

**FRENCHTOWN CHARTER TOWNSHIP
BLIGHT ORDINANCE
Ord. No. 146; Date of Adoption: February 1987**

An Ordinance to repeal Frenchtown Charter Township Ordinance No. 92 and to regulate the storage of junk, rubbish, building materials and garbage within Frenchtown Charter Township and to prohibit such storage except under certain conditions, and to regulate the condition of vacant dwellings and structures in the Charter Township of Frenchtown, Monroe County, Michigan.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Repeal.

Ordinance No. 92 of the Charter Township of Frenchtown is hereby repealed.

Section 2. Legislative Findings.

It is hereby determined that there exists on privately owned parcels of land within Frenchtown Charter Township, accumulations of junk, rubbish and/or garbage and that such accumulations of junk, rubbish and/or garbage constitute a hazard to the public health, safety and welfare of the residents of Frenchtown Charter Township for the reasons that they provide a habitat conducive to breeding and nesting of rats, mice, and other vermin and also that they contain objects with sharp edges and other hazards which could injure children who might be attracted to play thereon, not appreciating the danger thereof, and that the regulations contained in this Ordinance are the minimum regulations required to eliminate the foregoing undesirable condition and protect the public safety and welfare. It is further determined that graffiti creates a visual blight and property damage which, when permitted to remain on a property and not promptly removed, invites additional graffiti and criminal activity and constitutes a public nuisance.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 3. Definitions.

- (A) Blight is the condition of impairing or destroying the visual quality of property by discarding or storing of building materials, junk, litter, garbage, rubbish, or other waste on the Property in a manner so as to leave the property in an impaired condition.
- (B) Brush. As used in this Ordinance "brush" means cut or broken branches. Also see definition of Rubbish in subsection (I).

- (C) Building Materials. As used in this Ordinance, "Building Materials" shall include but shall 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, or any other materials used in constructing any structure.
- (D) Defective Exterior Wall Coverings. As used in this Ordinance "Defective Exterior Wall coverings" means but is not limited to lack of paint or weathering due to lack of paint, or without other approved protective covering such as siding or brick.
- (E) Garbage. As used in this Ordinance, "Garbage" is the accumulation of trash, refuse, or litter specifically including, but not limited to, byproducts of foods or food processing, containers once containing edible products, drinkable products or useable materials, as well as dead animals (or parts thereof) and discarded edible or drinkable items.
- (F) Graffiti. As used in this Ordinance, "Graffiti" means any mark or marks on any surface or structure made without the prior permission of the property owner and made in any manner, including but not limited to, writing, inscribing, drawing, tagging, sketching, spray-painting, painting, etching, scratching, carving, engraving, scraping, or attaching. Chalk marks on sidewalks or driveways are not "graffiti".
- (G) Junk. As used in this Ordinance, "Junk" means any unused or unusable furniture, machinery, stoves, refrigerators or other appliances, or parts thereof, including unlicensed motor or recreational vehicles or inoperable motor or recreational vehicles which, because of mechanical condition, missing parts or deterioration cannot be operated or driven, the outdoor storage of indoor furniture and appliances, or any other castoff material of any kind, whether or not such could be put to any reasonable use at some future time.

Amended by Ord. No. 146-2 on October 22, 1991.

- (H) Recreational Vehicles. As used in this Ordinance, "Recreational Vehicles" means snowmobiles, all terrain vehicles, boats, campers, travel trailers, utility trailers, snowmobile trailers, boat trailers or other similar recreational vehicles.

Amended by Ord. No. 146-2 on October 22, 1991.

- (I) Rubbish. As used in this Ordinance, "Rubbish" means papers, metal cans and cuttings, plastic or styrofoam, boxes, glass, straw, barrels, scrap lumber, brush or wood pieces, cement pieces, paper or plastic cartons, lawn cuttings, tree trimmings and brush or other similar materials which have been discarded or are cast off or lying about in the open. For purposes of this Ordinance, the piling and

storage of firewood in a neat orderly manner in an amount expected to be used in one season for consumption on the premises and located in an area which is not within the front yard, shall not be considered rubbish or blight.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 4. Unlawful Act.

