

**GAINES TOWNSHIP**

**ORDINANCE NO. 72**

**ADOPTED:** December 3, 2003

**EFFECTIVE:** January 15, 2004

AN ORDINANCE to adopt a new ordinance regarding blight or blighting factors and to rescind in its entirety Ordinance No. 15.

**GAINES TOWNSHIP HEREBY ORDAINS:**

**Section 1. Rescission of Ordinance No. 15.**

Ordinance No. 15 is hereby rescinded in its entirety.

**Section 2. Adoption of new ordinance regarding blight or blighting factors.**

The Township hereby adopts this ordinance regarding as the Blight Ordinance for the Township of Gaines.

**Section 3. Cause of blight or blighting factors.**

It is hereby determined that the following uses, structures and activities are causes of blight or are blighting factors which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods. No person shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Township that are owned, leased, rented or occupied by such person:

- (1) In any area zoned for residential and/or commercial purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this section the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the state for a period in excess of sixty (60) days and it shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days.
- (2) In any area zoned for residential and/or commercial purposes, the storage upon any property of building materials, unless there is in force a valid building permit issued by the township for construction upon the property and the materials are intended for use in connection with such construction or are part of stock or trade of business located upon the property. 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, or any other materials used in the construction of any structure.

- (3) In any area zoned for residential and/or commercial purposes, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except in a completely enclosed building. Domestic refuse shall be allowed if stored in such a manner as not to create a nuisance and is stored thirty (30) feet from any other residential structure, for a period not to exceed seven (7) days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances which are stored in the open, remnants of wood, metal, other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- (4) In any area 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.
- (5) In any area zoned for residential and/or commercial purposes, any vacant dwelling, garage, or other out-building unless they are kept securely locked, windows are kept glazed or neatly boarded up and otherwise protected to prevent entrance thereof by vandals.
- (6) In any area where lies any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within a reasonable time.

#### **Section 4. Enforcement and Penalties.**

- A. This ordinance shall be enforced by the Township Supervisor or his or her designee.
- B. Any person or firm who violates any provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a civil fine in an amount up to Five Hundred Dollars (\$500.00), plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Public Act 236 of the Public Acts of 1961, as amended, and other applicable laws. Increased civil fines may be imposed for repeated violations of this ordinance within any one year period as follows:
  - (1) First offense. For the first offense the civil fine shall be no less than One Hundred Dollars (\$100.00).
  - (2) Second Offense. In the case of a second occurrence of the same offense within one (1) year of the date of the initial infraction, the civil fine shall be no less than Two Hundred Dollars (\$200.00).
  - (3) Third Offense. In the case of a third occurrence of the same offense within

one (1) year of the date of the initial infraction, the civil fine shall be no less than Three Hundred Dollars (\$300.00).

- (4) Fourth and Subsequent Offenses. In the case of a fourth or subsequent occurrence of the same offense within one (1) year of the date of the initial infraction, the civil fine shall be Five Hundred Dollars (\$500.00).

#### **Section 5. Municipal Civil Infraction Violations Notice.**

- A. Any person violating this ordinance may be issued a municipal civil infraction violations notice directing said person or firm to appear at the Gaines Township Municipal Ordinance Violations Bureau and pay a civil fine as follows:
  - (1) First offense. For the first offense the civil fine shall be One Hundred Dollars (\$100.00).
  - (2) Second Offense. In the case of a second occurrence of the same offense within one (1) year of the date of the initial infraction, the civil fine shall be Two Hundred Dollars (\$200.00).
  - (3) Third Offense. In the case of a third occurrence of the same offense within one (1) year of the date of the initial infraction, the civil fine shall be Three Hundred Dollars (\$300.00).
  - (4) Fourth and Subsequent Offenses. In the case of a fourth or subsequent occurrence of the same offense within one (1) year of the date of the initial infraction, the civil fine shall be Five Hundred
- B. Payment at the Gaines Township Municipal Violations Bureau. If the civil fine is paid at the Gaines Township Municipal Violations Bureau, The Gaines Township Municipal Violations Bureau is hereby authorized to accept civil fines in the amounts specified herein. In the case of payment at the Municipal Violations Bureau, no costs shall be imposed or collected.

#### **Section 6. Abatement of Public Nuisance.**

- A. Any person who violates this ordinance shall also be deemed to commit the offense of creating a public nuisance and the designated Enforcement Officer is hereby authorized to enter into and upon that person's land to abate the nuisance.
- B. The cost of removal/abatement of the blighting factors shall be paid by the owner or occupants of the premises from which they are removed. In the event of the failure of the owner or occupant to remove the blighting factors, the township may use its employees or contract for the removal/abatement at its expense and when such cost has been determined, the township

clerk/treasurer is hereby authorized and directed to bill the owner or occupant the cost of removal/abatement. In the event of the failure of the owner or occupant to pay such costs, the township supervisor is hereby authorized to add those costs to the next ad valorem tax roll for collection and collected in the manner of ad valorem taxes.

**Section 7. Effective Date.**

This Ordinance shall become effective thirty days after publication in accordance with law.

At a regular meeting of the Board of Trustees for the Township of Gaines held on the 3 day of December, 2003, Somers moved for adoption of the foregoing ordinance and Hyrman supported the motion.

Voting for: Purdy, Dowler, Somers, Hyrman, And Fortino

Voting against: None

The Supervisor declared the ordinance adopted.



Paul Fortino  
Supervisor



Michael Dowler  
Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 72 which was enacted by the Board of Trustees of Gaines Township at a regular meeting held on December 3, 2003.



MICHAEL DOWLER  
Township Clerk