

Peninsula Township, Grand Traverse County

Blight and Nuisance Ordinance No. 54 Repeals and Replaces Previous Junk Ordinance No. 41 Dated April 13, 2010

Proposed: May 14, 2019, to the Peninsula Township Board of Trustees

An ordinance to secure the public health, safety, and general welfare of the residents and property owners of Peninsula Township by the regulation, prevention, and/or reduction or elimination of litter, junk, trash, rubbish, refuse, debris, and/or other blight and blighting or nuisance factors or causes of blight and/or nuisance upon public or private property within the township, and to provide civil remedies for violations. This ordinance is adopted under the police power of the township.

No properties within the township shall have the authority to continue a blight, junk, or nuisance with a pre-existing clause or approval.

Peninsula Township, Grand Traverse County, Michigan, ordains:

Section 1: Title

This ordinance shall be known and cited as the Blight and Nuisance Ordinance No. 54 repealing and replacing the previous Junk Ordinance No. 41 dated April 13, 2010.

Section 2: Policy

Whatever injures or endangers the safety, health, or welfare of the public; interferes with, obstructs, or renders dangerous any street, highway, or navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisance(s) shall include, but not be limited to, whatever is forbidden by the provisions of this ordinance. No person shall commit, create, or maintain any public nuisance(s) and/or blight.

It is also hereby found and declared that there exist within Peninsula Township a number of real properties that contain vacant, abandoned, or blighted buildings and or blighted lots, and the existence of said vacant and blighted properties contributes to the decline of Peninsula Township and its residents. It is further found that the existence of vacant and blighted buildings and/or properties affects the economic welfare of the township and is detrimental to the health, safety, and welfare of the residents of the township. It is further found that many of the vacant and blighted buildings and/or properties can be rehabilitated and reconstructed so as to provide decent, safe, and sanitary housing or farming lands and that such rehabilitation, reconstruction, and reuse would eliminate, remedy, and prevent the adverse conditions as described above.

Peninsula Township Zoning Ordinance No. 48 of 2012, the Dangerous Structures Ordinance, is still enacted and takes precedence over this ordinance unless otherwise stated; in any event, or the provisions or standards that are more restrictive and limiting shall govern.

The provisions of this ordinance shall apply to all zoned districts within Peninsula Township unless specifically stated otherwise.

Section 3: Intent

The purpose and intent of this ordinance is to promote and preserve the general health, safety, and welfare of the public and residents of Peninsula Township by regulating and preventing by reducing or eliminating litter, junk, trash, rubbish, refuse, debris, and other blight or potential blight in the township through the prevention and/or elimination of nuisance(s) and/or blight or blighting factors that exist or that may exist in the future.

Provisions of the ordinance impose either greater or lesser restrictions, limitations, conditions, standards, or requirements unless specifically referenced herein. The provision or standard that is more restrictive or limiting shall govern.

Section 4: Definitions

For the purpose of enforcing the provisions of this ordinance, certain terms and words used herein shall have the following meanings:

- A. Blighted: deteriorated, in a state of disrepair, dilapidated, decayed, or a dump; withering or contamination.
- B. Blighted premises: any portion of any premises that is blighted, including but not limited to the existence of one or more of the following factors:
 - 1. The premises pose a serious or immediate danger; a life-threatening condition or a condition that threatens the health, safety, or welfare of an individual or the public at large;
 - 2. The premises are not being properly maintained (to be used in conjunction with Ordinance No. 48 of 2012, the Dangerous Structures Ordinance). In such cases, the provisions and standards that are more restrictive or limiting shall herein govern. The township may consider but is not limited to considering the following factors to determine whether a premise is being maintained:
 - a. Broken, missing, or boarded windows and/or doorways;
 - b. Lack of or missing siding;
 - c. Collapsing or missing walls and sagging or collapsed roof or floors;
 - d. Fire damage;
 - e. Dilapidated, collapsing, or unsound foundation;

