

## ORDINANCE NO. 260 ANTI-BLIGHT ORDINANCE

The Charter Township of Larkin ordains, pursuant to Public Act 246 of the Public Acts of 1945, as amended, MCL 41.181, et seq., and Public Act 359 of the Public Acts of 1947, as amended, MCL 42.1, et seq., the following ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Larkin, Midland County, Michigan, by the regulation and prevention of blight within the Township; to provide for the enforcement hereof; and to provide for the violation thereof.

### Section 1. Name.

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

### Section 2. Purpose.

It is hereby determined that the storage and accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials and the maintenance of blighted structures upon any private property within the Township of Larkin results in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity and impairs or reduces the values of property in the Township and therefore is contrary to the public peace, health, safety and general welfare of the Township.

It is therefore the purpose of this Ordinance to promote the general health, safety and welfare of the residents and property owners of the Township of Larkin by regulating and preventing or eliminating blight in the Township through the prevention and elimination of blight which exists or may in the future exist in the Township.

### Section 3. Definitions

For purpose of this Ordinance certain terms are defined herein. When not inconsistent with the context, words used in the plural include the singular.

**Building Materials.** 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.

**Junk.** Inoperable, dismantled or partially dismantled vehicles, equipment, machinery, implements, appliances or parts thereof, tires, wheels, metal, wood, wood product, wood remnant, salvage materials, or other material that is not used for its original purpose.

Junk Vehicle. Any motor vehicle, trailer, motorcycle, snowmobile, all-terrain vehicle, recreational vehicle or other conveyance which is inoperable or does not have all its main component parts attached, e.g. motor, fender, chassis, transmission, hood, trunk, etc. Additionally, the term "junk vehicle" includes automobiles, trucks, trailers, motorcycles and other conveyances initially manufactured for use on the public highways which are not currently licensed for use upon the highways of the State of Michigan.

Rear Building Line. An imaginary line running from one side lot line to the other side lot line, parallel to the rear lot line, which coincides with the face of the principal building nearest the rear lot line.

Outlawn. Any area in front of the dwelling.

#### Section 4. Blight; Offenses Designated.

On or after the effective date of this Ordinance, no person, firm, corporation or entity of any kind shall maintain or allow to be maintained upon any property in the Township of Larkin owned, leased, rented or occupied or possessed by such person, firm, corporation or entity of any kind any of the following uses, structures or activities which are hereby determined to be blight.

Blight is herein listed by property zone as determined by the Larkin Township Zoning Ordinance and are designated as Residential-Platted Subdivision and Site Condo, Residential-Supervisor Platted, Commercial and Agricultural:

- A. Residential subdivisions under Land Division Control Act, formerly known as Subdivision Act, and site Condominiums under the Condominium Act.
  - a) No parking or storage of any unlicensed or junk vehicle, outside of a fully enclosed building, which is located between a road right-of-way and the rear building line or visible from a road right of way or a neighboring property for a period in excess of thirty (30) days.
  - b) No storage of building materials, outside of a fully enclosed building, which are located between a road right-of-way and the rear building line or visible from a road right of way or a neighboring property for a period in excess of thirty (30) days, except where the building materials are stored on the site of property for which a valid building permit has been issued by the appropriate Midland County or Larkin Township building official and where said materials are intended for use in connection with such construction on the site to which the building permit applies.

- c) No storage or accumulation, outside of a fully enclosed building, of junk, trash, rubbish or refuse of any kind which is located between a road right-of-way and the rear building line or visible from a road right of way or a neighboring property for a period in excess of thirty (30) days.
  - d) No structure or part of a structure which because of fire, wind or other casualty or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose.
  - e) No vacant dwelling, garage, outbuilding or other structure unless such is kept secure or boarded up and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons, animals or varmints or causing a safety or health hazard.
  - f) No partially completed structure unless such structure is in the course of construction in accordance with all local and state laws and regulations and the construction is completed within the terms of the permit.
  - g) Residents are allowed to sell items/vehicles on their outlawn for a maximum of sixty (60) days per calendar year. After sixty (60) days the item/vehicle must be moved behind the rear building line and not be visible from the road right of way or neighboring property.
- B. Residential supervisor platted parcels and all other residences not in platted subdivisions.
- a) No parking or storage of more than one (1) unlicensed or junk vehicle, outside of a fully enclosed building, which is located between a road right-of-way and the rear building line or visible from a road right of way for a period in excess of thirty (30) days.
  - b) No storage of building materials, outside of a fully enclosed building, which are located between a road right-of-way and the rear building line or visible from a road right of way for a period in excess of thirty (30) days, except where the building materials are stored on the site of property for which a valid building permit has been issued by the appropriate Midland County or Larkin Township building official and where said materials are intended for use in connection with such construction on the site to which the building permit applies.

