

**Riley Township**  
**St. Clair County, Michigan**  
**Ordinance #19-18 Rehabilitation of Blighted Areas and Anti-Blight**

An Ordinance to prevent, reduce and eliminate blight, blighting factors or causes of blight within Riley Township, St. Clair County, Michigan; To provide for the enforcement hereof and to provide penalties for the violation hereof. And for the purposes and by the authority granted to the Township by Act 344 of the Public Acts of 1945 as amended.

The Township of Riley 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 Riley 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 and Blighting Factors**

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

- A. In all zoning districts, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this ordinance, the term junk 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 so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days excluding operative motor vehicles and/or machinery used seasonally.
  
- B. In all zoning districts, the storage upon any property of building materials unless there is in force a valid building permit issued by the Township 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 constructing structures.
  
- C. In all zoning districts, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include inoperative machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metals or any other materials or other castoff material of any kind whether or not the same could be put to any reasonable use, excluding operative motor vehicles and/or machinery used seasonally.
  
- D. In any area of the Township, 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; nor useful for any other purpose for which it may have been intended.

E. In all zoning districts, 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.

F. In any area of the Township, 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.

### Section 3: Inspections

The Enforcement Official is hereby authorized to inspect occupied or vacant land or premises to ascertain the existence of nuisances on such land or premises. The Enforcement Official shall inspect the land or premises at reasonable daylight times in a reasonable manner and in compliance with all applicable provisions of law. If the owner or occupant of the land or premises refuses or denies access for such purpose, the Enforcement Official shall have recourse to every remedy provided by law to secure entry. If the condition that is believed to exist creates an emergency situation in that it imminently endangers human life or health no search warrant shall be required.

### Section 4: Procedure for Abatement of Nuisances

A. Commencement of Proceeding: If, at any time, the Enforcement Official finds that a condition exists or that a practice or activity is occurring in the Township, which condition, practice or activity constitutes a nuisance, he or she shall commence proceedings to cause the abatement of such nuisance.

#### B. Notice of Violation

1. Issuance: The Enforcement Official shall issue a written notice to the person responsible for the creation, commission or maintenance of such nuisance.

2. Content: The notice shall describe in detail the location and nature of the nuisance and the corrective action to be taken to abate it. The notice shall specify a time limit for compliance with the order to abate such nuisance, which shall be a reasonable time, but not to exceed fifteen days from the time the notice is served.

3. Service: Notice shall be served upon any person entitled to notice by personal service or by first class mail, addressed to such person at his or her last known address, sent in an envelope containing thereon the return address of the Enforcement Official.

C. Failure to Comply With Notice; Hearing by Board: If the person responsible for the creation, commission or maintenance of the nuisance neglects or refuses to take the steps required to abate the nuisance, the Enforcement Official shall file a copy of his or her findings, and a copy of the order previously served, with the Township Board, requesting that necessary action be taken to abate the nuisance. The Township Board shall fix a date for a hearing, which date shall not be later than ten days from the date the findings and order are filed with the Township Board, and shall give notice to the person responsible for the creation, commission or maintenance of the nuisance of the time and place of the hearing. At the hearing the person responsible for the creation, commission or maintenance of the nuisance shall be given an opportunity to show cause why the nuisance should not be abated, and the Township Board shall issue an order which either approves, disapproves or modifies the order for abatement of the nuisance.

### Section 5: Violation Constitutes a Nuisance per SE

No person shall cause, harbor, commit or maintain, or suffer to be caused, harbored, committed or maintained, any nuisance, as defined by the statutes or by the common law of this State or as defined in this chapter or in any ordinance of the Township, at any place within the Township.

The existence of such causes of blight or blighting factors shall be considered a nuisance per se and subject the owner, agent or occupant to any legal and equitable remedies available in the Courts of the State of Michigan without limitation and in addition to the penalties set forth in the following section.

### Section 6: Penalties

#### NONCOMPLIANCE WITH ORDER OF BOARD; RECOURSE OF TOWNSHIP

- A. If the person responsible for the creation, commission or maintenance of the nuisance does not comply with the order for abatement of the nuisance issued by the Township Board, within three days of its issuance, the Township Board shall forthwith direct the appropriate Township officer to remedy the condition which is the subject of such notice.
- B. The expense, including the administration cost to the Township, incurred by the Township in so doing shall be a lien against the real property and shall be assessed the same against the property on which the nuisance was located.
- C. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he or she fails to pay the same within thirty days after mailing of the notice of the amount thereof, such amount shall be added to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.
- D. Abatement by the Township of any condition which constitutes a nuisance and/or Nuisance per se, reimbursement to the Township of expenses incurred including but not limited to judgment liens against the real estate involved, fees and court costs for equitable and injunctive relief and further shall not bar prosecution for maintenance of the nuisance.

Violation of this ordinance shall not constitute a criminal offense.

### Section 7: Each Day a Separate Offense

A separate offense shall be deemed committed each day after the order to correct has been issued.

### Section 8: The Rights and Remedies are Cumulative

The rights and remedies herein are cumulative and in addition to any other remedies provided by this Townships ordinance or by law.

### Section 9: Repeal of Conflicting Ordinances

All township Ordinances in conflict herewith, either whole or in part shall be and are hereby repealed.

Section 10: Effective Date

This Ordinance shall become effective upon publication in the North Macomb Voice on the 2<sup>nd</sup> day of May, 2018.

This Ordinance was offered for amendment by Dawn Sawicki-Franz and was seconded by Duane Hagle, the vote being as follows:

Yea: Dawn Sawicki-Franz, Al Titus, Mark Baranowski, Duane Hagle

No: None

Absent: Deborah Rhein

ORDINANCE DECLARED AMENDED

Deborah Rhein, Riley Township Clerk

Section 11: Certification

I hereby certify that the above is a true copy of an ordinance amended by the Riley Township Board at a regular meeting held at the Riley Township Hall on April 3, 2018, at 7 p.m., pursuant to the required statutory notice and procedures.

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Deborah Rhein, Riley Township Clerk