Ordinance, including any conditions imposed thereon, or who consents to, or aids or abets any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person or entity responsible for a violation of this Ordinance shall be liable as a principal.
- B. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be subject to the Schedule of Fines specified in Section 45-6 and all other applicable parts of Chapter 45 of the Rutland Charter Township Code. Each day a violation continues to exist shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.
- C. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- D. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Rutland Charter Township, and by such other person or persons as the Township Board may designate.

§ 100-25. 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 this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

§ 100-26. Additional Regulations

This Ordinance shall not be construed to repeal by implication any other ordinance of Rutland Charter Township or parts thereof with additional regulations pertaining to the same subject matter.

§ 100-27. Effective Date

This Ordinance shall become effective 30 days after publication as required by law.