

# CHARTER TOWNSHIP OF HAMPTON

## ORDINANCE NO. 13-4

### ANTI-BLIGHT ORDINANCE

An Ordinance for the purpose of preventing, reducing or eliminating blight or potential blight within the Charter Township of Hampton by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may exist in the future in said Township; and to provide for the public peace, health, safety and general welfare of the persons or property therein.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN ORDAINS:

#### Section 1 - Title

This Ordinance shall be known and cited as the Charter Township of Hampton Anti-Blight Ordinance.

#### Section 2 - Cause of Blight or 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, would tend to result in blighted and undesirable areas within the Charter Township of Hampton. On or after the effective date of this Ordinance no person, firm or corporation of any kind shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property owned, leased, rented or occupied by such person, firm or corporation within the Charter Township of Hampton:

- A. Storage upon any property of junk automobiles except in a completely enclosed building, and except as permitted by Ordinance of the Charter Township of Hampton. For the purpose of this Ordinance, the term "junk automobile" 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 has not been operative for any reason for a period in excess of thirty (30) days, except operative trucks or other machinery and equipment which may be used periodically pursuant to an act of business.
- B. The storage upon any property of disabled motor vehicles, or disassembling, tearing down or scrapping of a motor vehicle, or the scavenging or stripping of a motor vehicle, except as permitted by this or other Ordinances of the Charter Township of Hampton within an appropriate zone district. For the purpose of this Ordinance, the term "disabled motor vehicle" shall include any motor driven vehicle which is incapable of being self propelled on the public streets or does not meet the statutory requirements for operation upon a public street, including a current license plate or registration plate and insurance.
  1. Disabled motor vehicles shall not be permitted in a front yard, as defined by the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time, and further, that a reasonable time, not to exceed 72 hours from the time of its disability, shall be permitted for the removal or servicing of the disabled vehicle in any emergency caused by accident and/or breakdown of the vehicle.
  2. One (1) disabled motor vehicle will be permitted in both side or rear yard, as defined by the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time, of a lot or parcel of land in the Township provided, however,

disabled vehicle shall not be permitted to remain outside of a building in any yard whatsoever for a period in excess of thirty (30) days on any lot used for residential purposes or on the portion of any lot within twenty (20) feet of an abutting lot used for residential purposes.

3. Storage, service and repair of a disabled motor vehicle in any residential or residential-business transition zone shall be permitted by an owner or tenant of the premises when the vehicle is titled in the name of such person and on condition the storage, service and/or repair is conducted entirely within the confines of an accessory building or garage as defined in the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time and further without the use of any air pressure hammers, chisels, or similar noise producing tools and upon the further condition that such use is neither a commercial nor an industrial use nor otherwise prohibited by other ordinances of the Township. The existence of such causes of blight or blighting factors, shall be considered a nuisance per se and subject said owner, agent or occupant to any and all legal and equitable remedies available to the courts of this state without limitation and in addition to the penalties set forth in the following paragraphs.
  4. Storage, service and repair of disabled motor vehicles or other machinery incidental to and during a period when agricultural operations are being conducted in the agricultural zone shall be permitted by an owner, agent or occupant of the premises, provided that such use is neither a commercial nor industrial use and provided further that when outside such use is removed at least 100 feet from the nearest adjoining residential building used for residential purposes and upon further condition that such use shall not be permitted within a front yard as defined in the Charter Township of Hampton Zoning Ordinance No. 36A, as may be amended from time-to-time.
- C. Storage upon any property of building materials unless there is in force a valid building permit issued by the Charter Township of Hampton, and unless said materials are intended for the use in connection with such construction to be completed within a reasonable period of time. 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 construction of any structure.
  - D. The storage or accumulation of rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, junk or any other foreign substance of every kind and description except domestic refuse which is stored in such a manner as not to create a nuisance for a period of not more than thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles, furniture, unused stoves or other appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.
  - E. The existence of any structure or part of a structure which because of fire, wind, or other natural disaster or physical deterioration is no longer habitable as a dwelling or not useful for any other purpose for which it may have been intended.
  - F. The existence of any vacant dwelling, garage or other outbuildings unless the same are kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.

- G. The existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and existing building permit, and unless said construction is completed within a reasonable period of time.
- H. It shall be unlawful to allow grass or weeds, unless otherwise exempted herein, to grow to a height in excess of eight (8) inches, which shall be deemed to be a blighted condition. This Ordinance shall apply to the following properties:
1. On all residential lots of one (1) acre or less in area, in any residential or agricultural zone where the lot is adjacent to an established public street and, further, is adjacent to an occupied and developed residential property on at least one (1) side; weeds and grasses shall be maintained below the eight (8) inch maximum. This Ordinance shall apply and require cutting of weeds and grasses for at least the first two hundred (200) feet fronting from any roadway.
  2. All commercial properties shall be maintained to a height of no more than eight (8) inches as described above when the commercially zoned property abuts any developed property, and said property shall be maintained to a minimum depth from any public street, of at least two hundred (200) feet.
  3. All industrial property shall be maintained to a height of no more than eight (8) inches as described above when the industrial zoned property abuts any developed property, and said property shall be maintained to a minimum depth from any public street of at least two hundred (200) feet.
  4. It shall be the duty of the Township Supervisor or his or her designee, or any duly authorized contractor engaged by the Township, to give general notice to every owner, possessor or occupier of land, and of every person having charge of any land within the Township, by publication at least once in a newspaper of general circulation in the Township that grasses and weeds not cut by May 15<sup>th</sup> of that year and/or as often thereafter as necessary, will be cut by the Township and the owner of the property charged with the cost of same, including any cost incurred in the removal or relocation of debris, junk or other miscellaneous obstruction which would be necessary or convenient for carrying out the requirements of this article.
  5. In the event any grass or weeds have not been cut or destroyed by May 15<sup>th</sup>, and/or as often thereafter as necessary, the Township Supervisor or his or her designee, or any duly authorized contractor engaged by the Township, may enter upon the land and cause all such grass or weeds to be cut down and destroyed. Express power to so enter upon such land and to destroy such grasses or weeds is hereby conferred. All expenses of such cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this Ordinance shall be paid by the owner of such land, plus an administrative service charge, \$100 per cutting or destroying. The Township Supervisor or his or her designee may enter upon such lands as often as necessary to cut and destroy grasses and weeds and shall not be liable in any action for trespass. The Township shall have a lien against such lands for any expenses incurred, which lien shall be placed upon the special tax roll next in course of preparation as a charge against the property upon which such expense was incurred; and the same shall become a lien upon the land and shall be assessed and collected in the same manner as all other special assessments of the Township are assessed and collected; and the same, when collected, shall be paid