- (A) Storage of Junk. No owner, occupant or possessor of land in Frenchtown Charter Township shall keep or permit to be kept at any two times not less than four days apart within any calendar month on such parcel any accumulation of junk thereon, unless the same is within a completely enclosed building.
- (B) Storage of Rubbish and Garbage. No owner, occupant or possessor of land in Frenchtown Charter Township shall keep or permit to be kept at any two times not less than four days apart within any calendar month on such parcel any rubbish or garbage unless the same is kept within a closely covered can or other metal, plastic or rubber container designed for the same, and sufficient to prevent entry by cats and dogs, or rats, mice, and other vermin.
- (C) Storage of Building Materials. No owner, occupant or possessor of land in Frenchtown Charter Township shall keep or permit to be kept on the premises, not within a completely enclosed building, any accumulation of building materials, unless construction is being done on said premises pursuant to a valid permit and unless said materials are intended for use in connection with said construction and permit.
- (D) Unoccupied Structures. No owner, occupant or possessor of land in Frenchtown Charter Township shall keep or permit to be kept any unoccupied dwelling, garage, accessory building or structure unless the same is kept securely locked, windows in good repair, completely glassed, and without breaks and otherwise protected to prevent entrance thereto by unauthorized person or persons, or entrance thereto by cats and dogs, or rats, mice and other vermin.
- (E) Deteriorated or Defective Structures. No owner, occupant or possessor of land in Frenchtown Charter Township shall keep or permit to be kept any dwelling, accessory building, fencing, pools or other structure including but not limited to awnings, gazebos, sheds, garages or accessory structures which, because of fire, wind or other natural disaster or physical deterioration are no longer habitable as a dwelling, nor fit for occupancy or useful for any other permitted purpose for which it was intended. Further no dwelling or other structure shall be maintained with defective exterior wall coverings.
- (F) Partially Completed Structures. No owner, occupant or possessor of land in Frenchtown Charter Township shall keep or permit to be kept any partially

completed structure, unless such structure is in the course of construction in accordance with a valid and current building permit issued by Frenchtown Charter Township, and unless exterior construction is completed within two years after the issuance of said building permit.

- (G) Graffiti – Application. No person shall apply graffiti to any surface or structure.
- (H) Graffiti – Maintenance. No person who owns or otherwise controls or manages any property shall permit or allow any graffiti to be or remain on any surface or structure on the property more than seven (7) calendar days after notice is posted on the property or delivered to the property owner or more than nine (9) calendar days from the date of mailing if the notice is mailed.
 - (1) Notice by the Township to remove graffiti from a property may be made by mailing it to the property owner at the address as shown on Township assessment records, and/or by personally delivering it to the owner or by posting the notice at a conspicuous place on the property.
 - (2) If removal of the graffiti by the date set in the notice is not possible due to weather or other reasonable cause, then on or before the date set in the notice, the person to whom the notice is issued, or his or her agent, shall contact the Township as indicated in the notice to request an extension. An extension shall be valid only if approved by the Township Building Official in writing.
 - (3) Removal of graffiti may be by means of actual physical removal or covering over the graffiti with paint or other appropriate similar substance applied to the surface or structure. Removal shall be accomplished in such a way that structure is substantially similar to its prior condition.
 - (4) If any graffiti remains on the property beyond the time indicated in a notice, then the Township may remove the graffiti or have it removed in any reasonable manner. The costs incurred by the Township for removal, any necessary enforcement action and administration shall be charged to the owner and, if not paid within 30 days of issuance of a bill of costs, shall be assessed as a lien against the property in the same manner as property taxes under the General Property Tax Act.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 5. Exceptions.