- f. Indisputable evidence of abandonment;
 - g. Visual lack of maintenance of the premises or garbage, trash, or junk including abandoned vehicles located on the site;
 - h. Aroma of mold, gas, garbage, or any other disturbing and overwhelming odors;
- 3. Premises have attracted illegal activities;
 - 4. Premises are a fire hazard;
 - 5. Premises are creating a substantial and unreasonable interference with the lawful use and enjoyment of adjacent landowners' properties within the immediate area;
 - 6. Premises constitute a health, safety, or welfare hazard.
- C. Building materials: lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, cement, or any other materials used in conjunction with construction.
- D. Compost pile: a mixture of various decaying organic substances that is managed or tended so as not to become offensive by odors, insects, rodents, or pollution.
- E. Contractor's equipment: all apparatus, machinery, vehicles, and other things commonly required or used in excavation or construction.
- F. Dilapidated: a state of decay or decaying; partial ruin.
- G. Enforcement officer: the township's delegated or designated person(s) to act as administrator in implementing the rules and/or regulations as authorized by Peninsula Township.
- H. Farm equipment: functioning apparatus, supplies, and/or materials used or intended for use in active farming operations. For the purpose of this ordinance, the term "functioning" includes equipment that is dormant for reasons of repair.
- I. Inoperable: incapable of being operated or propelled under its own power by reason of dismantling, disrepair, age, or condonation; not operable for a period in excess of seven (7) days.
- J. Junk or abandoned vehicle: any vehicle that is motorized or otherwise powered and used as transportation, including watercraft but not limited to the following:
- 1. Any vehicle or equipment or portion thereof that, for a period of seven (7) consecutive days or more, does not have one or more of any of the following: engine, in running condition, set of inflated tires, and functioning battery;
 - 2. Any vehicle or watercraft that, for a period of seven (7) days or more, is unlicensed;
 - 3. Any vehicle, watercraft, or equipment that is abandoned by its owner;
 - 4. Any vehicle, watercraft, or equipment that is for any reason not operable, repairable, or is partially dismantled.

- K. Litter, junk, trash, rubbish, refuse, or debris: any worn out and/or discarded material including but not limited to scrap metal; dismantled or partially dismantled vehicles; unlicensed or inoperable vehicles; construction materials, garbage, scrap, and waste materials including metals, boxes, cartons, bottles, cans, rope, rubber, rags, plastic, paper, glass, wood, and wooded skids or pallets or parts thereof (excluding those stored and used with a farming operation on site); hazardous compounds waste, offal, rubbish, food containers, oil, broken glass, discarded paper products, used tires, any type of trailer or device that lacks all of the necessary component parts to make it operative and serviceable; yard trimmings, cut or detached tree branches, appliances, televisions, or furniture not usable for the purpose for which it was manufactured, or any other scrap or waste material of any kind, including parts or components of any of the above or any other material that constitutes a threat or menace to the health, safety, or general welfare of the public.
- L. Motor vehicle: any vehicle that is self-propelled or intended to be self-propelled.
- M. Partially dismantled: in a state such that parts that are ordinarily components have been removed or are missing.
- N. Person: an owner, occupant, individual, firm, corporation, or any other entity owning or in control of any vehicle, watercraft, farm equipment, animal, premises, or any part of a premises.
- O. Premises: any public or private property, including buildings and appurtenances.
- P. Public or private property water(s): land or water that includes but is not limited to the right of way of any road or highway; any body of water or water course or the shores or beaches thereof and including the ice above such waters; any park, playground, building, refuge, or conservation or recreational area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands thereof.
- Q. Township: the Township of Peninsula, Grand Traverse County, Michigan.
- R. Trailer: every vehicle with or without motive power designed for carrying property or persons and for being drawn by a motor vehicle.
- S. Unlicensed vehicle: any vehicle or watercraft without a valid vehicle or watercraft registration certificate or plate.
- T. Vehicle: every device, including trailers and trailer coaches, in, upon, or by which any person or property is or may be transported or drawn upon a highway or water except devices exclusively moved by human power.
- U. Watercraft: any contrivance used or capable of being used for navigation upon water,

whether or not capable of self-propulsion, including foreign and domestic vessels, passenger or other cargo-carrying vessels, and privately owned recreational watercraft.

