

**Township of Milton
Cass County, Michigan**

Ordinance# 2002-01

Adopted April 15, 2002

Effective May 15, 2002

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN MILTON TOWNSHIP, CASS COUNTY, MICHIGAN: TO PROVIDE FOR THE ENFORCEMENT THEREOF: AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF, PURSUANT TO THE ENACTING AUTHORITY THEREFORE PROVIDED BY ACT 344 OF THE PUBLIC ACTS OF 1945, AS AMENDED.

THE TOWNSHIP OF MILTON 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 this Ordinance to prevent, reduce or eliminate blight or potential blight in Milton 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. CAUSES OF BLIGHT OR BLIGHTING FACTORS

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 Milton Township owned, leased, rented or occupied by such person, firm, or corporation.

A. In any area, the storage upon any property of junk automobiles, house trailers or tractor trailers or new or used parts or junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township of Milton, County of Cass, State of Michigan. For purposes of this Ordinance, the term “junk automobiles”, “house trailers” or “tractor trailers” shall include any motor vehicle, house trailer or tractor trailer which is not licensed for use upon the highways of the State of Michigan, or any other state, and shall also include, whether so licensed or not, any motor vehicle, house trailer or tractor trailer which is inoperative, but shall not include duly licensed or operative vehicles or trailers

with substantially all main components attached, vehicles or trailers that are temporarily inoperative because of minor mechanical failure, which are not in any manner dismantled and have substantially all main components attached, which may remain upon such property for a period of time not to exceed fourteen (14) days, or duly licensed junk yards, and also shall not include any tractor trailers which are used for storage in areas zoned industrial, commercial or agricultural which are properly maintained, the exteriors are periodically painted, and which are not in any manner dismantled.

B. In any area, the storage upon any property of building materials unless there is in force a valid building permit issued by the Township of Milton 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 construction any structure.

C. In any area, the storage or accumulation of junk, trash, rubbish, or refuse of any kind without a land fill permit, except 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 of 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 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, not useful for any other purpose of which it may have been intended.

E. In any area, the existence of any vacant dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.

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. In the event the foregoing regulations create any special or peculiar hardship beyond the control of a particular violator thereof because of unforeseen circumstances, the Building and Zoning Inspector of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time not to exceed fourteen (14) days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the Ordinance are still substantially observed.

Section 3: NUISANCE

Any parking, storage, placement, accumulation of junk, trash, rubbish or refuse of any kind, as described above, in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

Section 4: CONSTRUCTION

This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Milton Township Zoning Ordinance, and shall be in addition to any other laws or Ordinances respecting rubbish, refuse, litter, trash or junk control and regulations.

Section 5: SAVING CLAUSE

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

Section 6: PENALTY (rev 8-20-07)

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed 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:

	Minimum Fine	Maximum Fine
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 -----	\$375.00	\$500.00
4th or subsequent offense within 3-year period* ---	\$500.00	\$500.00

***determined on the basis of the date of commission of the offense(s)**

Section 7: REPEAL

Any Milton Township Ordinance or a portion of an Ordinance, in conflict with this Ordinance is hereby repealed.

Section 8: EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following the first date of publishing.