

ARTICLE _____ - ANTI-BLIGHT

Sec. _____ Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Vehicle includes, without limitation, a motor vehicle stored on or parked on any private premises without the consent of the owner or person in control of such private premises, or for a period of 48 hours or more after the consent has been revoked, or a motor vehicle left unattended on public property or on private property that does not display current year registration plates.

Blighted structure includes, without limitation, any dwelling, garage or outbuilding, or any factory, shop, store, office building, warehouse or any other structure, or part thereof, which, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

Building material includes, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other material used in constructing any structure.

Junk includes, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, bed springs, detached storm doors and windows, stoves, refrigerators, washers, dryers, furnaces, humidifiers, hot water heaters, or other appliances, toilets, carpeting, carpet pads, remnants of wood, metal or any other cast-off material of any kind, whether or not it could be put to any reasonable use.

Junk motor vehicle includes, without limitation, any vehicle which is not licensed for use upon the highways of the state for a period in excess of 30 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 30 days, provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle dealers, and provided further, that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of 120 days, rather than 30 days, with extension of an additional 30-day period upon presentation to the enforcing officer of written proof the offending vehicle is involved in insurance claims litigation or a similar matter and additional time is required for settlement before the vehicle can be moved.

Person includes all natural persons, firms, co partnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee. All persons who violate any of the provisions of this article, whether as owner, occupant, agent, servant or employee, shall, except as otherwise provided in this article, be equally liable as principals.

Rubbish or Refuse means all miscellaneous waste materials and matter resulting from normal household or living conditions, business operations and enterprises, general routine property use and maintenance, physical construction and installations related to general routine property use, waste materials from industrial and business operations, and waste materials from the construction or repair of buildings and structures. The terms "rubbish", or "refuse" shall include all forms of nonputrescible solid wastes consisting of either type of the following wastes or any similar related combinations thereof:

1. Combustible wastes, including but not limited to, paper products, cardboard, tobacco products, leaves, tree and plant trimmings, garden rubbish, yard clippings, discarded Christmas trees and wreaths, discarded plants and flowers, wood, wood products, rubber products such as vehicle tires, rags, discarded clothing, leather products, discarded furniture, furnishings and fixtures, excelsior, trash and junk, and other similar materials or matters.
2. Noncombustible wastes, including but not limited to, concrete, rubble, gravel, stone, rock, residue from the burning of wood coal, coke, and other combustible materials, plastic containers and products, materials or products comprised of steel, iron, aluminum and other noncombustible elements, metal frames and products, discarded furniture and fixtures, appliances and fixtures, glass, crockery, tin cans, mineral matter, scrap metal, parts from motorized and nonmotorized vehicles, discarded plastic and metal toys, household appliances, trash, and other similar materials or matter.

Materials used for the purpose of landscaping, such as bark, mulch, compost and wood chips, shall be excluded from this definition, so long as this material is for private use only.

Trash includes any and all forms of debris not otherwise classified in this section.

Sec. _____ **Determination of Detriment**

It is hereby determined that the storage, dumping, placement, deposit or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles or building materials, and the maintenance of blighted structures upon any private property within the Township tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, and the increase in criminal activity, and, therefore, is contrary to the public peace, health, safety and general welfare of the community.

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Sec. _____ Storage of Abandoned Material, Trash, Rubbish, Junk, Junk Vehicles and Abandoned Vehicles

- (1) It shall be unlawful for any person to store, or to permit the storage or accumulation of, trash, rubbish, junk, junk vehicles or abandoned vehicles on any private property in the township, except within a completely enclosed building or upon the premises of a properly zoned, licensed or approved junk dealer, junk buyer, dealer in used auto parts or dealer in secondhand goods or junk.
- (2) On properties used for single residential purposes, domestic refuse originating from such premises may be stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The refuse shall be stored in suitable containers so as to protect it from wind, rain, and animals, and shielded from view of adjacent areas, except when placed at the property line for removal on the day of removal. The proprietor of the premises shall provide for removal of all domestic refuse at least every 30 days or more often, if necessary, to prevent the creation of a nuisance.
- (3) In any area used for business or multiple residential purposes, domestic refuse originating on such premises may be stored in such a manner as not to create a nuisance for a period not to exceed 10 days. The refuse shall be stored in appropriate watertight commercial type containers, and shielded from view of adjacent areas.
- (4) The proprietor of business or multiple residential premises shall keep the premises, including parking lots and right-of-way adjoining the premises, free of junk, trash, rubbish, debris of refuse of any kind and shall provide containers for discards for public use.

Sec. _____ Blighted and Vacant Buildings

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store or warehouse unless the structure is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the Township and unless such construction is completed within one year after issuance of such permit.

Sec _____ Building Materials

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade or business located on the property, or except where such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Township and unless such construction is completed within one year after issuance of such permit.

Sec. _____ Removal of Junk Vehicles and Abandoned Vehicles

The Township Supervisor, Clerk, or Community Development Director, or the duly authorized representative of such officials, may remove, or cause to be removed, any junk vehicle or abandoned vehicle, or parts thereof, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of his intention to do so at least 48 hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk vehicles or abandoned vehicles, or parts thereof, shall be removed and disposed of in accordance with law. Such removal by the designated enforcement official shall not excuse or relieve any person of the obligation imposed by this article to keep his property free from storage or accumulation of junk vehicles or abandoned vehicles, or parts thereof, nor from the penalties for violations thereof.

Sec. _____ Lien

- (1) Charges or direct and / or indirect expenses incurred by the Township in relation to a violation of this article shall be a lien upon the premises in question. Whenever a bill for such charges remains unpaid for 60 days after the bill has been rendered, the Township Clerk may file a statement of lien claim with the register of deeds of the county. The statement shall contain a legal description of the premises, the expenses and costs incurred, as well as the date when incurred, and a notice that the Township claims a lien for such amount. Notice of such lien claim shall be mailed to the owner of the premises, if his address is known, provided, however, that failure of the Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the Township's right to collect for such charges as provided.

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Sec. _____ Penalty

- (1) Any person who violates any portion of this Article shall be responsible for a municipal civil infraction. The following civil fines shall apply in the event of an admission or determination of a violation of this Article:
 - a. First Offense. The civil fine for a first offense violation shall be in the amount of seventy-five (75) dollars, plus costs and other sanctions, for each offense.
 - b. Second Offense. The civil fine for a second offense violation shall be in the amount of one hundred fifty (150) dollars, plus costs and other sanctions for each offense.
 - c. Third Offense. The civil fine for a third offense violation shall be in the amount of two hundred twenty five (225) dollars, plus costs and other sanctions for each offense.
 - d. Fourth Offense. The civil fine for a fourth offense violation shall be in the amount of three hundred fifty (350) dollars, plus costs and other sanctions for each offense.
 - e. Fifth and Subsequent Offenses. The civil fine for a fifth and any subsequent offense violation shall be in the amount of five hundred (500) dollars, plus costs and other sanctions for each offense.
- (2) The provisions contained in Sec. 67.10 of the Township's Zoning Ordinances which establish a Municipal Civil Infractions Violation Bureau and prescribe penalties for Municipal Civil Infractions pertain to this Article.