Section 5: Blight

All blight, blighting factors, nuisances, and causes thereof, as defined herein, are prohibited on any premises in the township and shall be abated. No person shall permit any blight, blighting factors, or nuisances to exist upon any premises in the township.

The following conditions and uses of premises are prohibited and are determined to be blight, blighting factors, or nuisances or causes thereof that will result in blighted and undesirable neighborhoods or that will result in public nuisances unless abated:

- A. No person shall dump, deposit, place, throw, or otherwise leave, cause, or permit the dumping, depositing, placing, throwing, or leaving of litter, junk, rubbish, or debris of any kind on any public or private property or waters within the township except on premises duly licensed and properly authorized for use as an approved junk site, including but not limited to any of the following locations:
 - 1. Any public or private street, highway, lane, road, alley, square, or sidewalk;
 - 2. Any river, lake, stream, or other body of water;
 - 3. Other premises in the township including parks, beaches, publicly owned lands, or leased lands.
- B. No person shall permit, allow, or cause the outdoor storage of litter, junk, trash, rubbish, refuse, or debris of any kind except in conformance with the following provisions:
 - 1. The litter, junk, trash, rubbish, refuse, or debris must be screened from the view of all adjacent properties and abutting public or private right(s) of way and may be stored for no more than seven (7) days. Further, all matter must be stored in a manner so as not become offensive with the leaching of odors. Domestic refuse or other putrescible liquids or solids may only be stored in a container specifically designed for such purposes;
 - 2. All refuse or debris that is organic in material and is used for composting as defined in Section 4 of this ordinance.
- C. No person shall drive or move any vehicle upon any public street or roadway unless such vehicle is so constructed, loaded, covered, and used so as to prevent its contents or any deposits from its wheels, tires, or other parts from spilling, dropping, leaking, or escaping onto the roadway. Any violations to the provisions of this ordinance shall be deemed to be aiding, assisting, or abetting such violations and shall be responsible in the same manner and to the same extent as the operator or passenger. The township may grant temporary exemption from the provisions of this subsection provided any such temporary exemptions include the execution of an agreement to remediate any of the above conditions.

- D. No person shall maintain or allow on any premises any of the following uses or activities that are hereby determined to be causes of blight or blighting factors that, if allowed to exist, will result in blighted and undesirable neighborhoods and threaten the public health, safety, and welfare:
 - 1. The parking, storage, or accumulation of junk or abandoned vehicles or unlicensed vehicles or parts or components thereof;
 - 2. The parking or storage of recreational vehicles, buses, minibuses, snowmobiles, watercraft, or any other type of vehicle that is not usable for its intended and manufactured use and/or purpose including parts or joining components.
- E. Usable building materials may be neatly stored in the rear yard of occupied premises provided such outdoor storage is screened from the view of all adjacent properties and any properties abutting public or private rights of way. This outdoor storage is required to comply with applicable township fire codes and all other ordinance requirements.
- F. No person shall cause or allow a blighted premises or property to be created or the continued use on such lands.
- G. Properties zoned C-1 (Commercial) shall maintain commercial buildings so as to present a neat and orderly appearance and condition consistent with the applicable standards of this ordinance and the standards of Peninsula Township's Dangerous Structures Ordinance, No. 48 which was adopted by the Peninsula Township Board of Trustees on June 12, 2012.
- H. No person shall conceal, camouflage, screen, or disguise junk, abandoned vehicles, watercraft(s), or farm equipment behind any type of barricade constructed out of any type/form of material in an effort to continue to maintain a junk, blight, or nuisance property.

Section 6: Nuisances

In addition to the above, the following are also declared to be public nuisances:

- A. Parking along roads with shallow or absent shoulders for any duration of time is prohibited unless otherwise specified by signage by the Grand Traverse County Road Commission or Michigan Department of Transportation. Also, see Section 7.6.1-6, Off-Street Parking and Loading Requirements; Section 7.6.2, Definitions; Section 7.6.3, Parking Space Requirements; and 7.6.4, Off-Street Parking Site Development Requirements of the Peninsula Township Zoning Ordinance.
- B. The display of vehicles, equipment, trailers, boats, dock(s), or rafts for sale on lawns or other paved or unpaved areas for more than three consecutive days is prohibited. Items may be displayed for a total of ten (10) days in a calendar year but may not exceed three (3) consecutive days in a row and must be located on private property outside of the road right of way.

