

ORDINANCE NUMBER: 2011-03

AN ORDINANCE TO SECURE AND PROMOTE THE PUBLIC HEALTH, WELFARE AND SAFETY OF THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, TO PROVIDE FOR THE REGULATION, PREVENTION, REDUCTION OR ELIMINATION OF BLIGHT AS WELL AS THOSE FACTORS WHICH CAUSE OR MAY CAUSE BLIGHT WITHIN SAID VILLAGE; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF ASHLEY ORDAINS:

Section 1. Name: This ordinance shall be known and cited as the Village of Ashley Anti-Blight/Nuisance Ordinance.

Section 2. Purpose: The purpose of this ordinance is to promote the general safety and welfare of the residents and property owners of the Village of Ashley by the regulation, prevention, reduction or elimination of the blight or potential blight in the Village through the prevention or elimination of certain causes of blight or factors which contribute to blight which exists or which may in the future exist within the Village.

Section 3. Causes of Blight or Blighting Factors; Offenses Designation: On and 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 Village of Ashley, owned, leased, rented or occupied or possessed by such person, firm, corporation or entity any of the following uses, structures or impurities which are hereby determined to be causes of blight or blighting factors, which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods and threaten the public health, safety and welfare:

A. Any parking, storage, or accumulation of inoperable motor vehicles outside of a completely enclosed building in any area within the village for a period in excess of 30 days. For purposes of this ordinance “motor vehicle” is defined to include any land vehicle, water or air craft which requires either a license, registration or permit in order to be lawfully operated in any public place. By way of example, and not by way of limitation, “motor vehicle” includes automobiles, trucks, and trailers of all

descriptions, boats, snowmobiles, all terrain vehicles, motorcycles and lawnmowers.

An inoperable motor vehicle is defined as a motor vehicle not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being Act Number 300 of the Public Acts of 1949 as amended, or any other state or federal statute, rule or regulation applicable to the use and operation of such vehicle. These requirements include but are not limited to an engine that runs, four wheels and four tires capable of holding air where applicable.

B. The storage of “building materials” outside of a completely enclosed building in any area within the Village for a period in excess of seven (7) days. The outdoor storage of building materials is permitted at any retail or wholesale building supply establishment properly located in any other district. The outside storage of these materials is permitted in all zoning districts when for the purpose of construction for which a valid building permit has been issued by the appropriate County or Village Building Official, and where said materials are intended for use in connection with such construction.

For the purpose of this ordinance, the term “building materials” is defined to include 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.

C. The storage or accumulation of junk, trash, rubbish, or refuse of any kind outside of a completely enclosed building in any area, exclusive of any establishment for which a valid junk or salvage yard permit is issued and in effect, for a period in excess of seven (7) days.

For the purpose of this ordinance, the term “junk, trash, rubbish or refuse of any kind” shall include, without limitation, metal, iron, steel, copper, brass, zinc, tin, lead, rope, leather, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes which do not meet minimum standards for habitation by humans, inoperable trailers, home furnishings, or any scrap of waste material of any kind, including any parts of the foregoing, but not including domestic refuse stored in such manner as

not to create a nuisance for a period not to exceed seven (7) days, and not including fire wood stored in an orderly manner.

D. Any structure or part thereof which because of fire, wind or other natural disaster, or merely by virtue of physical deterioration, is no longer habitable as a dwelling or useful for any other purpose for which it may originally have been intended, including skirting on manufactured housing , swimming pools-temporary or permanent, for a period of thirty (30) days.

E. Any grass, weeds or similar vegetation exceeding eight (8) inches in height. If the vegetation is not cut, trimmed or removed within seven (7) days of the date of notice to do so by the Village; the Village may, in addition to issuing a municipal civil infraction citation as set forth below, enter upon the premises and cut, trim or remove such vegetation. The cost of such abatement may be assessed or collected as set forth in Section 4.B., below. This prohibition shall not apply to landscaping plantings including flowers, shrubs or decorative grasses.

Section 4: Penalties and Enforcement.

A. Violation. Any person who shall violate the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction. Each day that such violation continues shall constitute a separate municipal civil infraction. A person found responsible shall be subject to a civil fine in the amount of \$100.00 for the first offense; \$200.00 for the second offense; and \$250.00 for all subsequent offenses.

B. Any violation of this ordinance shall constitute a nuisance per se which, at the option of the Village President or his/her designee, may be abated by action in the appropriate Court. In the event of a Court Order which orders the abatement of any such nuisance the Village may, if the Defendant fails to obey such order, take such measures as necessary or as directed by the Court to abate such nuisance and the entire cost thereof including all costs and attorney fees shall become a lien against the premises upon which the nuisance was located and shall be added to the tax rolls. Alternatively, the Village may recover a judgment for all costs of abatement from the owner and/or the occupant of the premises upon

which such nuisance exists.

C. This ordinance shall be enforced by the Village President or his/her designee.

Section 5. Separability. If any section, subsection, paragraph, 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 affect the validity of the remaining portions thereof.

Section 6. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the Village council.

Passed and approved by the Village Council of the Village of Ashley, Gratiot County, Michigan, in regular session, held July 12, 2011.

We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2011-03 of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held on July 12, 2011 and published in a newspaper circulated within the Village on July 17, 2011, not less than fifteen days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this 12th day of July, 2011.

Steve Moffit
Village President

Shelly Moffit
Village Clerk