

**TOWNSHIP OF ONTWA**  
**COUNTY OF CASS, STATE OF MICHIGAN**  
**ORDINANCE NO. 05-06-03**  
ADOPTED: April 10, 2006  
EFFECTIVE: May 20, 2006

**Blight Ordinance 05-06-03**

An Ordinance to protect the public health, safety and general welfare of persons an property within Ontwa Township through the regulation, control and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Township; to provide penalties for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

**SECTION I - CAUSES OF BLIGHT OR BLIGHTING FACTORS**

- A. It is hereby determined that the uses, structures, activities hereinafter listed 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 Ontwa Township owned, leased, rented or occupied by such person, firm or corporation.
1. **BUILDING MATERIALS** – In any Zoned Area, the outside storage upon any property of building materials, unless there is in force a valid building permit issued by the Township of Ontwa for construction upon said property and said materials are intended for use in connection with such construction.
  2. **LITTER, JUNK, TRASH, RUBBISH OR REFUSE** – In any area, the outside storage or accumulation of litter, junk, trash, rubbish or refuse of any kind without a landfill permit, for a period not to exceed fourteen (14) days. Domestic refuse including garbage must be stored in containers or such a manner as not to create a nuisance. The term “junk” shall include, but not be limited to, remnants of wood except wood which has been cut and stacked for burning purposes, unused appliances or inoperable equipment, machinery stored in the open, and metal or other cast-off material of any kind whether or not the same could be put to any reasonable use. The terms “litter, trash, rubbish or refuse” shall have their ordinary meaning and, in addition, these terms shall include any and all forms of debris herein classified.
- B. **DETERIORATED OR UNINHABITABLE STRUCTURES** – In any area, the ~~existence~~ of any structure or part of any structure which, because of fire, wind or other natural disaster or because of physical deterioration, ~~is no longer habitable~~, if a dwelling, or is no longer useful for any purpose for which it may have been intended.
- C. **VACANT STRUCTURES** – In any area, the existence of any structure: i.e. vacant dwelling, garage or other out-building, unless such buildings are kept securely locked, windows are kept glazed or neatly boarded up, and are otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.

**D. PARTIALLY COMPLETED STRUCTURES** – 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 unexpired building permit issued by the Township and unless such construction is completed within a reasonable time.

**SECTION II - NOTICE TO REMOVE OR ELIMINATE BLIGHT**

The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section I, A through D, thereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within fourteen (14) days after service of the notice upon such person. Such notice shall be served personally or by certified mail, return receipt requested, Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

**SECTION III – ENFORCEMENT**

This Ordinance shall be enforced by such persons who shall be so designated by the Township Board.

**SECTION IV – SANCTIONS**

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st Offense within 3-year period*	\$75.00	\$500.00
2nd Offense within 3-year period*	150.00	500.00
3rd Offense within 3-year period*	325.00	500.00
4th or More Offense within 3-year period*	500.00	500.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Ontwa Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

## **SECTION V - VIOLATIONS: OPTIONAL PROCEDURE**

**A. VIOLATIONS: OPTIONAL PROCEDURE** – If the Township Board, upon the complaint of any person or upon its own motion, finds that there is reasonable cause to believe that a violation the Ordinance is occurring, it may determine the parcel or parcels of land on which such violation is occurring and may notify each owner of such parcel, in the manner hereinafter set forth, or the nature of the alleged violations and the date and time of a hearing at which the issue of the alleged violations of this Ordinance shall be brought before the Township Board. The hearing shall be held not less than twenty-one days after the date of the notice. The owner or lessee of the parcel shall be invited to attend such hearing, in person or through council, and show cause, if any there might be, why the Township Board should not order such violations to cease immediately and the parcel in question be restored to a condition which is not in violation of the Ordinance.

1. Notice of the hearing shall be in writing and served upon the persons shown as the owners of the parcel or parcels in question on the most recent tax assessment roll and any known lessee of the parcel and any other person known to have any interest in the parcel. The Ontwa Township Clerk shall cause such notice to be served by personal delivery or such persons, by anyone of suitable age and discretion, or by certified or registered mail, return receipt requested. If any of the persons entitled to notice cannot be ascertained or located, then the Township Clerk shall cause such notice to be conspicuously posted on the parcel. An Affidavit of Service or Posting shall be maintained. Service of the notice shall be accomplished not less than ten (10) days before the hearing.

2. The hearing shall be conducted before the Township Board with the Township Supervisor presiding. If the Township Board determines it to be necessary, the Township Clerk shall administer oaths to all witnesses appearing before the Township Board. The Township Board shall receive such testimony and other evidence as it deems reasonably reliable and relevant to the issue of the violation of this Ordinance and shall render a decision and order in such matter within ten (10) days of the hearing. The owners and the Township Board may agree to extend the date for the hearing to such other date as they may mutually agree.

3. The Township Board shall determine whether a violation of this Ordinance exists and, if so, what shall be done to restore the parcel in question to a condition that is not in violation of this Ordinance, which decision may include, but shall not be limited to, ordering the owner of the parcel to remove and lawfully dispose of all junk from the parcel, and demolition and removal of a blighted structure or building. All persons entitled to notice of hearing shall be notified of the Township Board's decision, which decision shall be in writing and served, in person or by certified or registered mail, return receipt requested, at such person's last known address or the address where the service of the notice of hearing was accomplished.

4. If the owner of the parcel fails, refuses or neglects to comply with the decision and order of the Township Board within thirty (30) days after service of the order upon them, the Township Board may, in its sole discretion, cause junk to be removed from the parcel and lawfully disposed, may cause a blighted structure or building to be demolished and removed or repaired and rehabilitated to a condition of safety. The cost of such action shall be billed to each of the owners of the parcel who shall be jointly and severally liable therefore. If the owners of the parcel refuse, neglect or fail to pay such costs within sixty (60) days of the

Township's invoice to them, the Township Clerk shall report such costs to the Township Treasurer, who shall cause such costs to be assessed against the parcel in question. The costs so assessed shall become a lien against the parcel in the same manner as other ad valorem taxes and interest, penalties and fees shall be charged and collected in the same manner as other ad valorem taxes.

5. The procedures set forth in this Section of the Ordinance are optional and nothing in this Ordinance shall be construed to prevent the Township from seeking immediate enforcement of this Ordinance nor shall the fact that the Township has employed the procedures set forth in this Section of the ordinance be a bar to later enforcement hereof under Sections I and II.

#### **SECTION VI - SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

#### **SECTION VII - SUPPLEMENTARY EFFECT**

All ordinances of the Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance.

#### **SECTION VIII - REPEAL OF CONFLICTING ORDINANCE**

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but only to the extent of such conflict or inconsistency.

#### **SECTION IX - EFFECTIVE DATE**

Provisions of this amendment ordinance shall take effect and be in force 30 days after publication.

#### **SECTION X - CERTIFICATION**

I, Helen J Parsons, Clerk of Ontwa Township, Cass County, Michigan do hereby certify that the above Ordinance Amendment was passed on the 10th day of April 10, 2006 and the vote thereon was as follows: Moved by Supervisor John Brielmaier and supported by Trustee Norman Krupp.

ROLL CALL VOTE:

YEAS: Supervisor John Brielmaier, Clerk Helen J Parsons, Treasurer Meryl Christensen, Trustee Jerry Duck, Trustee Norman Krupp, and Trustee James Ralph.

NAYS: None

I do further certify that the foregoing Ordinance Amendment was published in the Edwardsburg Argus, a newspaper circulated in the Township of Ontwa, Cass County, Michigan on the 20th Day of April, 2006.

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Helen J. Parsons, Clerk