

ORLEANS TOWNSHIP ORDINANCE NO. 6

ANTI-BLIGHT ORDINANCE

ADOPTED: May 13, 1986  
EFFECTIVE: June 23, 1986

*As amended in its entirety by Orleans Township Ordinance No. 12  
Adopted: August 13, 1991; Effective: September 28, 1991*

*As amended in part by Orleans Township Ordinance No. 20.  
Adopted: September 13, 1994; Effective: October 19, 1994*

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS, PROPERTY OWNERS AND OTHER PERSON WITHIN THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, BY REGULATING, PREVENTING, REDUCING OR ELIMINATING BLIGHT, BLIGHTING FACTORS AND CAUSES OF BLIGHT WITHIN THE TOWNSHIP; AND TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE.

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN ORDAINS:

Section 1. Name. This Ordinance shall be known and cited as the Orleans Township "Anti-Blight Ordinance."

Section 2. Intent and Purpose. The Township of Orleans has determined that the continued existence of blight or blighting factors in the absence of regulation may result in nuisance conditions, the impairment of property rights, the destruction of property values, and a threat to the public health, safety and welfare of the Township of Orleans. It is the intent and purpose of this Ordinance to protect the general health, safety and welfare of the residents, property owners, and other persons within the Township of Orleans by regulating and preventing, reducing or eliminating blight or potential blight in the Township through the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Township. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare within the Township.

Section 3. Definitions. The following words and terms are defined for the purpose of their use in this Ordinance. Any word or term not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.



A. "Building materials" shall include lumber, bricks, concrete, 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.

B. "Junk automobiles or junk vehicles" shall mean any motor vehicle including but not limited to cars, trucks, tractor trucks and trailers, motorcycles, boats, mobile homes, recreational vehicles, travel trailers, campers, trailers, snow mobiles and other similar vehicles which are not licensed for use upon the highways of the State of Michigan, and shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all of its main component parts attached.

*(Amended by Ordinance No. 20)*

C. "Junk, trash, rubbish or refuse of any kind" shall include, without limitation, motorized or non-motorized vehicles, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes not meeting the minimum standards for habitation by humans, unusable trailers, televisions, furniture, or any other scrap or waste material of any kind, including parts of any of the above, but not including domestic refuse stored for a period not exceeding thirty (30) days in a manner so as not to create a nuisance, and not including firewood stored in an orderly manner.

D. "Noxious weeds" shall include Canada Thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*) wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), Hoary alyssum (*Berteroa incana*), ragweed (*ambrosial elatior* 1.) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or other plants which in the opinion of the Township Board are regarded as a common nuisance.

*(Amended by Ordinance No. 12)*

Section 4. Causes of Blight or Blighting Factors: Offenses Designated. After the effective date of this Ordinance, no person, firm, corporation, or entity of any kind shall maintain or allow to be maintained upon any property within the Township which is owned, leased, rented or occupied or possessed by the persons, firm, corporation or entity any of the following uses, structures, activities or conditions which are hereby determined to be causes of blight or blighting factors and which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare:

A. The parking or storage of "Junk automobiles" outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license issued by the Township is in effect) for a period in excess of thirty (30) days.

B. The storage of "building materials" outside of a completely enclosed building in any area for a period in excess of thirty (30) days, not including building materials used for a legally operated business, and not including building materials stored on the site of property for



which a valid building permit has been issued by the appropriate County or Township building official if the materials are intended for use in connection with construction on the property.

C. The storage of accumulation of junk, trash, rubbish or refuse of any kind outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license issued by the Township is in effect) for a period in excess of thirty (30) days.

D. Any structure or part of a structure which because of fire, explosion, wind, natural disaster, or physical deterioration, must be secured, repaired, replaced, demolished or removed (including removal of debris) to meet the minimum applicable standards for human habitation or to meet otherwise applicable health and safety standards, and which, due to a failure to secure, repair, replace or demolish or remove the damaged structure, remains uninhabitable or unusable for its intended purpose or in violation of applicable health and safety standards for a period of more than (180) days.

