

Ordinance No. 1500
ANTI-BLIGHT ORDINANCE
HOMER CHARTER TOWNSHIP
Effective February 1, 2018

The Charter Township of Homer ordains, pursuant to Public Act 246 of the Public Acts of 11945, 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 Homer, Midland County, Michigan, by the regulation and prevention of blight within the Township; to provide for the enforcement thereof; and to provide for the violation thereof.

Section 1. Name

This ordinance shall be known and cited as the Homer Township Anti-Blight Ordinance.

Section 2. Purpose

It is hereby determined that the storage and accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, used or scrap building materials, and overgrown grass and weeds and noxious odors upon any private property within the Township of Homer 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 Homer by regulating and preventing or eliminating blight in the township through the prevention and elimination of blight which exist or may in the future exist in the Township.

Section 3. Definitions

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

- a. **BUILDING MATERIALS.** Dimensional 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 material used in constructing any structure.
- b. **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.

- c. **JUNK VEHICLE.** Any motor vehicle, trailer, motorcycle, snowmobile, all-terrain vehicle, recreational vehicle, boat 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 license for us up the highways of the State of Michigan.
- d. **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.
- e. **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 Homer 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 determine to be blight.

- a. The parking or storage of more than one (1) unlicensed or junk vehicle, outside of a fully enclosed building for a period in excess of thirty (30) days. This section shall not apply to the outdoor storage of vehicles if such storage occurs in the ordinary course of business for a commercial business operated on the property, and the operation of such business is appropriate for the zoning district in which the property is located.
- b. The storage of used building materials as, for example, from the demolition of a structure and judged by the Ordinance Enforcement Officer to be refuse, 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 a property for which a valid building permit has been issued by the appropriate Midland County or Homer 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. The storage or accumulation, outside of a fully enclosed building, of junk, trash, scrap, waste, 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. Any structure or a 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 lawful purpose.
- e. The accumulation of tires for recycle, resale, or disposal outside of a fully enclosed structure. This section shall not apply to the outdoor storage of tires if such storage occurs in the ordinary course of business for a commercial business operated on the property, and the operation of such business is appropriate for the zoning district in which the property is located.
- f. The discharge of noxious odors from pipes, ducts, conductors, fans or blowers directly upon abutting or adjacent tenants, public or private property.
- g. Overgrown grass or weeds in excess of eight (8) inches in length shall not be allowed in areas of an established lawn and outside of a purposely designed and well maintained natural landscape.
- h. All property shall be kept free of vermin harborage and infestation.
- i. Residents are allowed to sell no more than one item of equipment or vehicle on their outlawn for a maximum of ninety (90) days per calendar year. After ninety (90) days the equipment or vehicle must be moved behind the rear building line and not be visible from the road right of way. This section shall not apply to the outdoor display and sale of vehicles and equipment if such display and sale occurs in the ordinary course of business for a commercial business operated on the property, and the operation of such business is appropriate for the zoning district in which the property is located.
- j. The outdoor collection, storage, dumping, display, assembly, disassembly, alteration, cleaning, handling, or sales of used or second hand salvaged materials, machinery, furnishings, or parts thereof for a period in excess of fourteen (14) days is prohibited.
- k. No person shall throw, deposit or cause to be deposited, litter on any property within the Township, whether owned by such person or not. The owner or person in control of any private property shall, at all times, maintain the premises free of litter.

Section 5. Penalties and Enforcement

- a. This Ordinance shall be enforced by the Ordinance Enforcement Officer designated by the Homer 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 the time specified in the written notification. The deadline may be extended if a written plan is submitted to and accepted by the Ordinance Enforcement Officer at least fourteen (14) days prior to the written deadline. Such notice may be served personally or by certified letter. If a written proposal is submitted and accepted by the Ordinance Enforcement Officer, meaningful progress on such proposal must be evident with 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 the publication in a newspaper circulating within the Township of Homer, Midland County, Michigan.

Adopted by the Township Board, Township of Homer, Midland County, Michigan, at a meeting of the township board held on the 19 day of December, 2018

Dated: 12/19/18

Russ Varner

Russ Varner
Supervisor

T.M. Lee

Todd Lee
Clerk

CERTIFICATION

The above Ordinance No. 1500 was adopted at a meeting of the Homer Township Board on the 19 day of December 2018 and published in the Midland Daily News, a newspaper of general circulation in the Township of Homer on the 20 day of December, 2018

T.M. Lee

Todd Lee
Clerk