- C. The emission of noxious fumes, gas, smoke, ashes, or soot in such quantities so as to render occupancy of any premises dangerous or uncomfortable is prohibited.
- D. The keeping of explosives, flammable liquids, or other dangerous substances stored in any manner or in any amount contrary to the provisions of any applicable federal, state, county, or township statute, ordinance, rule, or regulation is prohibited.
- E. The keeping, either indoors or outdoors, of any building, structure, or dwelling unit of any abandoned, unattended, unused, or discarded airtight containers of any kind that can latch or otherwise lock is prohibited.
- F. Polluted or stagnant pools of water in any type or form of a holding tank or vessel are prohibited.
- G. Any unoccupied building or structure, or any portion thereof, that is unguarded or open at any door, window, or portal permitting or attracting ingress by unwarranted and unauthorized person(s) is prohibited.
- H. Any obstruction that hinders or interferes with fire, ambulance, police, or any other emergency services from accessing the property, buildings, or structures is prohibited.
- I. Any building or structure, or portion thereof, that by reason of structural damage caused by fire, explosion, wind, rain, or other natural disaster or by reason of vandalism or any other intentional damage or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, or dilapidation that is no longer habitable or reasonably and safely useful for the purpose for which it was originally intended is prohibited. Also, see Dangerous Structures Ordinance No. 48 of Peninsula Township.
- J. The pollution or littering of any street, highway, lane, stream, river, lake, or body of water by depositing, or permitting to be deposited, any refuse, foul or noxious liquid, or industrial waste or agriculturally used chemicals is prohibited.

Section 7: Junk or Abandoned Motor Vehicles, Watercraft, and Farm Equipment

- A. No person shall store, maintain, deposit, keep, or leave any junk or abandoned vehicle(s) or any parts thereof on the premises belonging to another.
- B. No person shall conceal, camouflage, disguise, or screen junk, abandoned vehicles, watercraft(s), or farm equipment behind any type of barricade constructed out of any type/form of material in efforts to continue to maintain or store the junk, blight, or nuisances.
- C. Unless otherwise permitted, exterior storage on private property of one or more motor vehicles that do not meet the following conditions shall be prohibited:
 - 1. All motor vehicle(s) must be in operating condition and eligible for use in accordance with the

requirements of the Michigan Vehicle Code Act No. 300 of 1949 as amended. An owner(s) of stated vehicle must comply with these provisions within seven (7) days;

2. This ordinance applies to all vehicles, including but not limited to motorized vehicles, ORVs, motorcycles, boats, recreational vehicles, or any type of vehicle that has or is capable of having an engine that runs, an operating drive train, two or more wheels, and/or pneumatic tires capable of holding air;
3. Any person enumerated in this section, under special conditions of hardship, or for reasons such as the preservation of a historic or classic vehicle, may request an extension of the seven (7) day limitation as described above by filing a timely request with the township. The zoning administrator or code enforcement officer may, at his/her discretion, after review of all current circumstances and after holding any hearing deemed necessary, grant applicant/owner(s) a reasonable extension to the above-stated timeframe;
4. This regulation does not apply to motor vehicles that are properly and currently licensed with the State of Michigan. However, upon expiration (without renewal) of a valid license, such vehicle must then comply with these regulations.

D. The following shall not be deemed junk, abandoned, or blighted for the purpose of this ordinance:

1. Vehicles or watercraft stored within a fully enclosed building;
2. Vehicles or watercraft stored at a duly licensed and properly approved storage facility, junk yard, landfill, or salvage yard in which the owner of the facility has obtained the proper permit approvals from the township for any such operation to be approved;
3. Any of the following may be approved by the director of zoning upon receipt of a written application:
 - A. Historic or classic vehicles, watercrafts, or farm equipment;
 - B. Any vehicle, watercraft, or farm equipment that is actively being restored or repaired;
 - C. Any vehicle, watercraft, or farming equipment that, by reason of special circumstances, is deemed by the zoning administrator or code enforcement officer not to be considered as junk or abandoned.

