

**CHARTER TOWNSHIP OF MONITOR
COUNTY OF BAY, MICHIGAN**

ORDINANCE NO. 5b

AN ORDINANCE AMENDING ORDINANCE NO. 5 AND 5A SO AS TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN MONITOR CHARTER TOWNSHIP, BAY COUNTY, MICHIGAN; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE FOR PENALTIES FOR VIOLATION HEREOF. THIS ORDINANCE SHALL BE KNOWN AS THE CHARTER TOWNSHIP OF MONITOR ANTI-BLIGHT ORDINANCE.

By the authority granted to the Township by Act 344 of the Public Acts of 1945, as amended.

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION 1. Purpose.

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of the ordinance to prevent, reduce or eliminate blight or potential blight in Monitor Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said Township.

SECTION 2. Cause 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 neighborhoods. 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 Monitor Township owned, leased, rented, or occupied by such person, firm or corporation.

- A. In any area zoned and or used for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this ordinance the term "junk automobiles" 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 thirty (30) days and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days.
- B. In any area zoned and or used for residential purposes, the storage upon any property of building materials 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 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 used in constructing any structure.

- C. In any area zoned and/or for residential purposes, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, 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.
- D. In any area within the Charter Township of Monitor, the existence of any structure or portion thereof, or mobile home trailer, or portion thereof, which because of fire, wind or other natural disaster or physical deterioration is no longer habitable or being inhabited as a dwelling, nor useful or being used for any other residential purpose.
- E. In any area zoned and/or for residential purposes, the existence of any vacant dwelling, garage, or other out-buildings are not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals or whether to allow deterioration.
- F. In any area 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 the Township and unless such construction is completed within a reasonable time.
- G. It shall be unlawful and determined to be a blighting factor to allow grass, weeds or accumulation of debris, dirt, earth including berms unless otherwise exempted herein, to grow to a height in excess of eight (8) inches which shall be deemed to be a blighted condition. This Ordinance shall apply to the following properties:
 - 1. All residential lots in area in any residential or agricultural zone where the lot is adjacent to an established public street and further, is adjacent to an occupied and developed residential property on at least one (1) side, weeds and grasses shall be maintained below the eight (8) inch maximum. This Ordinance shall apply and require cutting of weeds and grass.
 - 2. Grass on all commercial and industrial properties shall be maintained to a height of no more than eight (8) inches as described above when the commercially or industrially zoned property abuts any residentially developed property, and said property shall be maintained.
 - 3. This subsection shall not apply to agriculturally used land in any zone classification that is either under current production or is enrolled in any state or federal program providing subsidies for allowing the land to sit fallow; nor shall it apply to lots or parcels which, by their use, are being maintained in a natural setting as defined herein or which, by affirmative steps taken by the property

owner, such as the planting of trees, ferns, shrubs and other natural growth found in the community, are being created as a natural setting and habitat.

4. Definition of "Natural Setting": a "natural setting" lot or parcel shall be defined as a parcel of property containing a variety of grasses, shrubs, ferns and trees either existing in a natural state or planted by the property owner to create the appearance of a parcel of property which has never been tilled, plowed, or otherwise altered from its natural state. A "natural setting" is not, however an area that has once been cleared, tilled or planted grasses and simply allowed to continue to grow. The "natural setting" of plants, shrubs, trees and bushes, must reflect various stages of maturity and height in order to give the appearance of property which has never been cleared by man, to project the appearance of property which has been allowed to continue in its natural state.

SECTION 3. Non-Residential Causes of Blight.

The causes of blight or blighting factors set forth above as applicable to areas zoned for residential and/or non-residential purposes are hereby determined to be causes of blight or blighting factors and subject to the prohibitions of this Ordinance if located in areas zoned for other than residential purposes, unless such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried out on or upon the property in question.

SECTION 4. Enforcement and Penalties.

- A. This Ordinance shall be enforced by an Authorized Township Official as defined by the Township Zoning Ordinance or Ordinance 53.
- B. Any person, whether the owner or occupant, who shall allow or maintain any of the causes of blight or blighting factors as set forth in Section 2, as amended shall be in violation of this Ordinance. The Township's designated officer shall notify any person deemed in violation of this Ordinance in writing, by certified mail, return receipt requested, that he shall have ten (10) days to remove or eliminate such causes of bight or blighting factors. Failure to comply with such notice within the allow time shall cause the enforcement officer to proceed to enforce the terms of this Ordinance in any Court of competent jurisdiction.
- C. The causes of blight or blighting factors as set forth in Section 2, as amended, shall be, and hereby are, declared to be nuisances per se. Any Court of competent jurisdiction may order such nuisance abated.
- D. Violation of this ordinance shall be a municipal civil infraction as regulated by Ordinance 53 of Ordinances of the Charter Township of Monitor. However, any costs incurred in enforcement of this Ordinance, including costs of cutting grass, attorney fees or otherwise necessary and required to obtain compliance with this Ordinance shall be assessed to the property owner or property in violation.

SECTION 5. Severability.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable, by a Court of competent jurisdiction, it should not affect the remainder of such ordinance, which shall continue in full force and effect.

SECTION 6. Repealed.

All ordinances or part of ordinances in conflict are hereby repealed.

SECTION 7. Effective Date.

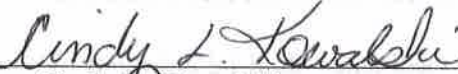
This Ordinance shall be published in a newspaper circulated within Bay County, Michigan and become effective on the date following publication.

THE CHARTER TOWNSHIP OF MONITOR

Date of 1st Reading:
September 23, 2019

By: 
Kenneth M. Malkin, Supervisor

Date of 2nd Reading:
October 28, 2019

By: 
Cindy L. Kowalski, Clerk

Date of Publication:
October 31, 2019

Effective Date:
November 01, 2019