

**ORDINANCE NO. 1 OF 2009**  
**ANTI-BLIGHT ORDINANCE**  
**DECATUR TOWNSHIP**  
**VAN BUREN COUNTY, MICHIGAN**

**AN ORDINANCE TO FURTHER THE PUBLIC HEALTH, PEACE, SAFETY AND ENVIRONMENTAL QUALITY OF DECATUR TOWNSHIP, VAN BUREN COUNTY, MICHIGAN, BY THE PREVENTION, REDUCTION OR ELIMINATION OF BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE TOWNSHIP OF DECATUR, VAN BUREN COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.**

**THE TOWNSHIP OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:**

**Section 1: Purpose.** Consistent with the letter and spirit of Public Act 344 of 1945 (MCL 125.71 et seq), as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Decatur Township, Van Buren County, Michigan by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

**Section 2: Causes of Blight or Blighting Factors.** It is hereby determined that the following uses, activities and structures are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On or after the effective date of this Ordinance it shall be unlawful for any person, firm, corporation or other entity to maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Township of Decatur, Van Buren County, Michigan owned, leased, rented or occupied by such person, firm, corporation or other entity:

**A. Storage of Junk Motor Vehicles.** The term "junk motor vehicles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan and any motor vehicle, whether licensed or not, which is inoperable. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or any other cause. Any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk motor vehicles shall be parked, kept or stored on any premises except in a completely enclosed garage or other building; provided however that one unlicensed, but operable motor vehicle, may be displayed for sale outdoors by the owner of said vehicle on his/her premises, for a period not exceeding sixty days; and provided further that operable motor vehicles which are for sale and displayed at a licensed and established new or used motor vehicle dealership may be stored outdoors; and inoperable motor vehicles may be parked and kept outdoors on the premises of a motor vehicle repair garage facility for a period of thirty days, with an additional thirty day extension upon presentation to the enforcing officer of written proof that the offending vehicle is involved in insurance claim litigation

and that additional time is required for settlement before the vehicle can be moved.

**B. Storage of Junk Recreational Vehicles, Equipment and Watercraft.** The term “junk recreational vehicles, equipment and watercraft” shall include, but is not limited to any motor home or motorized dwelling, travel trailer, pickup camper, pop-up trailer, tent trailer, and similar equipment, boat, pontoon boat, watercraft, boat trailer or other device designed for water recreational purposes all of which are not registered with the State of Michigan, and shall also include, whether registered or not, all of the foregoing items which are inoperable for any reason. “Inoperable” means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. Any of the aforesaid items which has a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk recreational vehicles, equipment and watercraft shall be parked, kept or stored on any premises except in a completely enclosed garage or other building; provided however that one unlicensed, but operable recreational vehicle, equipment and watercraft may be displayed for sale outdoors by the owner of same on his/her premises, for a period not exceeding sixty days; and provided further that recreational vehicles, equipment and watercraft which are for sale or on the premises of a licensed and established new or used recreational vehicle, equipment and watercraft dealership for storage or repair may be stored outdoors.

**C. Storage of Junk Machinery and Equipment.** The term “junk” machinery and equipment shall include all machinery and equipment which is inoperable. “Inoperable” means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. No junk machinery or equipment shall be parked, kept or stored on any premises except in a completely enclosed building; provided however, that the outdoor orderly storage of farm machinery and equipment shall be permitted in any Agricultural Zoned District if same is stored a minimum of 50 feet from the property line of said premises, and/or 50 feet from any road right-of-way.

**D. Storage of Building Materials.** Building materials shall include, but not be limited to: lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, fence posts and fencing material of either wood or metal, or any other materials used in constructing any structure or fence. No building materials shall be kept or stored on any premises except in a completely enclosed building; provided however, that the outdoor orderly storage of building materials is permitted for any premises for which there is in full force and effect a valid building permit for construction upon said premises, and said materials are intended for use in connection with such construction; and provided further that the outdoor orderly storage of building materials is permitted in any Agricultural Zoned District if same is stored a minimum of 50 feet from the property line of said premises, and/or 50 feet from any road right-of-way.

