

# Second Packet Addition

**Revisions to the Existing  
HRA Resolution  
(Amended a second time)**

PENINSULA TOWNSHIP  
Resolution No. \_\_\_\_\_ of 2019

At a regular meeting of the Peninsula Township Board held in the Peninsula Township Hall, located in Peninsula Township, Grand Traverse County, Michigan on \_\_\_\_\_, 2019

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to wit:

**Resolution**

NOW, THEREFORE, BE IT RESOLVED that the Peninsula Township Board hereby establishes the following Policy Allowing Eligible Employees and Elected Officials the Ability to Opt Out of Peninsula Township's Health Insurance and with Provisions Allowing for Payment in Lieu of Health Insurance which shall be applicable to all eligible full time employees and elected and appointed officials of Peninsula Township:

**PENINSULA TOWNSHIP**

**POLICY ALLOWING FULL TIME ELIGIBLE EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS THE ABILITY TO OPT OUT OF THE TOWNSHIPS HEALTH INSURANCE AND WITH PROVISIONS ALLOWING FOR PAYMENT IN LIEU OF HEALTH INSURANCE**

**A. Definitions.**

1. "Eligible Employee" means a full time employee who is not eligible for health insurance coverage under the Peninsula Township Health Insurance Plan. Eligible Employee shall also mean eligible employee's spouses and eligible dependents (hereinafter collectively "Eligible Employee").
2. "Eligible Elected Official" means an official elected or appointed to public office who works full-time and is not eligible for health insurance coverage under the Peninsula Township Health Insurance Plan.
3. "Reimbursement" shall mean those eligible employees and/or elected officials (including spouses and eligible dependents) shall be entitled to consideration of reimbursement/cash of out-of-pocket-costs as set forth herein.

4. "Out-of-Pocket-Cost" is the amount the eligible employee and/or elected official must pay from personal funds for third party Health Insurance outside of Peninsula Township's offered plan.
  5. Non-Eligible and Non-Eligible elected officials who are full time employees are those individuals who qualify for participation in the Peninsula Township Health Insurance Plan.
- B. Eligible Employees and Eligible Elected Officials who cannot participate in the Peninsula Township Health Plan shall be paid an additional amount of money in the form of taxable wages resulting from their inability to participate in the Health Plan. The additional amount of taxable wages will be determined individually based on the "out-of-pocket-costs" incurred by the eligible employee or elected official.
  - C. Non-Eligible and Non-Eligible elected officials who decline coverage or participation in the Peninsula Township Health Insurance Plan shall not be entitled to any compensation, wages, or any other form of compensation in lieu of not taking coverage.
  - D. To be eligible for taxable wages resulting from their inability to participate in the Health Plan, the Eligible Employee or Elected Officials must have written proof of other medical insurance, whether it is the employee's or elected official's private insurance through a spouse, Medicare benefits, or otherwise. The written proof must document the "out-of-pocket" cost to the eligible employee or elected official for the medical insurance.
  - E. The written proof can include a letter from the employer who insures the employee or elected official under a separate health insurance plan, an insurance card with a current date showing coverage, together with copy of proof of payment to the insurance company or employer, or in the case of Medicare, a copy of the annual notice from Social Security showing that the employee or elected official is enrolled in Medicare Part B for coverage with a current amount and date showing coverage.
  - F. By example, a letter can be from a spouse's employer stating that the eligible employee or elected official is currently covered under the spouse's health insurance plan, detailing the amount the spouse is required to pay into the plan (the amount "out-of-pocket"). Another example for private insurance coverage would be a copy showing a current health insurance card together with proof of payment for insurance. This information will be kept on file at the Township. NOTE: If the spouse's health insurance does not require payment for the eligible employee or elected officials participation in the plan, then there is no "out-of-pocket" cost.
  - G. In addition, and unrelated to the right of Eligible Employees and Eligible Elected Officials to receive taxable wages resulting from their inability to participate in the Health Plan, if Peninsula Township has a HSA plan in place, the eligible employee and/or Eligible Election Officials shall be reimbursed for an amount equal to what Peninsula Township would have contributed to an HSA had he/she been covered under the Peninsula Township Health Plan.

