

STATE OF MICHIGAN  
COUNTY OF BERRIEN

TOWNSHIP OF NILES

## **BLIGHT CONTROL ORDINANCE**

AN ORDINANCE TO PROVIDE FOR REGULATION AND CONTROL OF THE STORAGE, ACCUMULATION, AND DISPOSITION OF JUNK, TRASH, RUBBISH, ABANDONED VEHICLES, WRECKED, DISMANTLED, OR UNUSABLE VEHICLES AND BUILDING MATERIALS, AND THE MAINTENANCE OF BLIGHTED STRUCTURES AND OTHER BLIGHTING FACTORS OR CAUSES OF BLIGHT AND DETERIORATION OF BLIGHTED STRUCTURES, AND TO PROVIDE PENALTIES.

THE TOWNSHIP OF NILES, BERRIEN COUNTY, MICHIGAN ORDAINS:

### **SECTION 1. DETERMINATION BY TOWNSHIP.**

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

### **SECTION 2. DEFINITIONS.**

The following words or terms when used in this Ordinance shall be deemed to have the meanings set forth below:

(a) The term "junk" shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal, or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.

(b) The term "junk motor vehicles" shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 60 days; provided, however, that this definition of a "junk motor vehicle" is subject to the following exceptions: (1) one unlicensed or inoperative motor vehicle which is completely covered with a motor vehicle fitted covering or other appropriate type of covering for said vehicle, provided, however,

that such storage shall be limited to one (1) year or less and provided, further, that such storage shall be allowed in the back yard of the premises only; (2) unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle; (3) unlicensed, but operative, vehicles which are being stored on the vehicle owner's premises or on the premises of his parents while the vehicle owner is in the military service or is attending college; and provided, further, that the time limit that such vehicles may remain upon the premises of (a) a motor vehicle repair garage shall be a period of 120 days rather than 60 days, with the right to have said period extended for an additional period of 60 days upon presentation to the enforcing officer of written proof that the offending vehicle is involved in insurance claim litigation or a similar matter; and (b) any person who is actively, and in good faith, engaged in the hobby of restoring or reconditioning old or antique vehicles or building or rebuilding racing vehicles shall be a period of 120 days rather than 60 days, with an extension of an additional period of 60 days upon a showing to the enforcing officer that the owner of said premises is actively, and in good faith, engaged in the restoring, reconditioning, building or rebuilding of such offending vehicle; and (4) unlicensed, but operative, vehicles which are recreational vehicles for use off the highways of Michigan.

(c) The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

(d) The term "blighted structure" shall include, without limitation, any dwelling, garage or outbuilding, or any factory, shop, store, office building, warehouse, or any other 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 the purpose for which it may have been intended.

(e) The term "building materials" shall include, without limitation, lumber, brick, 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.

(f) The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent, or employee. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, lessee, agent, servant, or employee, shall except as herein otherwise provided, be equally liable as principals.

(g) The term "trash" and "rubbish" shall include any and all forms of debris not herein otherwise classified.

### **SECTION 3. PROHIBITED ACTS.**

(1) It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk, junk motor vehicles, or abandoned vehicles on any private property in the Township of Niles except within a completely enclosed building or upon the premises of a properly zoned or legally operating or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk, operator of an automobile repair garage and/or automobile wrecker business.

(2) It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the Township of Niles and unless such construction is completed within a reasonable time.

(3) It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property except in a completely enclosed building or except where such building materials are part of the stock in trade or business located on said property or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Township of Niles and unless such construction is completed within a reasonable time.

### **SECTION 4. INSPECTION AND NOTICE.**

If, upon inspection, the Code Enforcement Officer, Building Inspector, Fire Chief, Police Chief, Township Supervisor, or County Health Officer shall find that any property within the Township is being used in violation of the above Sections of this Ordinance, the owner and/or occupant shall be notified of such violation which may be given by certified letter to the owner as he appears on the real property tax rolls of the Township of Niles or by service upon the occupant personally by any official of the Township of Niles or the Berrien County Health Department.

### **SECTION 5. APPEALS.**

The owner and/or occupant may appeal to the Township Board for a public hearing which shall be held at a regular or specifically called Township Board meeting providing he files a request in writing with the Township Clerk within ten days of receipt of the notice above specified. Following the hearing, the decision of the Township Board as to the violation shall be final.

### **SECTION 6. REMOVAL**

If the owner and/or occupant of such premises shall not cause such material in violation of this Ordinance, as described above, to be eliminated or removed within ten

days after notice or within ten days after the decision of the Township Board is rendered in case of any appeal, the Township Board shall direct some person, or persons, to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such materials to be eliminated or removed, the total expense incurred by the Township shall be a lien upon the property and the same may be collected in any manner authorized by statute and, if not paid, may be placed on the Tax Roll and collected the same as other taxes.

#### **SECTION 7. PENALTIES.**

Any violation of or any failure to comply with the provisions of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days or both. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section provided no person shall be imprisoned for a single but continuing violation of this Ordinance for a period of longer than 90 days. In addition to the criminal sanctions herein provided, 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 civil proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

#### **SECTION 8. SAVINGS CLAUSE.**

Should any section, clause, or provision of this Ordinance be declared by any Court to be invalid, the same shall not affect the validity of the remaining portions of such Section of this Ordinance or any part thereof other than the part so declared to be invalid.

#### **SECTION 9. REPEAL.**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

#### **SECTION 10 EFFECTIVE DATE.**

This Ordinance shall take effect upon publication following its adoption.

#### **SECTION 11 PUBLICATION.**

This Ordinance is ordered to be given publication in the manner prescribed by law.

**SECTION 12 ADOPTION.**

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Niles, Berrien County, Michigan, at a meeting held on the 6<sup>th</sup> day of December, A.D., 1999.

**MOTION TO ADOPT ORDINANCE**

Moved by Myers and supported by Jones that the foregoing ordinance be adopted.

Vote:

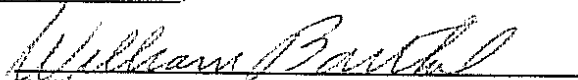
Ayes: Myers, Barthel, Ringler, Tonkin, Noble, Jones, Durm-Hiatt

Nays: NONE

Ordinance declared adopted December 6<sup>th</sup>, 1999.

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of an ordinance entitled "Blight Control Ordinance", which ordinance was duly adopted by the Township Board of Niles Township, Berrien County, Michigan, on December 6, 1999, and which ordinance was published in the Niles Daily Star on December 10, 1999.

  
William Barthel  
Township Clerk