This Ordinance does not apply to inventory on premises occupied by a merchant licensed under MCL 205.53 conducting a lawful business or to the property that patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station while left on the premises of either for purposes of service or repair, nor does this

Ordinance apply to junkyards which can be regulated under Public Act 12 of 1929 and Township Junk Ordinance No. 1 as amended. Further, this Ordinance does not apply to usable farm equipment or machinery associated with a lawfully existing farming operation operating in compliance with current State of Michigan Generally Accepted Agricultural Management Practices.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 6. Prima Facie Proof.

In any litigation arising under this Ordinance, testimony that any junk, rubbish, garbage or brush have been observed in the same place on at least two separate dates at least four (4) days apart within any calendar month, shall constitute prima facie proof that such junk, rubbish, garbage or brush are inoperable, unused, or unusable as defined in Section 3 above. Likewise, in any litigation arising out of this Ordinance, testimony that any motor vehicle, or parts thereof have been observed in the same place for a period of thirty (30) days shall constitute prima facie proof that such motor vehicle, or parts thereof are inoperable, unused, or unusable as defined in Section 3 above. Further, in any litigation arising under this Ordinance, testimony that a recreational vehicle or parts thereof, have been observed in the same place for a period of thirty (30) days and that such recreational vehicle is not parked or stored in compliance with one or more subsections or the Frenchtown Charter Township Zoning Ordinance shall constitute prima facie proof that such recreational vehicle or parts thereof are inoperable, unused or unusable as defined in Section 3 above.

Amended by Ord. No. 146-2 on October 22, 1991.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 7. Declaration of Nuisance.

Any violation of any provision of this Ordinance is hereby declared to be a nuisance per se. The Township may petition a court of competent jurisdiction to order such nuisance abated and owner and/or agent in charge of such dwelling, building, structure, tent, trailer, mobile home or land can be adjudged of maintaining a nuisance. Furthermore, the Township shall be entitled to recover any costs and attorney fees or other public expenditures incurred as a result of efforts to abate such nuisance.

Amended by Ord. No. 146-2 on October 22, 1991.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 8. Applicability to Areas Other Than Residential.

(A) The causes of blight or blighting factors set forth in this Ordinance as applicable to areas zoned for residential purposes are also determined to be causes of blight or blighting factors and subject to the prohibitions of this Ordinance if located in areas zoned for other than residential purposes, unless such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question.

(B) For purposes of this Ordinance, such business or occupation shall be considered lawful only when being carried out in a manner as prescribed by the Township Zoning Ordinance and any other applicable provisions, laws, or regulations of the Township, county, state or federal governments. The proof that such use is incidental to and necessary for the carrying out of such business shall rest with the owner or user of the property, and such use shall not in any case, constitute a hazard to the health or welfare of the citizens of the Township.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 9. Enforcement and Penalty.

(A) Upon issuance of a notice of violation of this Ordinance, the person notified shall have ten (10) days from the service of the notice to eliminate the condition. Additional time may be granted by the Building Official if bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

1. Failure of the owner or occupant to eliminate the conditions specified in the notice within the time allowed shall constitute a violation of this Ordinance.

2. Violation of this Ordinance shall be deemed a municipal civil infraction and shall be punishable by the fine schedule set forth in Municipal Penalty Civil Infraction Ordinance No. 225 as restated herein:

- a. First offense: \$100.00 plus costs.
- b. First repeat offense: \$250.00 plus costs.
- c. Second (or any subsequent) repeat offense: \$500.00 plus costs.

(B) In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce, compel compliance or interpret this Ordinance.

(C) All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

(D) Any use of land that is commenced or conducted, any activity or any building item or structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.

(E) Each and every day during which a violation of this Ordinance shall exist shall be deemed to constitute a separate offense.

Amended by Ord. No. 146-4 on July 10, 2018.

Section 10. Effective Date.

This Ordinance shall become effective thirty (30) days after passage and publication in the Monroe Evening News, a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.

Section 11. Repeal.

All Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 12. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.