- H. Upon approval of the Peninsula Township Board, the cash payment in lieu of medical insurance will be scheduled for the next available paycheck date. Thereafter, the calculated payment will be paid each pay period.
- I. If a non-eligible employee or non-eligible elected official desires to accept Peninsula Township Health Insurance at any time, the non-eligible employee and/or elected official will be subject to the selected plan's normal enrollment and waiting periods.
- J. An Eligible Employee's and /or Eligible Elected Officer's income as defined in paragraph B above is taxable as wages and is subject to FICA, federal and state tax, Medicare and any other like deductions. The amount deducted for taxes shall depend on individual circumstances will be calculated in accordance with the formula contained in Exhibit A.

NOW, THEREFOR, BE IT RESOLVED by the Peninsula Township Board that eligible employees and /or elected officials are hereby able to obtain reimbursement/cash in lieu of medical insurance based upon the Policy stated above.

YES: \_\_\_\_\_

NO: \_\_\_\_\_

This Resolution hereby repeals all other Resolutions dealing with or addressing this topic.

RESOLUTION DECLARED ADOPTED.

PENINSULA TOWNSHIP

By: \_\_\_\_\_  
 Rob Manigold, Supervisor

I, the undersigned, the Clerk of the Township of Peninsula, Grand Traverse County, Michigan, do hereby certify that the forgoing is a true and complete copy of certain proceedings taken by said municipality at its regular meeting held on April 9, 2019, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meetings were kept and will be or have been made available as required by said Act.

**EXHIBIT A: FORMULA FOR CASH IN LIEU OF MEDICAL INSURANCE "GROSS UP"**

**TAX RATES: Example Tax Rates for 2019:**

<b>Federal Tax *</b>	<b>22.00%</b>
<b>FICA Tax</b>	<b>6.20%</b>
<b>Medicare Tax</b>	<b>1.45%</b>
<b>Michigan Tax</b>	<b><u>4.25%</u></b>
<b>TOTAL TAX</b>	<b>33.90%</b>

**"GROSS UP" CALCULATION:**  $1 \text{ minus } .339 = .661$

$$\text{Additional Taxable wages} = \frac{\text{Amount of Insurance}}{\text{Divided by } .661}$$

**EXAMPLE: Assume Insurance is:** \$100.00

Additional Taxable wages - $100/.661 =$		\$151.29
Less: Federal Tax	22%	(33.29)
Less: FICA Tax	6.2%	(9.38)
Less: Medicare Tax	1.45%	(2.19)
Less: Michigan Tax	4.25%	<u>(6.43)</u>
Net cash for Insurance		\$100.00

\* Federal Tax Rate is in accordance with IRS Publication 15, Chapter 7. Supplemental Wages

**Proposed Blight  
Ordinance  
Correspondence**

May 13, 2019

To: Rob Manigold, Peninsula Township Supervisor  
CC: Township Board of Trustees  
From: Jim Raphael, 14826 Mallard Drive, TC 49686  
Re: Comments on Peninsula Township's Proposed Ordinance 54

I was taken aback by the sweeping yet ambiguous language of the proposed Blight and Nuisance Ordinance before the Township Board of Trustees for consideration at its May 14 meeting. It represents a significant increase in the policing powers of the Township over private properties and a corresponding diminishment of certain property rights of the citizens who live here. It almost seems, at a glance, the intent is to transform the Township into a glorified condo development, with the important exclusion, in many respects, of farm properties.

We can all agree there are a few properties on the Peninsula that are blighted one way or the other, and the Township should have the ability to address these isolated cases. To my mind, the offenders are few and the problem of blight is relatively minor. So, to borrow an old metaphor, what is the justification for trying to kill a few mosquitoes with a blockbuster bomb? Are those isolated, outlier properties really leading to the "decline of Peninsula Township and its residents"? If so, it is not evident in the incremental increases in my property taxes each year, which suggest just the opposite. The justification for an ordinance this broad is, at best, weak.