into the general fund to reimburse the expenses therefrom. The penalties and remedies herein are in addition to those set forth in Section 4 below.

6. Sub-Section (H) shall not apply to agriculturally used land in any zone classification that is either under current production or is enrolled in a state or federal program providing subsidies for allowing the land to sit fallow; nor shall it apply to lots or parcels which, by their use, are being maintained in a natural setting as defined herein, in which, by affirmative steps taken by the property owners, such as the
7. planting of trees, ferns, shrubs, and other natural growth found in the community, are being created as a natural setting and habitat.

Definition of “Natural Setting”: A “natural setting” lot or parcel shall be defined as a parcel of property of no less than two (2) acres containing a variety of grasses, shrubs, ferns, and trees, either existing in a natural state or planted by the property owner, to create the appearance of a parcel of property which has never been tilled, plowed, or otherwise altered from its natural state. Additionally, to create a “natural setting” lot, the owner is required to maintain a setback of fifty (50) feet from all right-of-way lines or front property lines to ensure clear vision of approaching traffic, pedestrians, animals etc. and the balance of the lot shall have lot coverage at a minimum of 75% natural plantings. The natural setting of plants, shrubs, and trees must reflect various states of maturity and height in order to give the appearance of a property which has never been cleared by man, to project the appearance of property which has been allowed to continue in its natural state. A natural setting, is not, however, an area that has once been cleared and either tilled or planted to grasses and simply allowed to continue to grow.

Also, the property must be maintained in such a manner as to not allow invasive species to exist. Invasive species will be determined from the list published by the *Michigan's Invasive Species Program that is cooperatively implemented (at this time) by the Department of Environment, Great Lakes, and Energy, the Department of Natural Resources, and the Department of Agriculture & Rural Development. After establishment (1 year) of the “natural setting” area there shall be no tilling of the soil and there must be a 90% coverage of plantings as to avoid erosion. No gardening shall be done in the natural area. A garden can be used in the other 25% of the property's square footage. The only allowable movement of soil is to maintain the natural area or other township permitted activities. The natural area will be maintained in such a fashion to keep tall grasses and other vegetation with potential fire hazards thirty feet (30') from any structure.*

To obtain approval for a natural setting the applicant or property owner must prepare an application and submit a site plan to be reviewed by an arborist, landscape architect, forester or other consultant with appropriate horticultural or environmental credentials as retained by the Township. The site plan must include the type and quantity of materials to be installed with both common and botanical names to ensure that the proposed planting will comply with both the open area requirement, seventy-five (75%) of lot area coverage and will have the various gasses,-shrubs, ferns, trees etc. which will be suitable for growth in the Mid-Michigan Area while not being invasive.

Examples of plants and invasive species that will not be accepted for reestablishing a “natural setting” are:

- Mulberry (*Morus alba*)
- Tree of Heaven (*Ailanthus altissima*)
- Black Locust (*Robinia pseudoacacia*)
- Phragmites Common Reed (*Phragmites australis*)
- Wild Parsnip (*Pastinaca sativa*)
- Purple Loosestrife (*Lythrum salicaria*)
- Garlic Mustard (*Alliaria petiolate*)

Autumn Olive (*Elaeagnus umbrellata*)  
Common Buckthorn (*Rhamnus cathartica*)  
Glossy Buckthorn (*Rhamnus frangula*)  
Japanese Knotweed (*Fallopia japonica*)

This is not a complete list of unacceptable plants but an example of some choices that will not be allowed to be planted or exist as part of the ongoing maintenance of the “natural setting.”

### Section 3 - Notice to Owner, Agent or Occupant

The Charter Township of Hampton shall notify by regular mail or by personal contact, the owner, agent or occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof are found to exist. The said owner, agent, or occupant shall be notified in writing to remove or eliminate such causes of blight or blighting factors from the property within ten (10) days after service of the notice upon him/her or their agent or occupants.

### Section 4 - Penalty

Any owner, agent or occupant, who shall violate any of the provisions of this Ordinance, shall be subject to a fine of not more than five hundred (\$500) dollars or imprisonment in the County Jail not exceeding ninety (90) days or both, in the discretion of the Court, such penalties to be in addition to any other legal and equitable remedies available in the Court of this state without limitation and including those remedies herein before described allowing access onto said property and elimination of blight, including cutting of grass.

### Section 5 - Repealer Clause

All Ordinances including Ordinance 13, Ordinance 13-1, Ordinance 13-2 and Ordinance 13-3 or any other Ordinance in conflict herewith are hereby repealed in their entirety.

### Section 6 - Effective Date

This Ordinance shall take effect on the 31<sup>st</sup> day after publication following adoption, as required by law.

Introduced 10-24-2022

Adopted 11-14-2022