

ORDINANCE NO. 6-01

ANTI-BLIGHT ORDINANCE

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE TOWNSHIP OF VERONA, HURON COUNTY, STATE OF MICHIGAN; TO PROVIDE FOR THE ENFORCEMENT THEREOF; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO PROVIDE AN APPEAL PROCESS THEREOF.

THE TOWNSHIP OF VERONA ORDAINS:

Section 1. Purpose

It is the purpose of this Ordinance to prevent, reduce, or eliminate blight, potential blight, blighting factors or causes of blight within the Township of Verona by the prevention or elimination of contributing environmental factors and causes of blight which exist or which may in the future exist in the Township of Verona.

Section 2. Definitions

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

- A. Blighted Structure - Any dwelling, garage, outbuilding, accessory building, factory, shop, store, office building, warehouse, sign or other structure or part of a structure which:
1. Because of fire, wind, other natural disaster or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended; or
  2. Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Township of Verona, County of Huron; or
  3. Is not structurally sound, weather-tight, waterproof, or vermin proof; or
  4. Is not covered by a water-resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration.
  5. Any structure which could be defined as dangerous under any State statute, code or regulation, or the County of Huron Ordinances.
- B. Building Material - Any lumber, bricks, concrete, cinder blocks, plumbing materials and fixtures, electrical wiring or equipment, heating/cooling ducts or equipment, shingles, mortar, cement, plaster, gypsum board, nails, screws, or other material commonly used in the structure or repair of any buildings or structures.
- C. Enforcement Officer - The Township of Verona building inspector or code official, any Township of Verona Board member, or any other person designated by the Township Board to enforce the provisions of this ordinance.
- D. Firewood - any timber, split logs, stumps, tree remnants, branches or other material used for the purpose of fueling a wood-burning stove for heating a building or structure.
- E. Garbage - The organic (animal and/or vegetable) waste resulting from the handling.

preparation, cooking and consumption of food.

- F. Hazardous Materials - Any explosive, acidic or caustic substance, flammable liquid, oil, chemical or any other substance, or residues of same, which is or could be defined as toxic or dangerous by statute of the State of Michigan or United States; or which could pose danger or potential danger to persons, animals, vegetation or the environment, if spilled or stored in violation of state or federal statute or manufacturer's instructions; or where, in the opinion of the enforcement officer, is otherwise stored improperly or in inadequate containment facilities or structures.
- G. Junk - Any abandoned, discarded, unusable or unused objects or equipment including, but not limited to: furniture, household appliances, barrels, tanks, implements, parts of motor vehicles, tires, cloth, rubber, bottles, cans, plastic, any metals, boxes, cartons, crates and papers.
- H. Person - Any natural person, firm, association, partnership or corporation.
- I. Premises - A lot, plot or parcel of land including the buildings or structures thereon.
- J. Rubbish - Combustible and noncombustible waste materials, except garbage, including but not limited to: residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, leaves, yard trimmings, cans, metals, mineral matter, glass, crockery, dust and other similar materials.
- K. Vacant Buildings - Any building or structure which is unoccupied and which is not securely locked, with the windows not glazed or neatly boarded up and protected against the elements and from the entry of vandals, curious children, or rodents and/or other animals.

### Section 3. Prohibited Conduct.

Except as may otherwise be permitted by the holding of a specific license, permit or by any other Township of Verona ordinance, no person in the Township of Verona shall:

- A. Store, accumulate or permit the storage or accumulation of garbage, junk, hazardous materials or rubbish on premises owned, leased, operated, rented or occupied by him.  

EXCEPTIONS: (1) Materials intended for recycling shall be excepted from this provision, provided that the same shall be stored in a rodent-proof receptacle or other approved container, or out of public view so as not to create a public nuisance. Storage of such materials shall not exceed thirty (30) days. (2) If lawn trimmings, leaves and/or vegetable waste are to be utilized for "backyard composting" purposes, then such materials shall be placed in an enclosure that does not create a public nuisance. (3) Farm machinery.
- B. Store, accumulate or permit the storage or accumulation of any building materials on property owned, leased, operated, rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event to exceed sixty (60) days.  

EXCEPTION: Building materials that are stored in a building or enclosure are exempt from this sub-section, provided said materials are not in view of the general public.
- C. Maintain or permit the maintenance or existence of any blighted structure on property owned, leased, operated, rented or occupied by him.
- D. Store or permit the storage of firewood on property owned, leased, operated, rented

or occupied by him except in a neat, orderly stack to a height no greater than five (5) feet from grade. The storage of firewood shall be restricted to the rear yard or interior side yard of the premises. A stack of firewood shall not be used effectively as a fence so as to circumvent the fence ordinance.

#### Section 4. Notice and Enforcement.

- A. Before commencing prosecution under this ordinance, the enforcement officer shall notify the violator(s) of the existence of a violation under Section 3 above. Such notice shall be in writing and served upon the violator(s) either personally or by certified mail, return receipt requested, sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. If the letter is returned with receipt showing that the letter has not been delivered, notice shall be deemed to have been served by the posting of a copy thereof in a conspicuous place in or about the premises affected by such notice.
- B. The violator(s) shall be given ten (10) days from the date of the personal service or receipt of the notice in which to remedy the violation. The enforcement officer may, in the officer's sole discretion, grant additional time if a hardship exists. The enforcement officer shall determine whether or not the blight has been remedied.
- C. Each day that a violation under this ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

#### Section 5. Penalty.

A person who violates this Ordinance, is responsible for a municipal civil infraction subject to payment of a civil fine of not less than \$100.00, reimbursement to the Township of Verona for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided by Section 6 of this ordinance.

#### Section 6. Increased Civil Fines.

Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Ordinance. As used in this article, "repeat offense" means a second (or any subsequent) municipal civil infraction of the same requirement or provision (i) committed by a person within any 18 month period and (ii) for which the person admits responsibility or is determined to be responsible.

The increased fine for a repeat offense shall be as follows:

(A) The fine for any offense which is a first repeat offense shall be no less than \$150.00 plus reimbursement to the Township of Verona for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$250.00 plus reimbursement to the Township of Verona for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

#### Section 7. Severability.

The sections and provisions of this ordinance are declared to be severable and any portion