

Ordinance No. 55

ANTI-BLIGHT ORDINANCE TOWNSHIP OF COVERT, MICHIGAN

As amended by Ordinance No. 88
Effective date of amendments: 3-21-17

An ordinance to further the public health, peace, safety and environmental quality of Covert Township by the prevention, reduction or elimination of blight, blighting factors or causes of blight within the township of Covert, Van Buren county, Michigan, and to provide penalties for the violation thereof.

COVERT TOWNSHIP, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Sec. I. **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 Covert 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.

Sec. II. **CAUSES OF BLIGHT OR BLIGHTING FACTORS.**

It is hereby determined that the following uses, activities and structures 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, corporation or other entity of any kind shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in Covert Township owned, leased, rented or occupied by such person, firm, corporation or other entity.

- (A) **STORAGE OF JUNK MOTOR VEHICLES.** The term “junk” motor vehicle shall include, but is not limited to, any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of sixty (60) days, and shall also include any motor vehicle whether licensed or not which is inoperable. “Inoperable” means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or any other causes for a period in excess of sixty (60) days. Not more than one (1) unlicensed but operable motor vehicle shall be parked, kept or stored on any premises, except for such unlicensed but operable motor vehicles which are for sale and displayed at a licensed and established new or used motor vehicle dealership. No inoperable motor vehicle shall be parked, kept or stored on any premises except in a completely enclosed building: provided however, that inoperable motor vehicles may be parked and kept on the premises of a motor vehicle repair garage facility within an opaque fenced area for a period of thirty (30) days, with an additional thirty (30) day extension period upon presentation to the enforcing officer or written proof that the offending vehicle is involved in insurance claim litigation and that additional time is required for settlement before the vehicle can be moved.

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- (B) **STORAGE OF JUNK RECREATIONAL VEHICLES.** The term “junk” recreational vehicles shall include, but is not limited to any boats, pontoon boats, snowmobiles, ATVs, motorcycles or other devices designed for recreational purposes which are not registered with the State of Michigan for a period in excess of sixty (60) days, and shall also include, whether so registered or not any boats, pontoon boats, snowmobiles, ATVs, motorcycles or other devices designed for recreational purposes which are inoperable for any reason for a period in excess of sixty (60) days). “Inoperable” means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. For recreational vehicles that require registration not more than one (1) unregistered but operable recreational vehicle shall be parked, kept or stored on any premises, except for such recreational vehicles which are for sale by a licensed and established new or used recreational vehicle dealer. No inoperable recreational vehicles shall be parked, kept or stored on any premises except in a completely enclosed building; provided however, that inoperable recreational vehicles may be parked and kept on the premises of a recreational vehicle repair facility within an opaque fenced area for a period of thirty (30) days, with an additional thirty (30) day extension period upon presentation to the enforcing officer of written proof that the offending recreational vehicle is involved in insurance claim litigation and that additional time is required for settlement before the recreational vehicle can be moved.
- (C) **STORAGE OF JUNK MACHINERY AND EQUIPMENT.** The term “junk” machinery and equipment shall include all machinery and equipment which is inoperable. “Inoperable” means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other causes for a period in excess of sixty (60) days. No junk machinery or equipment shall be parked, kept or stored on any premises except in a completely enclosed building; provided however, that the outdoor orderly storage of farm machinery and equipment shall be permitted in any Agricultural Zoned District if same is stored a minimum of 150 feet from the property line of said premises, and/or 150 feet from any road right-of-way.
- (D) **STORAGE OF BUILDING MATERIALS.** Building materials shall include, but 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, fence posts and fencing material of either wood or metal, or any other materials used in construction any structure or fence. No building materials shall be kept or stored on any premises except in a completely enclosed building; provided however, that the outdoor orderly storage of building materials is permitted for any premises for which there is in full force and effect a valid building permit for construction upon said premises, and said materials are intended for use in connection with such construction; and provided further that the outdoor orderly storage of building materials is permitted in any Agricultural Zoned District if same is stored a minimum of 150 feet from the property line of said premises, and/or 150 feet from and road right-of-way.
- (E) **ACCUMULATION OF RUBBISH AND GARBAGE.** The term “rubbish” shall include all combustible and noncombustible waste materials, including but not limited to: bottles, glass, cans, metals, paper, cartons and boxes, rubber, leather, tree

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branches, yard trimmings, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind whether or not the same could be put to; any reasonable use. The term “garbage” shall include the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. All premises shall be kept free from the accumulation of rubbish or garbage. All garbage shall be placed in containers and said containers shall not be exposed to a public road except for the day that same is to be removed from the premises.

- (F) **UNINHABITABLE DWELLING.** The existence of any structure or part of a structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
- (G) **VACANT DWELLING.** The existence of any vacant dwellings, garage or other outbuildings unless same are kept securely locked with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public.
- (H) **PARTIALLY COMPLETE STRUCTURE.** 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, and unless such construction is completed within a reasonable time.

Sec. III. ENFORCEMENT AND VIOLATIONS.

- (A) This Ordinance shall be enforced by the Covert Township Building Official or by such other person or persons as may be designated by the Covert Township Board.
- (B) The owner, if known, and the occupant of any premises upon which any one or more of the causes of blight or blighting factors set forth in Sec. II hereof are found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such premises within ten (10) days after service of notice upon him or them. Such notice may be served by regular, first class mail, postage prepaid, or may be served personally or by certified mail, return receipt requested, addressed to the owner of the address shown on the latest Covert Tax Rolls, and to the occupant at the address of the premises involved. Additional time may be granted by the enforcement officer where, in his opinion, bonafide efforts to remove or eliminate such causes of blight or blighting factors are being made.
- (C) Failure of the owner and/or occupant to comply with such notice within the time set forth in the notice shall constitute a violation of this Ordinance.

Sec. IV. VIOLATION AND PENALTY

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:

- 1st Offense within 3-year period*	\$ 75.00	\$500.00
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- 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 Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 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. (Ord. 88, eff 3-21-17).

Sec. V. **REPEAL CLAUSE.**

All ordinances, or parts of ordinances in conflict herewith, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Sec. VI. **SEVERABILITY.**

The separate provisions of this ordinance are hereby declared to be severable and if any provision or section of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the remaining provisions and sections of said Ordinance shall remain in full force and effect.

Sec. VII. **EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days after publication pursuant to law.

Amendment adopted July 09, 2002

Published July 18, 2002

Effective August 17, 2002

Amended November 8, 2005

Amended July 11, 2006

COVERT TOWNSHIP

Dated: July 11, 2006

Dennis Palgen, Clerk