

Benzie County

Gilmore Township

Blight Ordinance

GILMORE TOWNSHIP
BENZIE COUNTY
BLIGHT ELIMINATION ORDINANCE

Section 1: Purpose

- A. The purpose of this ordinance is to protect, promote and provide for the health, safety and sanitation for the citizens of Gilmore Township by maintaining the esthetics of the area and to suppress disease and contamination by preventing, eliminating and maintaining removing blight and/or blighted conditions within said Township.
- B. It shall be the duty of every owner, possessor, occupant, tenant or user of any real or personal property within Gilmore Township to maintain order and not deter from the already good preservation efforts of said Township.

Section 2: Intent

It is the intent of these regulations to establish reasonable guidelines and standards concerning the storage of materials and/or vehicles on properties, that if not regulated would have the potential to cause blight and devalue property. The exercise of these regulations, shall within reason, not:

- Interfere with the normal and good practice operations of farms, farmlands, or forestlands. This Ordinance does not apply as to motor driven equipment, which is unlicensed but used entirely for off-highway work on land zoned agricultural.
- Discourage the keeping and/or restoration of vehicles/boats having antique or classic value, and other vehicles/boats stored temporarily that are not in junk or salvage condition.
- Prevent normal good practice of fuel wood and/or lumber intended for building projects (new and used).
- Abrogate any other normal good practice use of property that is in character with the neighborhood area.

The exercise of these regulations in Gilmore Township shall give full consideration to the property's neighborhood environment, the intention of the landowner with respect to materials stored, the period of time that the storage is to be maintained, the zoning classification of the property, the environmental features of the property and adjoining properties, the impact on tourism, and in general, the impact on the character of Gilmore Township.

Section 3: Definition of Blight

Blight: The word "blight" as used in this Ordinance means an act or failure to act by a person that creates or permits a material annoyance, inconvenience or discomfort that injures or endangers the health, safety, esthetics or welfare of the public in their person or property. As defined herein, a blight includes, but is not limited to, an offensive, annoying, unpleasant or obnoxious thing or practice which is disturbing to the public or renders any person insecure in the use and enjoyment of the property (e. g. noise, glare, lights, vibration, dust, smoke, odor, gas, soot, ash, chemicals, fumes, rodents, insects, flies or decaying matter, scrap or recycling materials). A blight may also arise from residues or leaching from deposits or matter that are on the surface or in the ground that seeps into water thereby making it unsuitable for human consumption, or indecent, obnoxious, or offensive to the senses.

Section 4: Prohibition

- A. Refuse: No person shall accumulate, place, store, allow or permit the accumulation, placement, or storage of refuse including scrap or recycling materials on any lands public or private, except in a lawful sanitary landfill or transfer station, a lawful junkyard, or in storage receptacles designed for the temporary (i.e. construction site, gathering or any other short term event) accumulation of refuse and provided with tight fitting, water tight covers; provided however, that said receptacles shall not be used to store refuse for more than seven days.
- B. Disabled/Unused Vehicles and Boats: The storage upon any property of disabled/unused vehicles and boats, except in a completely enclosed building or shielded from public view by one or more of the following, which has been approved by the Township: planting, natural vegetation, topography or structure approved by the Township. For the purpose of this Ordinance, the term “disabled/unused vehicle and boats” shall include any motor vehicle or boat which is not licensed for use upon public roads or waters and shall also include any motor vehicle or boat which is inoperative for a period of (1) one year or longer.
- C. Automobile Parts, Equipment and Machinery: The storage upon any property of any automobile parts, equipment or machinery in disrepair, boats or trailers in disrepair, except to the extent such items are kept in a completely enclosed building or are shielded from public view by one or more of the following which has been approved by the Township: planting, natural vegetation, topography or structure approved by the Township.
- D. Building Materials: In any area of Gilmore Township the storage upon any property of building materials unless there is in force a valid Building Permit issued for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but not limited to, lumber, bricks, concrete, cement, cinder blocks, plumbing and drainage materials, electrical wiring or heating ducts or equipment, roofing materials, builder’s hardware, or any other materials made to be used in constructing any structure, along with scaffolding and temporary toilet facilities (port-a-jon). Neatly piled building materials, however, may be stored on property on a temporary basis, if the Township Ordinance Enforcement Officer determines in writing (1) that the materials, as stored, will not be unsightly or cause blight and (2) how long such materials can be stored at such property.
- E. Incomplete Building: The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid existing building permit.
- F. Abandoned Appliances: No person shall accumulate, place, or store, or other, or allow, or permit the accumulation, placement, or storage of, in any place accessible or visible to persons, any abandoned, unattended, or discarded ice box, or refrigerator, freezer, stove or other appliance which has an airtight door, airtight snap lock, or other airtight locking device which may not be released for opening from the inside of said ice box or refrigerator, stove, or other appliance

without first removing said door(s) or locking device from said ice box, refrigerator, freezer, stove, or other appliance.

