TOWNSHIP OF LAKE
COUNTY OF MISSAUKEE
BLIGHT PREVENTION ORDINANCE

ORDINANCE NO. 17-A

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight, to secure the public health, safety and general welfare, to maintain Property values and to maintain and improve the aesthetic appearance of Lake Township, Missaukee County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof.

THE TOWNSHIP OF LAKE, MISSAUKEE COUNTY ORDAINS:

Section 1. Name.

The name of the ordinance shall be cited as the Lake Township Blight Prevention Ordinance.

Section 2. Purpose.

It is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Lake Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in Lake Township.

Section 3. Definitions.

"Junk" means any of the following:

(a) Old scrap ferrous or non-ferrous material, rubber, cloth, paper, rubbish, refuse, litter, batteries;

(b) Materials from demolition, waste building materials;

(c) Junk abandoned, scrap dismantled or wrecked (including parts or several items held for salvaging parts), automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

"Junk Vehicles" means any unlicensed vehicle required to be licensed by the State or any wrecked, junked or dismantled vehicle which is not capable of performing the functions for which it was manufactured.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or trusts.
"Private Premises" or "Property" means any lot or parcel of land owned or occupied by any person whether or not improved with any house, dwelling, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant.

"Dangerous Structure" means any structure which is unsafe or which is a menace to the health, morals or safety of the public.

Section 4. Regulation.

No person shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any Property in the Township of Lake owned, leased, rented or occupied by such person.

1. The storage or accumulation on Private Premises any Junk or Junk Vehicles unless the following apply:

   (a) The Junk or Junk Vehicles are wholly contained within a fully enclosed building or completely enwalled enclosure;

   (b) No more than one (1) modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for purpose other than for which it was manufactured, provided no building or garage is located upon the Private Premises in which said vehicle could be parked or stored, and further provided that in no event shall any such remodeled or reconstructed vehicle be parked in the front or side street yard area of any residence or premises so as to be visible to passers by;

   (c) Junk Vehicles within a salvage yard constructed, designed and operated as follows:

      (i) Shall be designed to comply with one of the following:

         1. Shall be set back from parcel boundaries at least 300 feet. Shall be set back 300 feet from a road right-of-way or 333 feet from the centerline of a road, whichever is greater and shall not be visible from a road or from adjacent parcels.

         2. Shall be screened totally from view of a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above; or

         3. Shall be kept in a totally closed structure.
(ii) Shall be set back from parcel boundaries at least 50 feet. Shall be set back 100 feet from a road right-of-way or 133 feet from the centerline of a road, whichever is greater.

(iii) Shall be designed and operated so that noise, under normal operational circumstances, shall not be over 60 decibels at the boundary of the parcel and at the nearest road.

(iv) Shall not be operated so that burning or incineration of junk or any other material results in smoke; and all emissions and effluent shall meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards. The smoke ban does not apply to the burning of leaves, tree limbs, and vegetation.

(v) Shall comply with all federal and state laws and regulations.

(vi) Shall not be operated so that any materials or junk can be blown about or allowed to scatter.

(d) Junk Vehicles are stored on the premises of a commercial repair establishment for not more than thirty (30) days.

2. The storage upon any Property of building materials unless there is in force a valid building permit issued by the Missaukee County Building Department for construction.

3. The storage of ashes, household or yard rubbish or trash, except for such reasonable periods of time as such await regular, systematic removal and disposal in accordance with law. Such materials while awaiting removal and disposal shall be temporarily stored in a completely enclosed building, with the exception of yard rubbish and trash which may be temporarily stored either in an enclosed building or at a location on the Property where it is as much concealed from public view as practicable.

4. The existence of any structure or damaged part of a structure which, because of fire, wind or other natural causes or physical deterioration, is no longer habitable nor useful for any other purpose for which it was intended.

5. The existence of any vacant building, garage or outbuilding unless such buildings are kept secured or neatly boarded up and protected to prevent any entrance by vandals.

6. The existence of any incomplete structure unless that structure is in the course of construction in accordance with a valid building permit.

7. The existence of any Dangerous Structure.
Section 5. Nuisance Abatement and Costs

The existence or maintenance of the aforementioned causes of blight or blight factors in violation of the provisions of this ordinance is hereby declared to be a public nuisance which may be enjoined, abated or removed pursuant to the governing law or for which the violator may be subjected to a suit for civil damages. Furthermore, the Township shall be entitled to recover the legal and any other costs incurred as a result of efforts to abate any blight or blighting factors found in violation of this Ordinance and such costs shall be assessed against the Property and shall be a lien against the Property.

Section 6. Enforcement.

This ordinance shall be enforced by the Township of Lake as provided in State Law.

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 first verbally and thereafter in writing to remove or eliminate such causes of blight or blighting factors from such Property within thirty (30) days after service of written notice to said owner or occupant. Upon a showing of good cause, additional extensions not exceeding sixty (60) days may be granted by the Township, with no more than three (3) extensions granted.

Failure to comply with such notice within the time allowed said owner or occupant shall constitute a violation of this ordinance. Failure to comply with such notice shall be punishable as described in Section 7.

Section 7. Penalties.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to a fine of not more than Five Hundred Dollars ($500.00), along with the costs of prosecution, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both. Each day that the violation continues to exist shall constitute a separate violation of this ordinance.

Section 8. Repeal.

All ordinances or parts of ordinances in conflict herewith, including but not limited to Motor Vehicle and Material Accumulation Storage Ordinance No. 17, are hereby repealed.

Section 9. Saving Clause.

Provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in full force and effect.
Section 10. Effective Date.

This ordinance shall take effect 30 days after publication.

Thomas Duddles, Supervisor

Kay Owinger, Lake Township Clerk, certifies that this Ordinance was adopted by the Lake Township Board on January 12, 2010.