- c) No storage or accumulation, outside of a fully enclosed building, of junk, trash, rubbish or refuse of any kind which is located between a road right-of-way and the rear building line or visible from a road right of way for a period in excess of thirty (30) days.
- d) No structure or part of a structure which because of fire, wind or other casualty or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose.
- e) No vacant dwelling, garage, outbuilding or other structure unless such is kept secure or boarded up and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons, animals or varmints or causing a safety or health hazard.
- f) No partially completed structure unless such structure is in the course of construction in accordance with all local and state laws and regulations and the construction is completed within the terms of the permit.
- g) Residents are allowed to sell items/vehicles on their outlawn for a maximum of ninety (90) days per calendar year. After ninety (90) days the item/vehicle must be moved behind the rear building line and not be visible from the road right of way.

C. Commercial.

- a) No storage of building materials, outside of a fully enclosed building, which are located between a road right-of-way and the rear building line or visible from a road right of way for a period in excess of thirty (30) days, except where the building materials are held as the stock in trade for legally operated business on the premises and except building materials stored on the site of property for which a valid building permit has been issued by the appropriate Midland County or Larkin Township building official and where said materials are intended for use in connection with such construction on the site to which the building permit applies.
- b) No storage or accumulation, outside of a fully enclosed building, of junk, trash, rubbish or refuse of any kind which is located between a road right-of-way and the rear building line or visible from a road right of way for a period in excess of thirty (30) days.

- c) No structure or part of a structure which because of fire, wind or other casualty or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose.
- d) No vacant dwelling, garage, outbuilding or other structure unless such is kept secure or boarded up and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons, animals or varmints or causing a safety or health hazard.
- e) No partially completed structure unless such structure is in the course of construction in accordance with all local and state laws and regulations and the construction is completed within the terms of the permit.

D. Agricultural

- a) No storage or accumulation, outside of a fully enclosed building, of junk, trash, rubbish or refuse of any kind which is located between a road right-of-way and the rear building line or visible from a road right of way for a period in excess of thirty (30) days. For purposes of its application to agricultural properties, only, the term junk shall not include machinery, implements, equipment or parts thereof used or reserved for agricultural purposes.
- b) No structure or part of a structure which because of fire, wind or other casualty or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose.
- c) No vacant dwelling, garage, outbuilding or other structure unless such is kept secure or boarded up and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons, animals or varmints or causing a safety or health hazard.

Section 5. Penalties and Enforcement

- A. This Ordinance shall be enforced by the Ordinance Enforcement Officer designated by the Larkin Township Board.
- B. All violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and complete compliance with this Ordinance.

- C. Any person 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, plus costs of ordinance enforcement, which may include all direct or indirect expenses to which the Township has been put in connection with the violation, at the discretion of the court. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist shall constitute a separate violation.
  
- D. Notification: The owner, if known, and the occupant of any property upon which blight set forth in Section 4 hereof is found to exist shall be notified in writing to remove or eliminate such blight from such property within fourteen (14) days or present to the Township Board of Trustees within fourteen (14) days a written plan to remove or eliminate such blight from such property. Such notice may be served personally or by certified letter. If a written proposal is submitted and accepted by the Board of Trustees, meaningful progress on such proposal must be evident within thirty (30) days to avoid the next steps of enforcement. Time extensions may be granted on a case by case basis.

#### 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. Repealer.

All other ordinances and parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

#### Section 8. Effective Date.

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

Adopted at a meeting of the Township Board, Charter Township of Larkin, Midland County, Michigan.

Ordinance No. 260, adopted July 14, 2015