E. The growth of noxious weeds, or the growth of grass or weeds (other than noxious weeds) higher than twelve (12) inches from May 1 until the following October 1 of each year, in any of the following locations:

1. On any lot on which a residential dwelling is located, within fifty (50) feet in any direction from any portion of the dwelling; or

2. On a platted lot or a lot located within a residential subdivision on which a residential dwelling is not located (i.e., an undeveloped lot), but where fifty percent (50%) of the lots within the plat or subdivision have residential dwellings on them, within fifty (50) feet from any public street and/or within fifty (50) feet of any residential dwelling on any adjacent lot. This subsection shall not apply to the growth of grass or weeds (other than noxious weeds) higher than twelve (12) inches on any portion of undeveloped property located behind a wooded tree line or which is otherwise not visible from any adjacent developed lot or from any adjacent public street.

*(Amended by Ordinance No. 12)*

Section 5. Penalties, Nuisance, Enforcement. See Ord. 69 - Amendment  
To Sec. 5

A. Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:



1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any one year period (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

3. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

4. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

5. A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

B. Misdemeanor Violations. It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment; for any person who makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this ordinance or other state or federal law.

C. Nuisance. Maintenance of, or allowing the maintenance of, any cause of blight or blighting factor as defined in this Ordinance, in violation of this Ordinance, is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Orleans Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to



restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

D. Continuing Offenses. Each day on which a violation of the ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

E. Parties Liable. Any person who violates any of the provisions contained in this Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, employee or in any other capacity shall be liable as a principle.

F. Enforcement Actions. This ordinance shall be enforced by the person or persons designated by the Orleans Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.

G. Non-Exclusive Penalties. The prohibitions and penalties provided by this Ordinance shall be in addition to, and not exclusive of, prohibitions and penalties provided by other applicable laws, finances, rules or regulations.  
(Amended by Ordinance No. 20)

Section 6. Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsections, sentence, phrase or clause is adjudged, unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 7. Non-repeal. This Ordinance shall not be construed to repeal by implication any other Ordinance of Orleans Township pertaining to the same subject matter.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

CERTIFICATION: This is to certify that the above Ordinance was passed as set forth above, by the Orleans Township Board in regular session and is a true and exact copy thereof.

Orleans Township Board



TOWNSHIP OF ORLEANS

ORDINANCE NO. 69

AN ORDINANCE TO AMEND ORDINANCE NO. 6,  
ORLEANS TOWNSHIP ANTI-BLIGHT ORDINANCE,  
SECTION 5, TO MAKE VIOLATIONS OF ORDINANCE  
NO. 6 A MISDEMEANOR.

THE TOWNSHIP OF ORLEANS, COUNTY OF IONIA, MICHIGAN ORDAINS:

Section 1.     Amendment of Section 5

Section 5 is hereby amended in its entirety to read as follows:

A.     Misdemeanor Violation. A person who violates this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00 (plus other costs), or both.

B.     False Representations. Any person who makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this Ordinance or other state or federal law shall be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00 (plus other costs), or both.

C.     Nuisance. Maintenance of, or allowing the maintenance of, any cause of blight or blighting factor as defined in this Ordinance, in violation of this Ordinance, is hereby determined to be detrimental to the health, safety, and general welfare of the residents, property owners, and other persons within Orleans Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

D.     Continuing Offenses. Each day on which a violation of the Ordinance continues constitutes a separate or repeat offense, for which the violator shall be subject to penalties or sanctions.

E.     Parties Liable. Any person who violates any of the provisions contained in this Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, employee, or in any other capacity, shall be liable as a principle.

F.     Enforcement Actions. This Ordinance shall be enforced by the person or persons designated by the Orleans Township Board.

G.     Non-Exclusive Penalties. The prohibitions and penalties provided by this

Ordinance shall be in addition to, and not exclusive of, prohibitions and penalties provided by other applicable laws, ordinances, rules, or regulations.

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and affect.

Section 3. Conflicts. In the event of any conflict or inconsistency between this Ordinance and the provisions of any other ordinance, the provisions of this Ordinance shall prevail.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days following publication in a newspaper of general circulation within the Township of Orleans, Ionia County, Michigan.

Moved by Board member J. Noe, seconded by Board member C. Noe, the foregoing Ordinance be adopted.

YEAS: C. Chipman, J. Noe, E. Groom, L. Patrick, C. Noe

NAYS: none

ABSENT: none

ORDINANCE DECLARED ADOPTED.

Lucinda Chipman  
Lucinda Chipman, Township Supervisor

Ellie Groom  
Ellie Groom, Township Clerk



CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Township Board in the Township of Orleans in a regular session held on July 17, 2007, and that it was published in the Ionia Sentinel-Standard on July 26, 2007.

Ellie Groom  
Ellie Groom, Township Clerk