

STATE OF MICHIGAN

COUNTY OF BERRIEN

ORONOKO CHARTER TOWNSHIP

BLIGHT ELIMINATION ORDINANCE # 60

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Oronoko Charter Township, Berrien County, Michigan; to provide for the enforcement thereof; and to provide penalties for the violation thereof as well as providing a civil remedy for the violation thereof. Pursuant to the enacting authority therefore provided by Act 344 of the Public Acts of 1945, as amended.

The Charter Township of Oronoko ordains:

SECTION I
TITLE

This Ordinance shall be known and cited as the Oronoko Charter Township Blight Elimination Ordinance.

SECTION II
PURPOSE

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Oronoko Charter Township by the prevention or elimination of certain environmental causes, and/or other causes, of blight or blighting factors, which exist or which may in the future exist in said Township, and to protect the health, safety and general welfare of the inhabitants of Oronoko Charter Township.

SECTION III
CAUSES OF BLIGHT OR BLIGHTING FACTORS

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

- A. In any area within the Township, the storage upon any property of junk automobiles,

except in a completely enclosed building. For the purpose of this Ordinance, the term 'junk automobile(s)' shall include any trailer and/or motor vehicle (including pickup trucks and commercial vehicles) which is not currently licensed for use upon the highways of the State of Michigan, and which has not been licensed for a period of at least ninety (90) days; and shall also include, whether so licensed or not, any motor vehicle which is inoperative for a period of ninety (90) days or more.

- B. In any area within the Township, the storage upon any property of building materials, unless there is in force a valid building permit issued by Oronoko Charter Township, for construction upon said property, and said materials are intended, in good faith, for use in connection with such construction. Building materials shall include, but shall not be limited to, 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 materials commonly used in constructing any structure.
- C. In any area within the Township, the open or semi-open storage or accumulation of domestic refuse stored in such a manner as not to create a nuisance, for a period not to exceed fifteen (15) days. The term 'junk' shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal, or any other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use, if such remains unused, in any such area, for a period of thirty (30) days or more.
- D. In any area within the Township, the existence of any structure or part of any structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable, if a dwelling, nor reasonably useful for any other purpose for which it may have been, or is, intended.
- E. In any area within the Township, the existence of any vacant dwelling, garage, or other out-building, unless such building(s) are kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals, animals, or unauthorized persons.
- F. In any area within the Township, the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by Oronoko Charter Township, and unless such construction is completed within a reasonable time as may be allowed by the permit, or otherwise.

SECTION IV
CIVIL ENFORCEMENT AND MUNICIPAL CIVIL INFRACTION PENALTIES

- A. This Ordinance shall be enforced, upon complaint by any citizen and/or the Zoning Administrator, by the Berrien Springs/Oronoko Charter Township Police Department. Notification in writing, as set forth below, shall be done by the Township Zoning Administrator. Municipal civil infractions shall be issued by any police officer, and/or the Chief of Police, of the Berrien Springs/Oronoko Charter Township Police Department.

- B. The owner and/or the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section III above, is found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within twenty-one (21) days after service of said notice upon him or her. Such notice may be served personally, or by certified mail, return receipt requested. Additional time to remove or eliminate such causes of blight or blighting factors from such property, may be granted by majority vote of the Township Board, upon written request by the owner and/or occupant, where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress, and whereby it appears, reasonably, that additional time is warranted, as may be determined on a case by case basis.

- C. Failure by the owner and/or occupant to comply with such notice within the time allowed, shall constitute a violation of this ordinance.

- D. Any property within Oronoko Charter Township, upon which any of the causes of blight or blighting factors as set forth in Section III hereof is found to exist, is declared to be a nuisance per se. If the owner and/or occupant does not, as set forth above, remove or eliminate such causes of blight or blighting factors from such property within the time allowed, then the Township Board, upon majority vote, may authorize legal action against the owner and/or occupant, for injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any such violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies as may be provided by law. The attorney for the Township is empowered to prosecute such violations upon Board authorization.

- E. Any person or entity violating any of the terms, rules/regulations of this Ordinance shall be guilty of a municipal civil infraction, and subject to a fine of \$40.00 for the first offense, \$80.00 for the second offense, and \$100.00 for each subsequent offense occurring within a 12 month period of time, at or upon the same premises. A warning notice may be sent to an owner and/or occupant regarding any such violation by the Township Zoning Administrator. If the violation continues to exist thereafter, then a police officer of the

Berrien Springs/Oronoko Charter Township Police Department, including the Chief of Police, is hereby authorized to issue a municipal civil infraction citation to anyone or any entity violating this Ordinance.

SECTION V
SEVERABILITY

- A. The sections and provisions of this Ordinance are declared to be severable, and if any section, or part thereof, is declared to be illegal, unenforceable, unconstitutional, or void for any reason whatsoever, such illegality or unenforceability shall not affect the remaining section(s) or part(s) of this Ordinance.

SECTION VI
REPEAL OF CONFLICTING ORDINANCES OR PARTS OF ORDINANCES

- A. All ordinances of Oronoko Charter Township, or parts of ordinances, in conflict herewith, are hereby repealed. This Ordinance shall control, over any other ordinance, or part of any other ordinance, of Oronoko Charter Township, which is substantially similar.

SECTION VII
EFFECTIVE DATE AND ADOPTION

- A. This Ordinance shall become effective upon publication after enactment.

This Ordinance was adopted by the Oronoko Charter Township Board, Berrien County, Michigan, at a regular meeting thereof, held on 13 t h day of J u n e, 2000.

First introduced and read prior to enactment by Township Board Trustee Kerlikowske on April 11, 2000.

Motioned for adoption by Township Board Trustee Calderwood on June 13, 2000.

Supported by Township Board Trustee Kerlikowske

Roll Call Vote:

Ayes: David Ladd Richard Schinkel
Linda Meikle Edwin Kerlikowske
James Calderwood Ernest Hildebrand

Nays: None

Abstain: None

Absent: John Jasper

Ordinance Enacted: Yes

The foregoing Ordinance was enacted by the Charter Township of Oronoko, State of Michigan, on the 19th day of June, 2000, and entered by its Supervisor and Clerk on said date.

CHARTER TOWNSHIP OF ORONOKO:

Township Supervisor
Township Clerk

ORDINANCE NO. 60 WAS FIRST PUBLISHED IN THE *JOURNAL ERA*, ON THE 19th DAY OF April, 2000, AFTER FIRST BEING INTRODUCED. SAID ORDINANCE WAS THEREAFTER PUBLISHED IN THE *JOURNAL ERA*, AFTER ENACTMENT, ON THE 21st DAY OF June, 2000. EFFECTIVE IMMEDIATELY UPON SAID LATTER PUBLICATION.

Township Clerk

A true copy of the Ordinance may be obtained for purchase at reasonable cost, or upon inspection, at the Oronoko Charter Township Hall, located at 583 East Snow Road, Berrien Springs, Michigan, during normal business hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

