

BEAR CREEK TOWNSHIP
EMMET COUNTY, MICHIGAN

BLIGHT ELIMINATION ORDINANCE
NO. 35-16

An ordinance to prevent, reduce, and eliminate blight, blighting factors, and causes of blight within Bear Creek Township, thereby protecting the health, safety, and general welfare of its citizens; and to provide for enforcement and penalties for the violation of this ordinance. Pursuant to the enabling authority provided by Act 246 of the Public Acts of 1945, as amended.

The Township of Bear Creek, Emmet County, Michigan, hereby states:

Section 1: PURPOSE

The legislature of this State has determined by the enactment of Act No. 344 of Public Acts of 1945, as amended, that blighted areas are detrimental to the health, safety, morals, and general welfare of the citizens of this State and to the economic welfare of the municipalities;

Therefore, it is the purpose of this ordinance to reduce and eliminate blight in Bear Creek 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 the township.

Section 2: INTENT

The intent of this ordinance is to establish reasonable guidelines, standards, and regulations concerning the placement, storage, and maintenance of materials, vehicles, and structures on properties in order to prevent the creation and expansion of blight, the impairment of property values, and injury to the health, safety, and general welfare of the residents of and visitors to Bear Creek Township.

Where possible, in furthering the purpose and intent of this ordinance, these guidelines, standards, and regulations shall not:

- Interfere with the normal and good practice operations of farms, farmlands, or forestlands;
- Discourage the possession and restoration of vehicles having antique or classic value, or other vehicles stored temporarily that are not in junk or salvage condition;
- Prevent neatly stacked, organized, and covered storage of firewood or lumber for building projects;

- Prohibit any other normal good practice use of property that is in character with the neighborhood area.

The exercise of these regulations in Bear Creek Township shall give full consideration to the neighborhood environment of the property, the purpose 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 Bear Creek Township.

Section 3: CAUSES OF BLIGHT OR BLIGHTING FACTORS

The following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance, no person, business, corporation, or other entity of any kind shall maintain or permit any of these causes of blight or blighting factors to exist upon any property in Bear Creek Township, regardless of whether such property is owned, leased, rented, possessed, used, or occupied by such person, business, corporation, or other entity of any kind:

- A. The storage of automobiles, recreational vehicles, trailers, boats, or other vehicles in disrepair, except in a completely enclosed building or in a manner that is completely screened and shielded from view from adjoining properties or from a public road. Any screening and shielding method that is not already in existence requires prior approval by the Township Board or its designee to be considered acceptable for this purpose. Shielding and screening methods that may be considered by the Township Board or its designee may include plantings, natural vegetation, topography, a structure, and/or appropriate fencing.

As used in this ordinance, the phrase "automobiles, recreational vehicles, trailers, boats, or other vehicles in disrepair" shall include any such item that is not licensed for use in the State of Michigan or any such item that has not been in operation and use for its intended purpose for a period of one year or more. Motor-driven equipment that is unlicensed but is being used entirely for off-highway work on agricultural land is exempt from Section 3.

- B. Unsightly, unmanaged, or unorganized storage of building materials or appliances where the visual effect of the storage of such materials or appliances is a blighting influence on adjacent properties, or the surrounding area or neighborhood.
- C. The storage or accumulation of junk, trash, rubbish, garbage, or refuse of any kind in any area without a landfill permit, except that domestic refuse may be stored for no more than 7 days providing such storage does not create a nuisance. The term "junk" shall include scraps or remnants of wood, metal, or other materials of any kind stored in the open, where the visual affect of the storage of such materials is a blighting influence on adjacent properties or the surrounding area or

neighborhood.

- D. The existence of any structure or part of structure which, in the judgment of the Bear Creek Township Building Inspector, is no longer habitable nor useful for any other purpose for which it may have been intended because of fire, wind, or other physical deterioration.
- E. The existence of any derelict, vacant dwelling, garage, or out-building unless such building is kept securely closed, with unbroken windows in place or with windows neatly boarded up or otherwise protected from unauthorized entrance.
- F. The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid existing building permit (or valid extension thereof) from the permitting official.
- G. House trailers, mobile homes, campers, or recreational vehicles in disrepair or not in normal use for a period of one (1) year.

Section 4: ENFORCEMENT AND PENALTIES

- A. This ordinance shall be enforced by such persons who shall be so designated by the township board.
- B. With regard to the storage or accumulation of trash, rubbish, garbage, or refuse that causes, creates, or contributes to a health hazard or nuisance because of odor, rot, stench, decomposition, and/or the attraction of pest animals such as insects, wild or domestic mammals, birds, or other vermin, the township supervisor or clerk may immediately issue or authorize the ordinance enforcement officer to issue a citation for violation of this ordinance. The procedures indicated in Sections 4 (C), (D), and (E) are not required in such circumstances.
- C. In all other instances, whenever a violation of this ordinance occurs, or is alleged to have occurred, at least two persons from separate households or businesses must file separate written, dated, and signed complaints with the township board. The complaints shall state fully the basis for the alleged violation. The township board shall properly record and turn the complaints over to the enforcement officer to complete an investigation as to the alleged violation. The enforcement officer shall thereafter report his/her findings and recommendations to the township board.
- D. If after having received the enforcement officer's report, the township board believes that a violation of the ordinance has occurred, then, if practical, the owner and the occupant of the property on which the violation(s) exist(s) shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 30 days of service of the notice. Such notice may be provided by personal service, by posting on an area intended to be seen by

occupants or users of the property, or by first class mail to the addressee's last known address. Additional time may be granted by the Township Board or its designee upon application should further time be necessary or advisable to eliminate the offending condition.

- E. If the owner or occupant fails to comply with the notice to eliminate the offending blight within the times set forth in paragraph D above, the township board may thereafter authorize issuance of a citation for violation of this ordinance.
- F. 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.
- G. The issuance of a citation 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.

Section 5: EFFECTIVE DATE

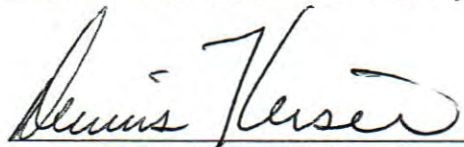
This ordinance shall become effective thirty (30) days after publication as required by law.

Section 6: SEVERABILITY

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

Section 7: REPEAL

All prior blight ordinances and any other ordinances or parts thereof, that are in conflict in whole or in part with any provisions of this ordinance as of its effective date are hereby repealed to the extent of such conflict.


Dennis Keiser, Township Supervisor

Clerk's Certification

I hereby certify this Ordinance was adopted by the Bear Creek Township Board of Trustees at a regular meeting held on August 3, 2016, and that the vote was as follows:

FOR: Hoffman, Nowland, Golding, Mays, Keiser
AGAINST: none

I further certify this ordinance, or a summary thereof, was published in the *Petoskey News-Review* on August 9, 2016.



Judy Mays, Township Clerk