

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 44
BLIGHT

An ordinance to protect the public health, safety and general welfare by eliminating blight within the Village of Fairgrove; to define and prohibit blight; and to provide penalties for violation hereof.

THE VILLAGE OF FAIRGROVE ORDAINS:

ARTICLE I

Blight Defined and Prohibited

Section 1.1. It is hereby determined that the uses of land described in this Article constitute blight which, if allowed to exist, will result in unsafe, unsanitary and undesirable conditions.

Section 1.2. No persons shall maintain or permit to be maintained any of the following types of blight upon any premises owned, rented, or occupied by such person:

- (a) The term “junk motor vehicles” shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 15 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 15 days; provided that there is excepted from this definition the following vehicles:
 - 1. unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle dealer.
 - 2. unlicensed, but operative vehicles kept and used in a bona fide farming operation or construction business by farmers or licensed construction contractors.
 - 3. such vehicles as are upon the premises of a motor vehicle repair garage; and,
 - 4. unlicensed, but operative, vehicles which are recreational vehicles for use off the highways of Michigan.
- (b) The storage or accumulation of garbage of any kind, except domestic refuse originating on the premises and stored in a sanitary manner for a period not to exceed fourteen (14) days. The term “garbage” shall include food waste matter and discarded food containers, as well as any other household refuse.
- (c) The outdoor storage or accumulation of junk. The term “junk” shall include machinery parts, tires, containers, motor vehicle parts, mobile home components, tin cans, unused appliances, metal remnants, cast-off materials, inoperable equipment, discarded building materials, and any inoperable or discarded machinery or materials.
- (d) The outdoor storage of mobile homes (other than those actually used and occupied for dwelling purposes), truck bodies, bus bodies, or semi-trailers, either as vacant units or storage units.
- (e) The dumping or landfilling of any junk, garbage, or junk motor vehicles. The term “dumping or landfilling” shall include burying or otherwise disposing of items on property not licensed as a landfill pursuant to the Michigan Solid Waste Management Act.

Section 1.3. This Ordinance shall not apply to junkyards or salvage yards which are properly zoned under the Fairgrove Village Zoning Ordinance and comply with all Zoning Ordinance requirements.

ARTICLE II

Penalties and Enforcement

Section 2.1. Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payments of a civil fine of not less than One Hundred and 00/100 (\$100.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Village Civil Infraction Ordinance No. 49.

Section 2.2. As an alternative to proceedings under Section 2.1, the Village may seek injunctive relief through Circuit Court to abate the violation and clean up the property.

Section 2.3. Any violation of this ordinance shall constitute a public nuisance.

Section 2.4. Any person found responsible for blight shall eliminate such blight and shall be liable for the cost of elimination of the blight. If such blight is not eliminated by the responsible party, the Village may cause such blight to be eliminated and bill the cost to the responsible party. The cost of such blight elimination, if it is not voluntarily paid for by the responsible party, shall be assessed against the property on the next tax roll.

ARTICLE III

Repeal of Prior Ordinances

The former Junk Yard Ordinance No. 5, adopted on July 2, 1957; Dismantled Car Ordinance No. 5A, adopted September 23, 1969; Refuse Storage Ordinance No. 37, adopted on June 2, 1980; Blight Ordinance No. 44, adopted on December 7, 1993; Blight Ordinance Amendment No. 44A, adopted on January 6, 1997; and Blight Ordinance Amendment No. 44B, adopted on March 15, 2003, are hereby repealed in their entirety.

ARTICLE IV

Enactment and Effective Date

Section 4.1. This Ordinance was adopted by the Fairgrove Village Council at a meeting duly held on the 5th day of February, 2007 and was published in the *Tuscola County Advertiser* on the 10th day of February, 2007.

Section 4.2. This Ordinance shall take effect twenty (20) days after the date of adoption specified above (February 25, 2007)

Duane L. Maguire, President

Beverly J. Parsell, Clerk