

BLOOMINGDALE TOWNSHIP, VAN BUREN COUNTY, MICHIGAN**ANTI-BLIGHT/ANTI-JUNK ORDINANCE Ordinance No. Q2 -05**

The Bloomingdale Township Board, Van Buren County, Michigan, in order to further the public health, peace, safety and environmental quality of the Township, makes this Ordinance to prevent, reduce, or eliminate blight, blighting factors or causes of blight, and to limit and restrict the unreasonable accumulation of junk within the Township of Bloomingdale, Van Buren County, Michigan, and provide

penalties for the violation hereof.

THE TOWNSHIP OF BLOOMINGDALE, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

1. **PURPOSE:** Consistent with the letter and spirit of Act #344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight, and to limit and restrict the unreasonable accumulation of junk in the Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may exist in the future exist in Bloomingdale Township.

2. **CAUSE OF BLIGHT OR BLIGHTING FACTORS / DEFINITIONS;** It is hereby determined that the

following uses, structures, definitions and activities are causes of blight, junk, or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance, no person, no firm, or corporation of any kind shall maintain or permit to be maintained any of these items, causes of blight or blighting factors upon any property in the Township owned, leased, rented or occupied by such person, firm or corporation.

- a. In any area, the storage upon any property of one or more junk automobiles, road tractor, trailer or semi-trailer, except in a completely enclosed building. For the purposes of this Ordinance, the term "junk" automobile shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, for a period in excess of sixty (60) days and shall also include, whether so licensed or not, any motor vehicle which is inoperable, unused, dilapidated, or disassembled. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair, or other cause, for any reason for a period in excess of sixty (60) days.
- b. Any farm equipment or machinery, including but not limited to farm tractors, plows, drags, compactors, mowers, hay loaders, or any other equipment of similar nature heretofore, now or in the future, used by farmers, full or part-time, in agricultural pursuit, if the same has not been used for ten (10) consecutive years.
- c. In any area, the storage or accumulation of junk, trash, rubbish, building material, tile or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period of not to exceed thirty (30) days. The term "junk" shall include bottles, cans, garbage, rubbish, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal, or other materials and/ or building materials, or other cast-off material of any kind whether or not the same could be put to good use, unless part of a stock of merchandise for sale in the ordinary course of business.
- d. In any area, the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, as a dwelling, nor legally occupiable pursuant to township zoning, building or township regulations, nor useful for any other purpose for which it may have been intended.
- e. In any area, the existence of any vacant dwelling, garage, or other out-buildings not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- f. In any area, the existence of any partially completed structure, unless such structure is in the course of construction in compliance with a valid building permit issued by the Township and said construction is completed within a reasonable time.
- g. In any area, the storage upon any property of one or more junk watercraft, except in a completely

- enclosed building. For the purposes of this Ordinance, the term "junk" watercraft shall include any boats, pontoon boats, watercraft or devices designed for water recreational purposes which are not registered with the State of Michigan for a period in excess of sixty (60) days and shall also include, whether so registered or not, any boats, pontoon boats, watercraft or devices designed for water recreational purposes which are inoperable for any reason for a period in excess of sixty (60) days. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause.
- h. In any area, the storage upon any property of building materials kept in other than reasonable quantities, and in other than a neat and orderly manner unless there is in force a valid building permit issued by the Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include, but not be limited to wood, 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 material used in constructing any structure. This provision is not intended to prohibit outdoor storage of any and all such building materials absent a building permit, but rather to assure that building materials stored absent a building permit are kept in reasonable quantities, and in a neat and orderly fashion.
 - i. It shall be prohibited and no person within Bloomingdale Township shall store or permit to be stored, place or permit to be placed, lie or permit to lie, any junk herein defined, outside of a fully enclosed building or structure, except within the confines of a licensed junk yard, or in the case of farm machinery and equipment and building materials within the confines of an established area which has for one of its main purposes the sale of wholesale or retail farm equipment and machinery, or building supplies or tiles, etc.

3. ENFORCEMENT AND PENALTIES:

a. The owner, if possible, and the occupant of any property upon which any of the causes of blight, junk accumulation, or blighting factors set forth above is found to exist shall be notified in writing of said violation and instructed to remove or eliminate such causes of blight, junk accumulation, or blighting factors from such property within ten (10) days after service of the notice upon him/ her/ them. Such notice may be served personally or by certified mail, return receipt requested, or by leaving the same with an adult person on the premises, or by affixing the same on two prominent places on the premises, in which latter case, a copy of said notice shall be sent to the owner or occupant at his last known address by regular mail with proof of mailing. Additional time may be granted by the Enforcement Officer where bona fide efforts to remove or eliminate such causes of blight, junk accumulation, or blighting factors are in progress.

b. Failure to comply with such notice within the time allowed by the owner and/ or occupant shall constitute a violation of this Ordinance.

c. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed \$500.00 or by

imprisonment not exceeding ninety three (93) days or both such fine and imprisonment at the discretion of the Court.

d. The Township Board, Planning Commission, Board of Appeals or the Township Attorney may institute an injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said blight, junk accumulation, or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by-law.

4. SEVERABILITY: Should any section, clause, or provision of this Ordinance be declared invalid, the same shall not affect the validity of the Ordinance as to whole, or part thereof, other than the part so declared to be invalid.

5. INCONSISTENT ORDINANCES: Any prior Township Ordinances and any other Ordinances or parts of Ordinances in conflict herewith are hereby repealed. .

6. EFFECTIVE DATE: This Ordinance shall be effective on the 16th

day of MARCH , 2005, and a copy of this Ordinance shall be published in the Van Buren County Advertiser at

least prior to the effective date, and after the effective date, a copy shall be filed with the County Clerk for the County of Van Buren, according to the statues in such case made and provided.

ADOPTED: FEBRUARY 16, 2005

EFFECTIVE: MARCH 16, 2005