

VILLAGE OF LAWTON
COUNTY OF VAN BUREN
STATE OF MICHIGAN

ORDINANCE NO. 01 of 2024

AN ORDINANCE TO AMEND SECTION 93.01, “ANTI-BLIGHT (GRASS),” OF
CHAPTER 93, “HEALTH AND SANITATION; NUISANCES” TITLE IX,
“GENERAL REGULATIONS,” TO THE LAWTON VILLAGE CODE.

The following Ordinance was offered by Councilmember Turner and supported by Councilmember G. Dudek.

THE VILLAGE OF LAWTON ORDAINS:

Section 1. Amendment of Section 93.01 to the Lawton Village Code. That Section 93.01, “Anti-Blight (Grass)” of Chapter 93, “Health and Sanitation; Nuisances,” Title IX, “General Regulations,” of the Lawton Village Code, is hereby amended to read in its entirety as follows:

§93.01 ANTI-BLIGHT (GRASS).

- (A) *Purpose.* Consistent with the letter and spirit of Public Act 344 of 1945, being MCL §125.71 *et seq.*, as amended, it is the purpose of this section to prevent, reduce or eliminate blight or potential blight in the village by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Village.
- (B) *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, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this chapter, 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 the Village, which is owned, leased, rented or occupied by such person, firm or corporation.
 - (1) In any area, the storage upon any property of one or more junk automobiles, except in a completely enclosed building. For the purposes of this section, the term “junk” automobile shall include any motor vehicle which is not licensed for use upon the highways of the state, cannot be lawfully driven on public streets pursuant to state statutes, or whether so licensed or not, include any motor vehicle which is inoperable. “Inoperable” means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause, for any reason. Recreational vehicles, travel trailers, “fifth wheels” and other similar vehicles that are normally used for travel purposes and that are licensed either annually or during the period of use, which are kept in repair and parked in the driveway, parallel to the side of a residence, or in the back yard, shall be exempt from this

subsection. No such vehicle shall be allowed to remain on any property when used for living purposes.

- (2) In any area, the storage upon any property of building materials, except in a completely enclosed building, unless there is in force a valid building permit issued by the Village for construction upon the property and the materials are intended for use in connection with such construction. Building materials shall include, but not be limited to: wood, 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 material used in constructing any structure.
- (3) In any area, 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. The term "junk" shall include bottles, cans, garbage, rubbish, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- (4) In any area, the existence of any structure, or part of structure, which because of fire, wind, or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor legally occupiable, pursuant to the Village zoning, building or other Village regulations, nor useful for any other purpose for which it may have been intended.
- (5) In any area, the existence of any vacant dwelling, garage, or other out-buildings not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- (6) In any area, the existence of any partially completed structure, unless such structure is in the course of construction, in compliance with a valid building permit issued by the Village and the construction is completed within a reasonable time.
- (7) In any area, the storage upon any property of one or more junk watercraft, except in a completely enclosed building. For the purposes of this section, the term "junk" watercraft shall include any boats, pontoon boats, watercraft or devices designed for water recreational purposes, which are not registered with the state, cannot be lawfully used on any waters of the state pursuant to state statutes, or whether so registered or not, any boats, pontoon boats, watercraft or devices designed for water recreational purposes, which are inoperable. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause.
- (8) In any area, the existence of semi-trailers being used for storage, unless they are kept in the ordinary course of business in a district zoned specifically for commercial business.
- (9) In any area, the existence of noxious weeds. Noxious weeds shall be

defined as in MCL §247.62 *et seq.*, as amended, and the Enforcement Officer is appointed as the Village Noxious Weed Commissioner, pursuant to the statute. Owners of property within the Village shall be required to destroy, control, or remove noxious weeds as defined above.

- (10) In any area, the existence of grass, weeds or brush that constitute a fire hazard or is in violation of this Section governing the cutting and destroying of grass, weeds or brush in the Village.
- (a) Developed property: Property that has been developed in any zone must be maintained in such a way that growth does not exceed 8" in height.
 - (b) Undeveloped or vacant property: Property that has not been developed in any zone must be maintained as follows:
 - 1. The interior of the property may be left to grow.
 - 2. The perimeter of the property on all sides must be cut 6 feet back from the property lines and street side to 8 inches or less a distance of 6 feet.
 - (c) Agriculture zone property: Property that is zoned agricultural and is currently being farmed is exempt from the provisions of this section, except:
 - 1. The yard surrounding any residential portion of the property must be maintained in accordance with the provisions of this section, and;
 - 2. The property adjacent to any road in any portion of property used for agricultural purposes shall be cut back to 8 inches or less.
 - (d) Exceptions: The Planning Commission may by a majority vote allow a property owner in a non-residential zone to apply for a permit to maintain their property by seeding with Michigan hardy wildflowers or similar plantings.
 - (e) In addition to any penalty as provided herein, failure to maintain the property will result in the Village mowing the nonconforming property or contracting to have the property mowed and billing the property owner for the cost plus an administrative fee. If not paid before December first (1st) of the same year, these costs will be levied against the property owner's taxes.
- (11) In any area, the existence of large amounts of lumber and/or timber. An accumulation of this type of material is allowed as a designated wood pile under the following conditions: the woodpile area to be located within the back yard; the wood is to be stacked orderly, with no random piles; the woodpile is to be maintained in such a manner so as not to allow harborage for rodents, snakes or other vermin. Woodpiles must be maintained so as not to endanger the safety of others or tend to depreciate the value of the property of others.
- (12) In any area, the storage upon any property of one or more junk snowmobiles or motorcycles, except in a completely enclosed building. For the purposes of this section, the junk snowmobiles or motorcycles shall include any snowmobiles or motorcycles which are not registered with the state, cannot be lawfully driven

