

VILLAGE OF FARWELL
CLARE COUNTY, MICHIGAN
ORDINANCE NUMBER 1993-2

An Ordinance enacted pursuant to the authority of MCL 66.1 et. Seq. and MCL 67.1 et. Seq., to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisances in the Village of Farwell; to preserve, promote and protect the health, safety and general welfare of the persons and property within the village to provide for the enforcement hereof; and to provide penalties for the violation hereof including a provision that violation will constitute a misdemeanor, to establish that any violation shall be a public nuisance, and to provide for enforcement of the ordinance.

The Village of Farwell ordains:

Section 1.0 TITLE

This Ordinance shall be known and cited as the Village of Farwell Anti-Blight and Anti-Nuisance Ordinance, and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

Section 2.0 PURPOSE

It is the purpose of this Section to promote the general health, safety, and welfare of the residents and property owners of the Village of Farwell by preventing, reducing and eliminating blight, blighting factors and nuisances in the Village by preventing or eliminating certain conditions and uses of land and buildings and structures in the Village which caused blight or nuisance and which conditions and uses may now exist or may in the future exist within the Village.

Section 3.0 BLIGHT, BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF PROHIBITED

All blight, blighting factors, nuisances and causes thereof, as defined herein, are prohibited upon all property in the Village and shall constitute illegal uses to be abated. No owner, occupant or other person shall permit any such uses to exist upon any property in the Village.

Section 4.0 BLIGHT, BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF

The following conditions and uses of land, buildings, structures, and dwellings, for the purpose of this Ordinance dwelling shall be defined as any building, structure, or portion thereof used or designed for the residence of a person, or persons, are determined to be a threat to the public health, safety, and welfare and to be blight, blighting factors, or nuisances, or causes thereof, which will result in blighted and undesirably neighborhoods or which will result in public nuisances unless abated:

- A. The outdoor keeping, maintaining, or storage of a junk automobile is defined as including, but not necessarily limited to, and automobile which is not licensed for use upon the highways of the State of Michigan for a period in excess of six (6) months or, whether or not licensed, not operable, for any reason, for a period in excess of sixty (60) days, unless otherwise permitted pursuant to the provisions of this Ordinance and any vehicle which is not in a fully enclosed structure or building.

- B. The keeping, maintaining, accumulating or storage of junk, trash or litter. Junk, trash and/or litter is defined as including:
- a. Building materials outside of a completely enclosed structure or building unless there are in force valid land use or building permits with respect to construction taking place upon the property and the materials are intended for use in such construction. Building materials are defined as including, but not limited to, lumber, bricks, concrete or cinder blocks, plumbing pipe and material, electrical wiring and equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws, windows, glass and any other substance or material used in the construction of buildings.
 - b. Parts of machinery or automobiles.
 - c. Remnants of woods, other than that which constitutes building material or is cut and stacked for heating use.
 - d. Unused, abandoned, or discarded stoves, refrigerators, televisions and other appliances.
 - e. Old scrap material of every kind, such as, but not necessarily limited to, copper, brass, rope, rags, batteries, paper, boxes, rubber, iron, steel, metal shavings, metal scrap or scrap metal in any other form.
 - f. Broken glass or any other dangerous pointed or edged substances.
 - g. Refuse, garbage, waste, dead animals, accumulations of ashes, branches, leaves or yard clippings, or any noxious material unless the refuse, garbage, waste, accumulation of ashes, branches, leaves, or yard clippings, but not dead animals or other noxious materials, is collected in a compost heap, the accumulation shall be properly enclosed and maintained in the manner generally accepted for composting including but not limited to regular turning.
- C. The keeping of any abandoned, unattended or discarded icebox, refrigerator or container of any kind and size which is sufficient to permit the entrapment of a child therein.
- D. Any well or cistern which is not sufficiently covered so as to prevent access thereto by any person or which is not fenced with a good and substantial fence of a height of not less than four (4) feet.
- E. Any hole, excavation or partially constructed basement which is not sufficiently covered so as to prevent access thereto by any person or is not fenced with a good and substantial fence to a height of not less than four (4) feet where the same is for the purpose of ongoing construction of a building or structure pursuant to valid land use and building permits and where more than sixty (60) days has elapsed from the date of the commencement of digging or excavation.
- F. Any hole, shaft, pit, trench or other non-natural opening in the ground which is not filled in with dirt or sufficiently covered so as to prevent access thereto by any person or fenced with a good and substantial fence to a height of not less than four (4) feet and any such opening, even if fenced, which is allowed to accumulate stagnant or putrid water.
- G. Any building or structure, or portion thereof, which is unoccupied and which is upgraded or open at any door or window or any other portal or opening permitting ingress, its windows to be glazed and locked or boarded up and its doors to be locked or boarded up to prevent ingress and all other portals to be boarded up to prevent ingress.
- H. Any land, building or structure which has thereupon any obstruction or hindrance of any sort which would be reasonably expected to interfere with the efficiency and use of any fire, ambulance or police protection equipment, either upon or around that, or any other land, building or structure.

