

PINCONNING TOWNSHIP ORDINANCE NO. 116-01

Pinconning Township Anti-Blight Ordinance

An Ordinance for the purpose of preventing, reducing or eliminating blight, or potential blight within the Township of Pinconning by prevention or elimination of certain causes of blight or blighting factors within Pinconning Township, Bay County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof.

THE BOARD OF TRUSTEES OF THE TOWNSHIP OF PINCONNING,
BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

Section I - Short Title

This Ordinance shall be known and cited as the "Pinconning Township Anti-Blight Ordinance".

Section II - Causes of Blight or Blighting Factors

It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors, which if allowed to exist, will tend to result in blighted in unreasonable areas within the Township of Pinconning. On or after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained, any of the following causes of blight or blighting factors upon any property, owned, leased, rented or occupied by such person, firm or corporation:

- (a) Storage upon any property of disabled motor vehicles, or the disassembling, tear down or scrapping of motor vehicles, or the scavenging or stripping of a motor vehicle, except as prevented by this or other Ordinances of Pinconning Township. For the purpose of this Ordinance, the term "disabled motor vehicle" shall include any motor driven vehicle which is incapable of being self-propelled upon the public streets or which does not meet the statutory requirements for operation upon the public streets, including a current license plate. However, one (1) operable unregistered and/or unlicensed vehicle will be permitted to be stored on property or an inoperable unregistered and/or unlicensed vehicle will be permitted to remain on said property so long as the owner or occupant of the property is in the process of repairing and/or restoring said vehicle with a reasonable likelihood that said repairs and/or restoration will be completed within ninety (90) days at which point the vehicle will then be operable;

- (b) The storage on any property of disabled and/or inoperable boats, personal watercraft, motorcycles, snowmobiles, motorhomes and semi tractors. Additionally, the storage on any property of trailers, truck parts, boxes or parts of any disassembled motor vehicles, boats, watercraft, motorcycles, snowmobiles, or trailers, including shipping containers, fifth wheels, camping trailers and utility trailers. All of the above-items will be considered blight if they are inoperable and unlicensed for the current year and/or have not been granted a license and/or registration within twelve (12) months prior to the date of inspection and discovery by the Township;
- (c) Outside storage upon any property of building materials unless there is in force a valid building permit issued by the Township of Pinconning, and unless said materials are intended for use in connection with such construction, on the premises where such materials are located. 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 construction of said structure;
- (d) The storage or accumulation of rubbish, refuse, waste materials, garbage, offal, paper, glass, cans, bottles, trash, debris, junk or other foreign substances of every kind and description. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use, unless in an approved container for pickup by a licensed refuse hauler, said container not to exist on any property greater than a period of thirty (30) days without being emptied by the licensed hauler;
- (e) The outdoor storage of appliances, equipment or other materials not being utilized in accordance with their original design, intent or purpose;
- (f) The outdoor storage of used furniture or furnishings not designed, intended and manufactured as outdoor furniture or furnishings including, but not limited to, upholstered chairs and sofas, shelving, cabinets, dressers, carpeting and carpet pad, mattress and bedding;
- (g) The accumulation of animal excrement;

- (h) The accumulation of yard waste;
- (i) The existence of any structure, which because of fire, wind or other nature disaster or physical deterioration is no longer habitable as a dwelling, or not useful for any other purpose for which it was intended;
- (j) The existence of any vacant dwelling, garage or other out-buildings, unless the same are kept securely locked, windows are kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals, minors or other unauthorized persons;
- (k) The existence of any partially completed structure unless said structure is in the course of construction in accordance with a valid and subsisting building permit, and unless such construction is completed within the original deadline of the building permit or any valid extension deadline of such building permit;
- (l) It shall be unlawful to allow grass or weeds, to grow to a height in excess of eight (8) inches, which shall be deemed to be a blighted condition. This Ordinance shall apply to the following properties:
 - (1) On all residential lots of one (1) acre or less in area, any Residential or Agricultural Zone where the lot is adjacent to an established public street and, further is adjacent to an occupied or developed Residential property on at least one (1) side, weeds and grasses shall be maintained below the height of eight (8) inches maximum. This Ordinance shall apply and require cutting of weeds and grasses for at least the first two hundred (200) feet fronting from any roadway;
 - (2) All Commercial property shall be maintained to a height of no more than eight (8) inches as described above, when the Commercially Zoned property abuts any developed property, said property shall be maintained to a minimum depth from a public street of at least two hundred (200) feet;
 - (3) All Industrial property shall be maintained to a height of no more than eight (8) inches as described above, when the Industrial Zoned property abuts any developed property, said property shall be maintained to a minimum depth from a public street of at least two hundred (200) feet.

Section III - Notice to Owner, Agent or Occupant

The Township of Pinconning shall notify, by first-class mail or personal service, the owner or owners, agent or agents, and/or occupant or occupants of any property upon which any of the causes of blight or blighting factors set forth in Section II hereinabove are found to exist, to remove or eliminate such causes of blight or blighting factors from said property within ten (10) days after mailing or personal service of the notice upon such owner or owners, agent or agents, and/or occupant or occupants.

Section IV - Enforcement or Penalties

Any owner, agent or occupant, who shall violate any of the provisions of this Ordinance, shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the County Jail not exceeding ninety (90) days, or both, in the discretion of the court, such penalties to be in addition to any other legal and/or equitable remedies available in the court of this State without limitation.

Section V - Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning;

- (1) Demolition, debris or scrap building material means all types of debris resulting from building demolition or construction including, but not limited to, lumber, shingles, mortar, concrete or cement, nails, screws, bricks, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts, similar materials or equipment;
- (2) Garbage means any types of rejected food waste, including animal, fruit or vegetable matter, used or intended for food, or that attracts or attends the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruits or vegetables;
- (3) Refuse means any types of materials to be discarded, such as wrappings, cartons, crates, packing materials, rags, broken glass, crockery, waste paper, ashes and sweepings,

Section VI - Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

Section VII - Ordinances Repealed

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section VIII - Publication

A true copy of this Ordinance shall be published in a newspaper circulated within the Township of Pinconning, Bay County, Michigan, within ten (10) days following the adoption thereof.

Section IX - Effective Date

This Ordinance shall take effective immediately upon publication thereof, following adoption, as required by law.

Authentication of Record

We, SHARON STALSBERG, Supervisor, and BEVERLENE HRIBEK, Clerk, for the Township of Pinconning, Bay County, Michigan, hereby authenticate the following relative to the foregoing Ordinance:

1. That the same was adopted by the Pinconning Township Board on the 13th day of September, 2016.

2. That the following members of the Township Board voted "yes" in favor of said Ordinance: Switek, Laframboise, Hribek, Holbrook
& Stalsbery

3. That the following members of the Township Board voted "no" against said Ordinance:

4. That the following members of the Township Board were absent:

SHARON STALSBERG
Pinconning Township Supervisor
Dated: 9-13-2016

BEVERLENE HRIBEK
Pinconning Township Clerk
Dated: 9-13-2016