

**VILLAGE OF ORTONVILLE
ORDINANCE NO. 133**

An ordinance to regulate blight and blighting conditions in the Village; to repeal existing ordinances that are redundant or inconsistent with this new blight ordinance; and to proscribe penalties for violations thereof.

THE VILLAGE COUNCIL HEREBY ORDAINS:

Section 1. Amendment of Title XIII.

The Village Council hereby amends Title XIII of the Code of Ordinances to adopt a new Chapter 133, entitled "Blight Ordinance," to read as follows:

Chapter 133: Blight

Section 133.01 Purpose

It is the purpose of this chapter to prevent, reduce or eliminate blight or potential blight in the Village by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Village.

Section 133.02 Causes of Blight or Blighting Factors

It is 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 or undesirable neighborhoods. On and after the effective date of this chapter, 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 the Village owned, leased, rented or occupied by such person, firm or corporation.

- A. In any area zoned for residential and/or commercial purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this ordinance, the term ajunk automobiles@ shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason.

- B. In any area zoned for residential and/or commercial purposes, the storage upon any property of building materials, except in a completely enclosed building, unless there is in force a valid building permit issued by the Village for construction upon the property and the materials are intended for use in connection with that 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 constructing any structure.

- C. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except in a completely enclosed building. Domestic refuse shall be allowed if stored in such a manner as not to create a nuisance and is stored ten (10) feet from any other residential structure, for a period not to exceed seven (7) days. The term "junk" shall include, but shall not be limited to, parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metals or cast-off material of any kind, whether or not it 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 as a dwelling or useful for the purpose for which it may have been intended.
- E. In any area, the existence of any vacant or abandoned dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise kept protected against the elements, animals, vandals or entry by 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 Village and unless such construction is completed within a reasonable time.
- G. In any area, the storage of machinery parts of business or work-related tools or materials except in a completely enclosed building.

Section 133.03 Enforcement and Penalties

- (A) A person who violates any provision of this chapter is responsible for a civil infraction punishable by payment of a civil fine in the amount of One Hundred Dollars (\$100.00) per violation. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- (B) A violation of this chapter shall also be deemed a public nuisance and the Village is hereby authorized to enter into and upon that person's land to abate the nuisance and to assess against the property all costs and expenses it incurs abating the nuisance.
- (C) The Village Council shall designate the person responsible for enforcing the terms of this Chapter.

Section 2. Repeal.

The Village hereby repeals Sections 90.01 through 90.07 of Chapter 90 and Sections 113.01 through 113.07 of Chapter 113 of the Code of Ordinances.

Section 3. Effective Date

This Ordinance shall take effect 30 days after publication.

At a regular meeting of the Village Council held March 23, 2009, Trustee Green moved for adoption of this ordinance and Trustee Eschmann supported that motion.

Voting for: Batten, Nivelt, Kassuba, Eschmann, Champion, Green, Quisenberry
Voting against: None

The President declared the ordinance adopted.

Kenneth Quisenberry

Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 133 which was enacted by the Village Council at a regular meeting held on March 23, 2009.

Julie Alexander
Village Clerk