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Ordinance # 73

### Village of Fairgrove Blight Elimination Ordinance

An Ordinance to provide for the regulation and control of the storage, accumulation and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantled or unusable vehicles and building materials; the maintenance of blighted structures and other blighting factors or causes of blight and deterioration thereof, to provide penalties for the violation thereof.

Short Title: This Ordinance, No. 73 shall be known as "the Village of Fairgrove Blight Elimination Ordinance."

The Village ordains:

Section 1. The following words or terms when used herein shall be deemed to have the meanings set forth below: A. The term "junk" shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliance, remnants of wood, metal or any other cast-off material of any kind, whether or not the same could be put to any reasonable use. Provided, however, that farm machinery or parts of farm machinery which are part of the stock and trade of the farm located on the property shall not be included in the term "junk".

B. The terms "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 (10) days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ten (10) days; provided that there is excepted from this definition 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; provided, further such vehicles are excepted as are upon the premises of a motor vehicle repair garage. Provided, further such vehicles are located upon premises zoned for such use.

C. The term "abandoned vehicle" shall include, without limitation, any vehicle which page 2. has remained on private property for a period of 48 continuous hours, or more, without the consent of the

owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

D. The term “blighted structures” shall include any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable, or useful for its intended purpose or has become a threat to the health, safety and welfare of the community.

E. The term “building materials” shall include, without limitation, lumber, brick, 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.

F. The term “person” shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee shall except as herein otherwise provided, be equally liable as principals.

G. The terms “trash” and “rubbish” shall include any and all forms of debris not herein otherwise classified.

H. The term “boat, boat hulls, boat cradles and Boat Houses” shall include any watercraft which is not licensed for use in Michigan lakes and waterways and shall also include, whether licensed or not, any watercraft which is inoperative for a period of three (3) months or longer, boat trailers in disrepair, contractor’s equipment in disrepair, boat hulls in disrepair, boathouses in disrepair and boat cradles in disrepair. This includes any of the above “junk boats or boat equipment” not licensed for use upon Michigan lakes or waterways, for a period in excess of 5 days; and shall include, whether licensed or not, any “junk boats and boat equipment” that are inoperative for any reason for a period in excess of 14 days.

I. The term “House trailers, mobile homes, campers or recreational vehicles” shall include House trailers, mobile homes, campers, or recreational vehicles in disrepair for a period of three (3) months shall not be permitted unless stored in a completely enclosed building or completely shielded from public view from public roadways and adjoining property dwellings by natural objects, plantings, topography, and/or fencing.

Section 2. It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the Village of Fairgrove tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and therefore is contrary to the public peace, health, safety and general welfare of the community.

Section 3. It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk or abandoned vehicles on any private property in the Village except within a completely enclosed building or within a solid wooden fence enclosure which prevents visibility from adjoining property.

Section 4. It shall be unlawful for any person to keep or maintain any blighted structure(s) within the Village.

Section 5. It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where the

building materials are part of the stock in trade or business located on the property, or except when the materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Village and timely completed

Section 6. If the properly charged Village official finds that any property within the Village is being used in violation of this ordinance, the owner and/or occupant shall receive a civil infraction or be subject to any other action chosen by the Village.

	Fine
1 <sup>st</sup> offense	\$100.00
2 <sup>nd</sup> offense	\$300.00
3 <sup>rd</sup> or subsequent offense	\$500.00

Section 7. If the properly charged Village official determines that a situation causes or will cause an immediate, imminent and/or impending threat to the health, safety and welfare of the community, the Village official may proceed to abate, remedy, or otherwise eliminate the offensive condition and assess any costs incurred by the Village, including attorney's fees and other costs, against the real property and upon the tax roll to be collected in a manner similar to other properly assessed amounts expended by the Village. Interest will accrue on all assessed costs at the legally applicable. At the discretion of the properly charged Village official and based upon circumstances, the Village official may make a reasonable effort to notify the owner/occupant of the Villages' intention to act pursuant to this Ordinance and provide the owner/occupant with no more than thirty (30) days to abate, remedy, or otherwise eliminate the offensive condition(s).

Section 8. Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such Section of this Ordinance or any part thereof other than the part so declared to be invalid.

Section 9. This Ordinance shall take effect upon its publication and all ordinances or any part of any ordinance in conflict with this ordinance shall be repealed.

This Ordinance shall take effect 10 days after publication.

At a regular meeting of the Village Council held June 5, 2023, Harrison moved for adoption of this ordinance

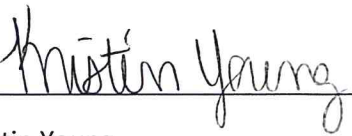
And Phelps supported that motion.

Voting for: Harrison/ Phelps/ Young

Voting against: None

Absent: Sebert

The President declared the ordinance adopted.



Kristin Young

Village President ORDINANCE DECLARED ADOPTED

STATE OF MICHIGAN)

COUNTY OF TUSCOLA)

I, the undersigned, Village Clerk for the Village of Fairgrove, Tuscola County, Michigan, do hereby certify that Ordinance No.73, adopted by the Village of Fairgrove Council on the 5th day of June 5, 2023, was recorded in full in the Minutes of the Meeting of said Village Council on said date, and was signed by the President and the Clerk of the Village of Fairgrove.

Dated: June 5, 2023



CRISTI SMITH, Clerk

Date of Publication: April 19, 2023

Newspaper: Tuscola County Advertiser