where permitted, pursuant to state statutes, or whether so registered or not, any snowmobiles or motorcycles which are inoperable for any reason. "Inoperable" means incapable of being operated or moved under its own power by reason of dismantling, disrepair or other cause.

(C) Enforcement

- (1) The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth above is found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice. Such notice may be served personally or by certified mail, return receipt requested, or by leaving the same with an adult person on the premises, or by affixing the same in a prominent place on the premises, in which latter case, a copy of the notice shall be sent to the owner or occupant at his or her last known address by regular mail with proof of mailing. Additional time may be granted by the Enforcement Officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- (2) Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this section.
- (3) Failure of the Village to give such a notice as provided herein shall not constitute a defense to any action to enforce the payment or debt created under the provisions of this article.
- (4) Owners and occupants with a prior violation under this Ordinance found to have blight on their property are in immediate violation of this Ordinance and may be issued a citation without providing 10 days' notice.
- (5) A person found to have violated this ordinance by a court of competent jurisdiction shall be penalized as follows:
 - (a) 1st Offense: A civil fine of up to \$100 plus any costs incurred by the Village, and an administrative fee.
 - (b) 2nd Offense: Where the Defendant has had one (1) prior violation, a civil fine of up to \$250 plus any costs incurred by the Village, and an administrative fee.
 - (c) 3rd Offense: Where the Defendant has two (2) prior violations, a civil fine of up to \$500 plus any costs incurred by the Village, and an administrative fee.
 - (d) 4th Offense: Where the Defendant has three (3) prior violations, a civil fine of up to \$1,000 plus any costs incurred by the Village, and an administrative fee.

In addition to the above, said Court may issue and enforce any judgement, writ, or order necessary to enforce this ordinance, including but not limited to ordering abatement of the blight or issuing a standing blight removal order permitting the Village of Lawton to remove said blight and seek post order judgement compensation for the costs of removal, or grant any other relief permitted by MCL §600.8302.

Any fines or fees not paid prior to December of the same year, will be recorded as a lien on the real property containing the blight pursuant to MCL §600.8731(1).

The costs recoverable are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Village of Lawton has incurred pursuant to MCL §600.8731 (1)

- (6) The Village Council, Planning Commission, or the Village Attorney may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any blight or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
- (7) In addition to enforcement by a law enforcement officer, the Village may designate one or more code enforcement officers to enforce this ordinance.
- (8) A “prior violation” as defined by this ordinance, includes a Judgement in favor of the Village for a violation of this Ordinance, and any alleged violation of this Ordinance that was dismissed pursuant to an agreement entered into between the Village of Lawton and the individual, form or corporation, maintaining or permitting to be maintained the blight.

(Ord. 159, passed 2-12-2002, Amended Effective 5-3-2016, Amended Effective 5-28-2024) and see Penalty §93.99

Section 2. Repeal. That all other ordinances and resolutions in conflict herewith are hereby repealed.

Section 3. Publication and Effective Date. That this Ordinance or a synopsis of the Ordinance shall be published in a newspaper of general circulation in the Village within 15 days after passage, and shall be effective 20 days after its enactment or upon publication, whichever occurs first.

YEAS: Councilmember(s) Turner, G. Dudek, Peterson, Smith, E. Dudek, Tanis, Appleby

NAYS: Councilmember(s) None.

ABSTAIN: Council Member(s) None.

ABSENT: Council Member(s) None.

ORDINANCE DECLARED ADOPTED.

Ordinance Adoption Date: 05/28/2024

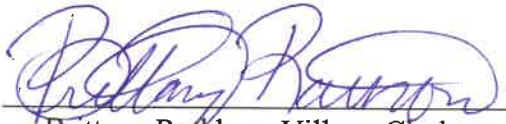
Ordinance Publication Date: 06/06/2024

Ordinance Effective Date: 6/06/2024

CERTIFICATION

I, Brittany Rathbun, the duly appointed Clerk of the Village of Lawton, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Lawton Village Council at a regular meeting held May 28, 2024, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

VILLAGE OF LAWTON

BY: 
Brittany Rathbun, Village Clerk