- G. Noxious Vegetation: All property occupied or vacant provided the property is subdivided and improved, shall be maintained by the owner free of noxious vegetation and stagnant water nuisances.
- H. Damaged or Unused Buildings: The existence of any structure or part of structure which because of fire, wind, natural disaster, or physical deterioration, which in the judgment of the County Building Inspector is an unusable structure as defined in the State Building Code, and is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended.
 - 1. When any part of any building or structure is found to be in a dangerous condition, the Township Enforcement Officer shall issue notice of a dangerous condition.
 - 2. Such noticed shall be directed in writing to the owner or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township. Notice may be served upon the person personally, or mailed by certified mail-return receipt requested.
 - 3. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.
 - 4. The Enforcement Officer shall file a copy of the notice of the dangerous and unsafe conditions with the Township Supervisor.
 - 5. The property owner must make contact with the Enforcement Officer through letter or personally to discuss the plan for remedial action with fifteen (15) days of the notice which must be to the satisfaction of the Enforcement Officer.
 - 6. In the event of no agreement between the owners of the property or his/her representative and the Enforcement Officer, the property owner or the representative may file an appeal to the Township Board of Appeals within fifteen (15) days of the termination of the notice served by the Enforcement Officer.
 - 7. If there is no response within fifteen (15) days from the property owner or his/her representative, the Enforcement Officer shall inform in writing to the Township Supervisor.

Section 5: Township Board of Appeals Review:

- A. After receiving the appeal from the property owner, the Township Board of Appeals shall hold a public hearing and shall take testimony of the Township Enforcement Officer, the owner of the property, and any other interested party. Upon taking of such testimony, the Township Appeals Board shall render the decision in writing within fifteen (15) days.
- B. If the Township Appeals Board determines that the building or structure should be demolished or made safe, the Board shall so order fixing a time ninety (90) days in the order for the owner, agent or lessee to comply.
- C. If the owner or party fails to appear or neglects or refuses to comply with the order, the Township Appeals Board shall file a report of its findings and a copy of the order with the

Township Supervisor and request that necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the Township Appeals Board shall be served on the owner or party in interest.

Section 6: Township Supervisor's Action:

- A. After receiving the Township Appeal Board's report and decision, the Township Supervisor shall discuss the matter with the Township Board for necessary action. The Township Board shall approve, disapprove, or modify the order for demolition of making safe the building or structure.
- B. The cost incurred by the Township for the demolition or making safe the building shall be a lien against real property and shall be reported to the Township Supervisor who shall assess the cost against the property on which the building or structure is located.

Section 7: Enforcement and Penalties

- A. Complaints: All complaints from the public regarding alleged violations of this Ordinance must be signed and submitted in writing to the Enforcement Officer, who will investigate such violations and take action as provided for with this Ordinance.
- B. This Ordinance shall be enforced by the Ordinance Enforcement Officer, acting under the authority of the Township Board, or by any other official designated by the Township Board.
- C. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 3 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 30 days after service of the notice upon such owner or occupant. Such notice may be delivered personally or sent by certified mail, return receipt requested. Additional time may be granted by the Township Ordinance Enforcement Officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- D. The issuance of a citation (a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person, corporation, or association cited "the defendant") for a municipal civil infraction shall not in any way limit the Township from seeking enforcement of this Ordinance in any other manner, including, but not limited to, an action to abate any nuisance created by a violation of this Ordinance and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law in connection with such abatement and the enforcement of this Ordinance.
- E. Failure to comply with such notice within time allowed by the owner and/or occupant shall constitute a violation of this ordinance.

- F. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$300.00, in addition to all other costs, damages, expenses, and other fees and remedies provided or allowed by law. If the property owner or occupant does not pay a civil fine within three months after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building, structure the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of fine and costs with the register of deeds for the county in which the land, building, or structure is located. The court order shall not be recorded unless a legal description of the property is incorporated into or attached to the court order. A lien is effective immediately upon recording the court order with the register of deeds. The court order recorded with the register of deed shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township by first-class mail to the owner of record of the land, building, or structure at the owner's last known address. The lien may be enforced and discharged by the Township.
- G. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

Section 8: Miscellaneous

- A. In this interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health morals, safety and the general welfare.
- B. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or high standards, shall control.
- C. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor other parts, sections, subsections, or clauses, thereof.
- D. No officer, agent, or employee of Gilmore Township shall render himself/herself personally liable for any damage that may occur to any person, firm or corporation or property as a result of any act required or permitted in the discharge of his/her duties under this Ordinance.

Section 9: Severability

- A. This Ordinance and its various sections, subsections, sentences, phrases and clauses are servable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 10: Effective Date

This Ordinance shall become effective October 30, 2014, which is required by law.