- I. Any dwelling which does not have adequate facilities for the disposal of human excrete or other sewage.
- J. Any dwelling which does not have available therein, or upon its premises, a sufficient source of clean water which could be reasonably expected to meet water which could reasonably expected to meet the needs of persons residing thereat.
- K. Any dwelling or portion thereof, which is conducive to the harboring or breeding of rats, rodents or vermin
- L. Any building or structure, or any portion thereof, which is partially completed, unless it is in the process of construction and/or completion pursuant to valid land use and building permits.
- M. Any building or structure, or any portion thereof, which by reason of structural damage caused by fire, explosion, wind, rain or other natural disaster or by reason of vandalism or other intentional damage or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, dilapidation and the like is no longer reasonably and safely useful for any other purpose for which it was originally intended.
- N. Any building or structure, or any portion thereof, which constitutes a fire hazard or is dangerous to human life for any reason not specifically listed herein.
- O. Any building or structure, or any portion thereof, which due to any one or more of the aforesaid conditions cannot be repaired, rehabilitated or completed, so as to abate its violation of this Ordinance, at a cost less than its state equalized value.

Section 5.0

This Ordinance shall not apply to any junkyard operating a zoning district as an allowed use in that district or a special use where all required permits have been obtained.

Section 6.0 ENFORCEMENT OFFICER

The Village of Farwell Ordinance Enforcement Officer, or the Village of Farwell Council, collectively or individually are charged with the enforcement of this Ordinance as more fully hereinafter set out.

Section 7.0 MISDEMEANOR: PENALTY

Any person who shall violate any of the terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than Five Hundred and no/100 (\$500.00) dollars or to imprisonment for a period of not more than ninety (90) days, plus costs of prosecution.

Section 8.0 NUISANCE PER SE: ABATEMENT

Any violation of the provisions of this ordinance shall constitute a nuisance per se and be subject to action in circuit court to abate the nuisance and enforce the provisions of this Ordinance, and the other ordinances of the Village of Farwell.

Section 9.0 SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for and reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section 10.0 EFFECTIVE DATE

This Ordinance will take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Steven Grim, President
Margaret C. Brewer, Clerk

CERTIFICATION OF ADOPTION OF VILLAGE ORDINANCE

I, Margaret C. Brewer, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Village of Farwell Council on the 3rd day of May, 1993, at which meeting the following named members of the council were present and voted in person as follows:

- (A) Voting in favor of adoption of the Ordinance:
C/Whaley, C/Allan, C/Marshall, C/Brewer, C/Schofield, C/Birdsong, and Pres. Grim.
- (B) Voting against the adoption of Ordinance:
None

Certification Date: May 3, 1993 Margaret C. Brewer, Clerk

I, Margaret C. Brewer, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that this Ordinance was published in the Clare Sentinel a newspaper of general circulation within the Village on the 11th day of May, 1993, and that this Ordinance and the Publisher's Affidavit hereto attached are filed in the Village of Farwell Ordinance Book on the date of this Certificate, such date being within one week after the first of such publication.

Certification Date: May 3, 1993 Margaret C. Brewer, Clerk