Section 8: Enforcement

- A. Whenever any public nuisance and/or blight as described in this ordinance exists, the zoning administrator, code enforcement officer, or sheriff's deputy shall give notice in writing by:
 1. Personal delivery or posted notice on the premises and by mailing a copy of said violation by first class mail addressed to the property owner; and
 2. Certified mail with return receipt requested to the owner(s) of the property.
- B. The notice shall contain the specific nature of the violation and shall indicate that the owner(s) is required to abate or remove the public nuisance and/or blight within (7) seven days upon receipt of said notice. The seven (7) day limit for compliance may be reduced or increased at the discretion of the zoning administrator or code enforcement officer based on the nature of the violation and the impacts on the health, safety, and welfare of the surrounding residents and/or the general

public. In the event that the time limit is other than (7) days, the adjusted time limit for compliance shall be clearly stated in the notice. Following the issuance of said notice, the zoning administrator or code enforcement officer may proceed to initiate civil proceedings to abate the violations as permitted by law under this ordinance or any other applicable township ordinance.

- C. A public nuisance constituting an emergency or imminent threat to the public health, safety, and welfare may be abated by the zoning administrator or code enforcement officer without notification to the property owner(s), and the cost of any required rehabilitation to the property may be charged to the owner(s) as provided in Section 10 of this ordinance.
- D. In the event that a violation of this ordinance continues or persists for any duration of time beyond the notifications outlined in section 8 item B, the township shall order the cleanup, tear down, or removal of the stated violation, blight, or nuisance to be performed. The township shall give notice in the manner prescribed by this section at least seven (7) days before further action by either the zoning administrator or code enforcement officer. The cost of these charges will be adhered to the property owners' taxes or submitted to the owner for reimbursement. In the case of an extreme situation where public safety, health, and wellness are at risk, the township reserves the right to prosecute said violators at a cost to the property owner(s).
- E. The zoning administrator or code enforcement officer may remove any disposed junk, abandoned vehicle, or parts thereof as well as litter, junk, trash, rubbish, refuse, or debris from any public property in the township without prior notification.

Section 9: Hearings

If a person requests a hearing within seven (7) days of the date of the notice provided under Section 8, the recipient may request a hearing to be held before the Peninsula Township Board of Trustees. Immediately following the hearing or within a stated period of time after the conclusion of the hearing, the board of trustees shall make a decision based upon the evidence provided in an outlined findings of facts statement provided by the zoning administrator and/or code enforcement officer. If the board of trustees determines that the conditions violate the provisions of this ordinance, the board of trustees will order an abatement of the blight and/or nuisance within five (5) days of its decision. The order may include specific language to repair, remove, demolish, or abate from the violation. If the blight and/or nuisance is not abated within the time provisions established, then the zoning administrator and/or code enforcement officer may abate the blight and/or nuisance. The cost associated with this abatement will be charged to the property owner(s).

Section 10: Abatement and Costs

All expenses incurred by the zoning administrator and/or code enforcement officer in abating any blight and/or nuisance shall be charged to the property owner(s). If stated person(s) fails to pay the expenses within thirty (30) days after a statement is provided to him/her, the amount of expenses incurred by the township may be paid from the township's general fund for the amount provided in

the cost of curing the stated violation(s). The township may place an assessment against the premises on the current or next year(s) assessment roll to be collected in the same manner as other taxes are collected. The township shall have a lien placed upon such lands for expense, with said liens to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens. Expenses incurred by the code enforcement officer in abating a nuisance under this ordinance shall also include any administrative fees and/or legal fees and expenses.

Section 11: Severability

The provisions of this ordinance are hereby declared to be servable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect hereafter.

Section 12: Effective Date

This ordinance shall take effect immediately upon its adoption by the Peninsula Township Board of Trustees.

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