

## **L'Anse Township Blight Elimination Ordinance**

An Ordinance to secure the public health, safety, and general welfare of the residents and property owners by regulation the storage of junk, rubbish, garbage, inoperable vehicles, and trailers within the L'Anse Township, to prohibit such storage except under certain conditions, to establish minimal standards for the preservation of real property value, and to provide provisions for enforcement, compliance, and penalties for violation of the ordinance. Pursuant to the enacting authority provided by Act 246 of the Public Acts of 1945, as amended.

### **The Township of L'Anse, Baraga County, Ordains:**

**Section 1. Title:** This Ordinance shall be known and cited as the L'Anse Township Blight Elimination Ordinance.

**Section 2. Purpose:** This Ordinance seeks to eliminate blight and nuisances within the Township to protect the health, safety, and general welfare of the Township's residents; and, to preserve the taxable value of real properties within the Township, by establishing reasonable guidelines and standards concerning the storage of objects or materials which, if not regulated, would have the potential to cause blight and to devalue real property. The exercise of these regulations shall not, within reason:

- A.** Interfere with the normal and good practice operation of farms, farm lands, or forest lands. This Ordinance does not apply to motor-driven equipment which does not require licensing and is used entirely for off-highway work on land zoned for agricultural use; or
- B.** Discourage the keeping or restoration of vehicles having antique or classic value; or
- C.** Prevent normal and good practice use of fuel wood or lumber (new or used) intended for use in building projects

**Section 3. Definitions:** The following terms used in this Ordinance are defined as follows:

- A. Junk:** As used within this Ordinance, "junk" means any unused or unusable appliances, furniture, machinery, tires, toys, or parts thereof.
- B. Rubbish:** As used within this Ordinance, "rubbish" means barrels, boxes, cardboard, or paper cartons, glass, lumber, metal cuttings, metalware, plasticware, shavings, straw, or waste paper, discarded clothing, etc.
- C. Garbage:** As used within this Ordinance, "garbage" means any accumulation of trash, refuse, or litter including, but not limited to, refuse from the storage, preparation and

consumption of food, as well as dead animals (or parts thereof), and discarded edible or drinkable items.

**D. Vehicle:** As used within this Ordinance, “vehicle” means motorized and non-motorized mechanical devices which have the primary purpose of transporting people on land, air, or water including, but not limited to, airplanes, automobiles (of any model), bicycles, boats (of any kind, including canoes), motor bikes, motorcycles, motor homes, snowmobiles, and trucks (of any model).

**E. Inoperable:** As used within this Ordinance, “inoperable” means any vehicle unable to perform its primary, legal function of transportation because of mechanical condition, missing part, or non-licensure or regulation if the same is required by law.

**F. Trailer:** As used in this Ordinance, “trailer” means any non-motorized device which must be pulled by a vehicle including, but not limited to, utility and recreational travel trailers, or which had been designed for the purpose of transporting other vehicles or items of any kind.

**G. Nuisance:** As used within this Ordinance, “nuisance” means any building or structure not otherwise currently under construction, repair, remodeling, or rehabilitation which is in such a state of disrepair so as to be uninhabitable or unfit for the usage for which it had been intended; or, building materials kept outside on private property for nine (9) months after an occupancy permit has been issued by the Michigan Building Inspector.

**Section 4. Unlawful Acts:** No owner, occupant, or possessor of real property within the Township shall keep or permit to be kept at any time upon such real property:

- A. Storage of junk, rubbish, or garbage** unless the same is completely contained within a building which is not open to public view and not accessible to non-owner, non-occupants, and non-possessors; or
- B. Storage of inoperable vehicles or trailers** for more than sixty (60) days unless that vehicle or trailer is completely contained within a building or is completely screened from view behind a lawful six-foot high fence in the side or rear yards; or
- C. Placement of junk, garbage, or inoperative vehicles or trailers** on the real property of another, including on any governmentally-owned real property; or
- D. Any building or structure** in such a state of disrepair so as to be uninhabitable or unfit for the purpose for which it had been intended, if no effort to ameliorate that condition has been pursued within the past nine (9) months.
- E. Any residential or commercial properties** must keep grass or noxious weeds to a height six (6) inches or less.