**E. Accumulation of Rubbish and Garbage.** The term “rubbish” shall include all combustible and noncombustible waste materials, including but not limited to: bottles, glass, cans, metals, paper, cartons and boxes, rubber, leather, tree branches, yard trimmings, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind whether or not the same could be put to any reasonable use. The term “garbage” shall include the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. All premises shall be kept free from the accumulation of rubbish or garbage. All garbage shall be placed in containers and said containers shall not be exposed to a public road except for the day that same is to be removed from the premises.

**F. Uninhabitable Dwelling.** 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, nor useful for any other purpose for which it may have been intended.

**G. Vacant Dwelling.** The existence of any vacant dwellings, garage or other outbuildings unless same are kept securely locked with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public.

**H. Partially Completed Structure.** The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit, and unless such construction is completed within a reasonable time.

**Section 3: Enforcement and Violations.**

A. This Ordinance shall be enforced by such person(s) who shall be so designated by the Decatur Township Board.

B. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him/her/them. Such notice may be served personally or by certified mail, return receipt requested, addressed to the owner at the address shown on the latest Decatur Township Tax Roll, and to the occupant at the address of the premises involved. If the aforesaid mail is returned to sender said notice shall be posted in a conspicuous place on the property. Additional time may be granted by the Enforcement Officer where, in his/her opinion, bonafide efforts to remove or eliminate such causes of blight or blighting factors are being made.

C. Failure to comply with such notice within the time allowed, by the owner and/or occupant, shall constitute a violation of this Ordinance.

**Section 4: Sanctions.**

A. Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance is responsible for a Municipal Civil Infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00.

B. Additionally the violator shall pay costs of not more than \$500.00, a justice system assessment as provided by Michigan Statute, and all other damages and expenses, whether direct or indirect, which Decatur Township, Van Buren County, Michigan has incurred in connection with the violation, including all expenses that the Township incurs in removing the blight. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under MCL 600.8302 (4).

C. In the event the Defendant does not pay the civil fine, costs, justice system assessment, and all other direct or indirect damages and expenses incurred by Decatur Township, Van Buren County, Michigan within thirty days after payment is due, the township may obtain a lien against the offending real estate for any violation involving the use or occupation of land or any building or other structure located thereon. Said lien may be enforced and discharged by the placement of a Blight Assessment on the property taxes assessed against the offending parcel of real estate.

D. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

E. The Decatur Township Board may further institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said blight or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**Section 5: Repeal.** Ordinance No. 2001-3 is hereby repealed and all other Ordinances or parts thereof of the Township of Decatur, Van Buren County, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

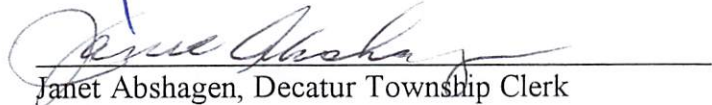
**Section 6: Severability.** The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 7. Effective Date.** The Township Clerk of the Township of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect thirty days after the publication

of this Ordinance.

Adopted by the Township Board of the Township of Decatur, Van Buren County, Michigan on this 12th day of May, 2009.

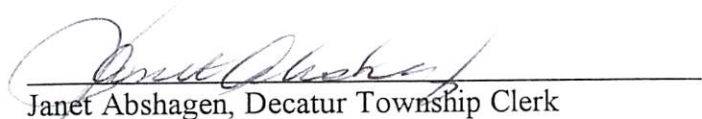
  
Michael Alaga, Decatur Township Supervisor

  
Janet Abshagen, Decatur Township Clerk

**CERTIFICATION**

I, Janet Abshagen, Clerk of the Township of Decatur, Van Buren County, Michigan do hereby certify that Trustee Janet Abshagen moved the adoption of Ordinance No. 1 of 2009, and that Trustee Michael Alaga seconded said motion.


I further certify that the following Trustees voted for adoption of said Ordinance No. 1 of 2009: Michael Alaga, Janet Abshagen, James Abshagen, Don MacKellar and Suzanne Young and that the following Trustees voted against said Ordinance: None, and that the following Trustees abstained: None.

  
Janet Abshagen, Decatur Township Clerk

**PUBLICATION CERTIFICATE**

I further certify that the foregoing and aforesaid Ordinance No. 1 of 2009 was duly published in the Decatur Republican, a newspaper circulating within the said Township of Decatur, Van Buren County, Michigan, on the 21st day of May, 2009.

Dated: May 21, 2009

  
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Janet Abshagen, Decatur Township Clerk