I wrote several comments to the Board when Ordinance 53 was earlier proposed. Some of my concerns were addressed in this new proposal. But a main one was not: defunct, inoperable farm equipment (an undefined broad category that may include trucks, ATVs, snowmobiles, etc. used at some point for farm operations) is basically given an exception in the ordinance because "functioning includes equipment that is dormant for reasons of repair." This is so broad and without time constraint as to render enforcement meaningless. To accommodate the challenges facing farmers to keep their equipment in working order within their operating budgets, language that gives farmers an extended period of time—perhaps six months or even a year—to make the equipment in question functional would be fair, and would go far in improving this blind spot of the ordinance. The same exception for farming interests is reinforced in Section 7. The restrictive paragraphs of this section (C)—what types of motorized vehicles may be considered out of compliance—make no mention of farm equipment; however, when delineating what might be approved as exempt from consideration as junk or abandoned, farm equipment is front and center in all three subparagraphs of D-3 (page 8).

As the ordinance is currently written, the Board of Trustees needs to explain to the general public why junk farm equipment is being disguised as something else and given these exemptions, if the purpose of the ordinance is to protect the safety, health and welfare of the public. Either the Board is using the Township's police



power to promote a legitimate public interest for all citizens, or it is not. It is not fair or in the public interest to exclude one group of property owners while bringing the full force of the law onto all others.

Another general objection to the proposed ordinance is the disregard for private property rights in certain instances and the lack of due process afforded to citizens whose property becomes the subject of Township action. I assume the means of enforcing the ordinance include the right of the zoning administrator, code enforcement official, or deputy sheriff to enter private properties, including inside buildings, without the owner's permission (rationalized trespassing?). Who is to decide which properties are to be checked out as potential violators of the ordinance? And given all the language in the ordinance about inoperable vehicles, etc. how does the Township propose to determine which ones might be out of compliance? Are you going to ask property owners to start questionable vehicles in the presence of a Township official?

One final concern with the proposed ordinance overall is that it gives discretionary policing power to the zoning administrator and code enforcement officer to interpret and enforce the ordinance, and to decide by themselves what situations/conditions are in or out of code. This potentially exposes the process to the personal preferences and prejudices of these several individuals with no checks prior to citation; the only recourse for those cited is the right of appeal to the Township Board after the fact. A better system would include a complaint hearing conducted before an impartial citizen board prior to citation. Since the code enforcement officer is also a member of the Township Board and since the zoning administrator works for the Board, the Board is not in a position to act as an impartial avenue of appeal, in my view. It is not difficult to imagine lawsuits will follow at some point.

There also are a number of specific items in the proposed ordinance that need further work.

Throughout the document, the word "township" is not capitalized. Since it refers specifically to Peninsula Township and is a proper noun, this should be changed to "Township" throughout. If necessary, add something about the interchangeability of Peninsula Township and Township in the definitions section.

Section 3: Intent. I don't understand the meaning of "potential blight." This sounds like a Phillip Dick novel, forecasting blight to take place in the future. Define further or strike.

Section 4: Definitions. A. Blighted. This is just a string of words, not a definition. Some of the words are adjectives and some are nouns. This needs to be cleaned up.

Section 4 B. 2. "The Township may consider but is not limited to considering the following factors..." This much too vague and open ended, given the fact that the

ordinance gives the Township significant powers to enter private properties and impose remedies including remediation costs and assessments. The clause "but is not limited to" should be struck. The Township needs to be specific and clear about what will be considered out of code at the time the ordinance is adopted. Future amendments to the list could be added if necessary.

Section 4. I and J. How and who is going to be able to determine if vehicle is not running or doesn't have a functioning battery, etc. for 7 days? Seven days is an arbitrary and unrealistic time frame. Section 4.J-4: One consequence is the ordinance would seem to prohibit an individual who does not own a garage, or whose garage is too small, from working to repair a vehicle on his/her own property. That is a significant taking of property rights.

Section 4-K. Yard trimmings and cut or broken branches are blight? Really? This is supposed to be a rural township. Perhaps broken branches in the road right of way or some designated distance from a roadway would be appropriate; the current wording is too open ended. There are properties all over the Township with broken branches on the ground.

Section 4-U. Watercraft. "including foreign and domestic vessels, passenger and other cargo-carrying vessels..." Please strike; this makes no sense in the context of the waters and shoreline surrounding the Township and their use.

Section 5: Blight. The term "blighting factors" has no meaning; it should be clarified or struck.

Section 5.F. The second part of the sentence makes no sense grammatically.

Section H. The language in H contradicts Sec. 5.B. 1 about screening junk.

