TOWNSHIP OF LAKE
COUNTY OF MISSAUKEE
BLIGHT PREVENTION ORDINANCE

ORDINANCE NO. 22

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 and Penalties.

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.

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 30 days after service of the notice upon such owner or occupant. Such notice may be delivered personally or be posted on the land or attached to the building or structure. A copy of the notice shall also be sent by first class mail to the owner’s last known address. 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.

If the owner or occupant fails to comply with the notice to eliminate the offending blight within the times set forth above, the Township Board may thereafter authorize issuance of a citation for violation of this Ordinance.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than $500.00, in addition to all other costs, damages, expenses, and other fees and remedies provided or allowed by law. Each day that a violation occurs shall be considered a separate violation.

The issuance of a citation for a municipal civil infraction shall not in any way limit the Township from seeking enforcement of this Ordinance pursuant to Section 5.

Section 7. Repeal.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 8. 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 9. Effective Date.

This ordinance shall take effect 30 days after publication.

Robert Hall, Supervisor

Korinda Winkelmann, Lake Township Clerk, certifies that this Ordinance was adopted by the Lake Township Board on February 14, 2018.