## **Section 5. Exceptions:**

- A. This Ordinance does not apply to inventory on premises occupied by a merchant licensed under MCL 205.53 and conducting a lawful business or the property of patrons of a lawful motor vehicle repair facility, to a furniture or appliance repair facility, or to a gasoline station or a motor vehicle repair facility when that property is left on the premises for service or repair, nor does this Ordinance apply to licensed salvage yards which are regulated under Public Act 12 of 1929.
- B. Recreational vehicles and trailers which are usable, in good repair, and are customarily licensed on a seasonal basis shall be allowed to be kept on the owner's property without license during the off-season in the rear or side yard only.
- C. Recreational, commercial, and agricultural vehicles and trailers not required to be licensed or registered by the State of Michigan shall be allowed to be kept on the owner's property in the rear or side yard only.
- D. Junk, rubbish, and garbage may be kept in a temporary, roadside storage container covered by a closed lid, which is used for the purpose of keeping mice, rats, vermin, or all manner of foraging animals away from the container's contents, for up to forty eight (48) hours prior to pick-up by a refuse-hauling company, so long as that temporary storage container not be larger than two (2) cubic yards in size.

## **Section 6. Enforcement and Sanctions:**

- A. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1194, amending Public Act of 1961, being Sections 600.101-Sections 600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine as authorized by Section 3 of Act 246 of the Public Acts of Michigan of 1945, as amended. Violations of this Ordinance are declared to be public nuisances per se. The sanctions set forth in this ordinance shall not prohibit the Township from seeking injunctions and orders as are permitted under Section 8302 of the Revised Judicature Act, MCL 600.8302.
- B. Violation of the Ordinance shall be considered a civil infraction which will result in a written warning, giving property owner ten (10) days to comply without penalty, another 10 days can be given at the discretion of the Blight Officer. Failure to comply will result in a one hundred dollar (\$100) fine and an additional twenty five

dollar (\$25) fine added per day until clean up is complete, up to five hundred dollars (\$500). Unpaid fines will be added to property owners taxes. In addition to the remedies set forth, the Township shall have the right to remove the blight by taking the following steps:

- 1) Written notice shall be sent by first class mail to the owner of record on the township tax roll and any other person or entity which has advised the Township that it claims an interest in the subject property. Such notice shall advise that a blight condition exists on the property and that must be removed from the property within 30 days of the date of the notice, and further, that if the blight is not removed, the township may remove the blight and place a lien upon the property for all costs associated with the removal, the same to be paid together with the taxes on the property.
- 2) If at the end of the 30 day period the blight condition continues to exist, the township shall have the right to retain the service of a contractor and such contractor shall have the right to enter upon the property to remove the blight.
- 3) All expenses of such removal shall be paid by the owner of the property together with an administrative charge of \$100.00 per residential parcel and \$200.00 per commercial parcel.
- 4) Charges for blight removal by a Township contractor shall be a lien upon the property. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the official or officials in charge of the collection thereof shall, prior to August 1 of each year, certify to the Township assessor the fact of such delinquency, whereupon the Township Assessor shall enter such delinquent charges against such premises and the same shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced.
- 5) Notice of such lien claim shall be mailed to the owner of the premises on the Township tax roll at the last known address, provided, however, that failure of the township to record such lien claim or mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose therein for such charges.

**Section 7. Severability:** The provisions of this Ordinance are declared to be severable, and if any section, clause, provision, sentence, or word is declared void or unenforceable by any court of competent jurisdiction for any reason, that finding shall not affect any other portion of this

Ordinance.

**Section 8. Effective Date:** This Ordinance shall take effect thirty (30) days after publication as required by law.

**Section 9. Repealer:** Any Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**THIS ORDINANCE NO.** \_\_\_\_\_ was adopted on this day \_\_\_\_\_ of the month of \_\_\_\_\_, by the L'Anse Township Board by the following action:

Motion:

Second:

Yeas:

Nays: