



LAKES TO LAND REGIONAL INITIATIVE

Blight Ordinance

BLIGHT ORDINANCE

Lakes to Land Regional Initiative Model Ordinance

Section 1. Purpose.

- A. The purpose of this ordinance is to protect, promote and provide for the health, safety, sanitation and general welfare of the citizens of **MUNICIPALITY** and to suppress disease and contamination by preventing, eliminating and removing blight and/or blighted conditions within said **MUNICIPALITY**.
- B. It shall be the duty of every owner, possessor, occupant, tenant or user of any real or personal property within the municipality, whether on public or private property, including, but not limited to, sidewalks in their entirety and public streets and alleys to their centers, to provide for the abatement, elimination or removal of any and all blight and/or blighted conditions as listed in Section 2.

Section 2. Standards of Blight and Blighted Conditions

Structures, properties, uses and activities in violation of the following standards are defined as blight and/or blighted conditions. On and after the effective date of this ordinance, no owner, possessor, occupant, tenant or user of any real or personal property shall cause, allow, permit, keep or maintain any such blight or blighted conditions upon any land or premises in the **MUNICIPALITY** owned, possessed, occupied, leased, rented or used by said owner, possessor, occupant, tenant or user.

- A. Fences. All fences shall be maintained in good repair and shall be erected in compliance with all applicable codes and ordinances.
- B. Front yards.
 - i. Front yards shall comply with the **MUNICIPALITY** zoning and ordinance requirements and shall not be used for parking purposes, except as permitted in the Zoning Code.
 - ii. Front yards shall be maintained with trimmed grass or other trimmed ground cover and free of debris and significant accumulations of leaves. This section shall not prohibit the use of incidental and ornamental decorative landscaping materials.
 - iii. Recreational equipment, including, but not limited to, bicycles, toys and outdoor furniture, shall not be placed or located in any front yard for a period longer than two consecutive days. Household furniture that has been designed for interior use shall not be placed on front porches or in front yards. This section shall not prohibit the incidental use of lawn or porch furniture on front porches or in front yards.
- C. Painting. No dwelling, building or structure shall be maintained with defective exterior wall coverings. "Defective exterior wall coverings" includes, but is not limited to, lack of paint or weathering due to lack of paint or any other approved protective covering.
- D. Dog pens and runs. Dog pens and dog runs shall not be placed in front yards. Such pens shall be located not less than 10 feet from adjacent properties, unless a six-foot obscuring

fence is constructed to separate the pen or run from the adjacent property. All dog pens and runs shall be kept free of feces, garbage and other odor-causing materials.

- E. Windows. Windows shall be maintained free of defective, deteriorated, broken, rotted or split frames and sills. All broken windows shall be replaced, except that such windows may be temporarily sealed or boarded up for a period not to exceed 30 days.
- F. Window and wall coverings. Visqueen or other exterior window and wall coverings shall be maintained in good condition, free from tears and securely fastened to the building. Visqueen may be used as a temporary wall covering where required for protection due to construction, fire, accident or act of God.
- G. Trimming of bushes, trees, etc. Bushes, trees and other landscape materials shall not interfere with pedestrian traffic on public sidewalks. All landscaping material on corner lots, terraces or lots adjacent to alley and street intersections shall be maintained to allow clear vision for pedestrians and motorists and shall be removed from private property should they be diseased or dead.
- H. Grasses and weeds. The maximum growing height of weeds, grasses or ground cover shall be eight inches.
- I. Fallen leaves. Significant accumulation and piles of leaves may not remain longer than seven days and shall be disposed of in a proper manner.
- J. Storage. Storage of trash, garbage, junk, waste materials and deteriorated furniture and appliances shall be prohibited on open front porches and in front and side yards. Such materials may be temporarily stored in a rear yard if such storage complies with the Code of the **MUNICIPALITY** and is not for longer than seven continuous days.
- K. Hanging clothes. Clothes shall not be hung on open front porches, trees or fences. This section shall not prohibit the hanging of clothing on clotheslines erected in the rear yard.
- L. Firewood. All firewood shall be stacked so that it does not create a safety hazard. Such stacked wood shall be stored on a concrete surface or 18 inches off the ground and shall not exceed six feet in height and shall only be stored in backyards. For purposes of this section, stacked wood shall be considered an accessory structure per the Zoning Code.
- M. Deteriorated vertical members. No dwelling, building or other structure shall be maintained in such a condition that it will create deteriorated, crumbling, loose, rotten, split or buckled walls, partitions, parapets or vertical supports. Fireplaces or chimneys which list, buckle or settle due to defective materials or deterioration shall be prohibited.
- N. Motor vehicles:
 - i. Storage of a motor vehicle on public or private property out-of-doors shall be prohibited when:
 - a. The motor vehicle is not licensed for use upon the public highways of Michigan.
 - b. The motor vehicle is inoperative for any reason for a period in excess of five days.
 - c. The motor vehicle is not parked on an approved hard surface.

- d. Parking of motor vehicles shall comply with the **MUNICIPALITY** zoning requirements. Front yards shall not be used for the parking of motor vehicles.
- O. In any area zoned residential by the Zoning Code, the out-of-doors storage upon any premises of building materials is prohibited, unless construction work is being done on said premises and the materials are intended for use in connection with such construction. Building materials include, but are not 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 constructing any structure. All construction debris shall be removed from any premises within 15 days after the permit has been finalized.
- P. Junk, rubbish, garbage and refuse. Subject to exception as provided in Section 2. J, the accumulation of junk, rubbish, garbage or refuse, out-of-doors on public or private property or in yards or easements is prohibited. As used in this subsection:
 - Garbage** - By-products of foods or food processing.
 - Junk** - Parts of machinery, motor vehicle parts, vehicles, construction machinery or unused appliances, metals or materials.
 - Refuse** -Cement pieces, cut trees and branches or commercial wastes.
 - Rubbish**- Waste materials, including papers, boxes, cardboard, grass clippings, leaves, garden and flower stock or plastics. Rubbish does not include grass clippings, leaves, garden and flower stock used for compost for garden fertilizer.
- Q. General building maintenance. All dwellings, buildings and structures shall be maintained so as to prevent:
 - i. Peeling paint.
 - ii. Broken steps or porches.
 - iii. Detached gutters and roofing.
 - iv. Broken doors and windows or torn screens.
 - v. Sagging roofs.
 - vi. Unclean or unsafe sidewalks.
- R. Security. All dwellings, buildings and structures shall be kept securely locked and the windows thereof shall be kept in good repair. This subsection prohibits the existence of any building or structure or any part of a building or structure which, because of fire, wind or other natural disaster, neglect, physical deterioration or dilapidation, is:
 - i. No longer habitable as a dwelling.
 - ii. Abandoned, vacant, not occupied or utilized.
 - iii. An attractive nuisance to children.
 - iv. A harbor to vagrants, criminals or immoral persons.
- S. Residential areas in nonresidential districts. In any area zoned other than residential by the Zoning Code, the causes of blight or blighting factors stated herein apply to any structure that is utilized for residential purposes, unless such uses are incidental to, and necessary for,

the carrying on of any business or occupation lawfully being conducted upon the premises involved.

- T. Partially completed structures. In any area the existence of any partially completed structure is prohibited, unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the **MUNICIPALITY** and unless exterior construction is completed within one year after issuance thereof.
- U. Use of adjoining public property. The owner, lessee, tenant, occupant or user of any premises shall not utilize any adjoining public property for the disposal or storage of junk motor vehicles or building materials or for the accumulation of junk, trash, garbage, rubbish or refuse of any kind.
- V. Use of vacant or unoccupied property: No person shall place, position, use or operate any barbeque grill, turkey fryer or any other outdoor cooking device, implement or apparatus upon any vacant or unoccupied lot or real property not owned or leased by said person without the permission of the owner or lessee of said property. This subsection shall not apply to public parks that are governed under separate and applicable park rules.

Section 3. Conflicting Standards

Where a provision of this section is found to be in conflict with the standards or provisions of any zoning, building, fire, safety or health ordinance or code of the **MUNICIPALITY** existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

Section 4. Administration

The **ELECTED BODY** designate herein that the Zoning Administrator shall be responsible for the administration, supervision and implementation of the enforcement of this chapter, and the **MUNICIPALITY** may designate one or more persons as enforcement officers to enforce the provisions of this chapter.

Section 5. Issuance of municipal civil infraction notices and citations; waiver of fine upon abatement of first violation notice; adjudication by district court.

- A. Upon observing a violation of the standards established under Section 2, the enforcement officer shall issue and serve upon the owner, possessor, lessee, occupant, tenant or user of any real or personal property either a municipal civil infraction notice or a municipal civil infraction citation.
- B. The fine for a first violation municipal civil infraction notice shall be waived if the owner, possessor, lessee, occupant, tenant or user of any real or personal property admits responsibility for the municipal civil infraction notice and abates the violation within five days of the issuance of the notice and has the abatement verified by an enforcement officer. This waiver provision shall only apply to the fine for a first violation municipal civil infraction notice.

- C. Should the owner, possessor, lessee, occupant, tenant or user of any real or personal property fail or refuse to admit responsibility for the municipal civil infraction notice and abate the violation within three days of the issuance of the municipal civil infraction notice, the owner, possessor, lessee, occupant, tenant or user of any real or personal property shall be issued a municipal civil infraction citation by the enforcement officer and the violation will be adjudicated by the 85th District Court.
- D. Should the owner, possessor, lessee, occupant, tenant or user of any real or personal property fail or refuse to admit responsibility for the municipal civil infraction notice and pay the fine stated on the notice within three days of the issuance of the notice, the owner, possessor, lessee, occupant, tenant or user of any real or personal property maybe issued a municipal civil infraction citation by the enforcement officer and the violation will be adjudicated by the 85th District Court.
- E. The enforcement officer shall issue a municipal civil infraction citation, as opposed to the municipal civil infraction notice, under the following circumstances:
 - i. When the owner, possessor, lessee, occupant, tenant or user of any real or personal property so requests; or
 - ii. When, in the enforcement officer's exercise of judgment and discretion, the violation is of such a nature so as to be substantially serious, chronic and/or willful.
- F. No person shall molest, hinder or interfere with an enforcement officer while he or she is engaged in carrying out the provisions of this chapter.

Section 6. Removal of offending conditions by Municipality; collection of costs.

- A. The **MUNICIPALITY** and/or their authorized representatives, at the request and are hereby empowered to enter upon any premises in the **MUNICIPALITY** for the purpose of removing, destroying or disposing of any junk motor vehicle, building materials or accumulation of junk, trash, rubbish, garbage or refuse thereon, when the real property owner or persons having any interest in personal property thereon have not, within the three-day civil infraction notice period, remedied the blighted condition or requested that the enforcing officer issue a civil infraction citation, as provided in Section 5 above.
- B. The **MUNICIPALITY**, or their designee, may abate any such public nuisance without giving notice if the public health, safety or welfare requires immediate attention.
- C. No person shall molest, hinder or interfere the **MUNICIPALITY** or their authorized representatives while they are engaged in carrying out the provisions of this chapter.
- D. The **MUNICIPALITY** shall keep an accurate account of the expenses incurred with respect to each parcel of land in carrying out the provisions of this chapter and shall make a sworn statement of such account and present the same to the **MUNICIPALITY** Treasurer. The Treasurer shall immediately prepare and send an invoice to the last known owner, as reflected by the most current tax roll, for the cost of such work and improvements to said property in accordance with the statement of services rendered. The Treasurer shall add to the cost ten-percent penalty to cover the cost of supervision and billing expenses. In the event that said invoice is not paid forthwith by the owner of record, the cost of such payment shall be charged against the premises and reported to the **MUNICIPALITY** Assessor to be levied by him or her as a special tax or assessment upon the lot or premises.

The special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessment provided for by the **MUNICIPALITY** Charter. When such tax is confirmed, it shall be a lien upon the premises and shall be collected in the same manner as other **MUNICIPALITY** taxes, or, in the alternative, the **MUNICIPALITY** may file suit to collect the same.

Section 7. Violations and penalties.

- A. Unless otherwise designated herein, whoever violates any of the provisions of this chapter shall be responsible for a municipal civil infraction, and subject to the payment of a civil fine determined in accordance with the following schedule:
 - i. First violation within a two-year period: \$100.
 - ii. Second violation within a two-year period: \$250.
 - iii. Third or subsequent violation within a two-year period: \$500.
- B. The two-year period referenced in Subsection A shall be determined as of the date of the first violation. For illustrative purposes only: if the first violation occurs on July 1, 2014, the two-year period shall be from July 1, 2014, to June 30, 2016.
- C. Whoever violates the provisions contained in Section 5.F. or Section 6.C. shall be responsible for a municipal civil infraction, and subject to the payment of a civil fine in the amount of \$500.
- D. Each day that a violation of the standards established under Section 2 exists, occurs or continues constitutes a separate offense and shall be subject to the penalties or sanctions provided herein as a separate offense
- E. Whoever violates this chapter shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized and provided for under Michigan law