Section 6. A. Remove "for any duration of time." It is meaningless.

Section 6.B. This a major over-reach with respect to the police power of the Township and a taking of private property rights. A vehicle in someone's driveway is okay until they put a "for sale" sign on it, and it then becomes a nuisance after three days? Meanwhile, the same person may have a "for sale" sign for his/her house for months! This makes no sense. Please strike this entire sub-section.

Section 7. B is an exact duplication of Section 5.H. Eliminate one or the other.

Section 9: Hearings. The process as outlined is a closed loop; it makes the Township the prosecutor, judge and jury. With potential, significant costs to cited landowners at stake, there should be an outside, impartial arbitration or appeal mechanism established and available, instead of the Township Board serving this role. (At a minimum, the code enforcement officer would have to recuse himself from any blight or nuisance hearing brought before the Board; as one who issues citations, it

is unreasonable to expect him to also sit on the Board and objectively entertain an appeal to his own citation.)

Finally, the seven-day time period to remove junk or ameliorate blight seems unreasonable, given how difficult it is these days to find available labor. Moreover, there are a number of residents who leave the Township for months at a time. How can they be expected to remedy a non-compliant situation within seven days? Rather than having this ordinance go into effect immediately, the Township ought to make it effective three months from the time of passage, so that property owners already identified as potentially out of compliance (per Section 2) can be notified and have adequate time to take corrective measures.

Given the possibility the ordinance might lead to an increase in the billable hours of the code enforcement officer over time, I would suggest he recuse himself from the final Board vote on it.

In sum, the ordinance as proposed is not ready for a vote, in my view. Thank you for your consideration of the points raised in this memo.

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## Rob Manigold

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**From:** Joe Gorka <joewgorka@gmail.com>  
**Sent:** Monday, May 13, 2019 10:33 AM  
**To:** Peninsula Twp. Supervisor Rob Manigold  
**Cc:** joewgorka@gmail.com  
**Subject:** Proposed Blight Ordinance Questions and Comments

Rob,

After going through the proposed Ordinance for the Public Hearing on the 14th, and checking into the current Junk and Dangerous Buildings Ordinances, i have some comments that might be useful in your efforts with the Board.

As an alternative, how about including the needed and new definitions and provisions into simple amendments into the existing Junk and Dangerous Buildings Ordinances, so there's no need to compare the new Ordinance with the existing Dangerous Buildings Ordinance to see which language ", or the provision precedence over this ordinance unless otherwise stated....." to locate the more restrictive or limiting provisions.

As a Board member and a resident I would be concerned about the proposed Dangerous Buildings process and proposed Ordinance lack of process in general and would want to see how it all could be coordinated with the existing Dangerous Buildings Ordinance that, according to the new draft, is still enacted and "takes precedence over this ordinance unless otherwise stated, in any event, or the provisions or standards that are more restrictive or limiting shall govern."

It also seems strange that the ZA is given enforcement powers along with the Enforcement Officer when the ZA is not listed in the Ordinance Enforcement Officer Ordinance.

I notice no action is intended on the 14th which indicates the Town Board may recognize some of the issues or at least hope they do.

If this proposed Ordinance was drafted by the Township Attorney I would be concerned and , if not, even more concerned.

We don't have a dog in this race, and yet I feel obliged to help the Township stay between the white lines and enact an Ordinance that is simple, understandable and be an Ordinance that a busy Judge will tolerate and interpret as the Township intends.

Best.

Joe Gorka

May 6, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

To the Town Board:

**As a resident of Peninsula Township, I am opposed to the proposed Blight and Nuisance Ordinance No. 54. It is not in the interest of the residents of Peninsula Township, nor does it reflect the spirit of our community. I ask the Town Board not support this ordinance.**

Sincerely,

A handwritten signature in black ink, appearing to be "K. O'Neil", written over a horizontal line.

May 6, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

To the Town Board:

**As a resident of Peninsula Township, I am opposed to the proposed Blight and Nuisance Ordinance No. 54. It is not in the interest of the residents of Peninsula Township, nor does it reflect the spirit of our community. I ask the Town Board not support this ordinance.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Nix".

May 8, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

**Our business is opposed to the proposed Blight and Nuisance Ordinance No. 54. It is not in the interest of the residents of Peninsula Township. Please do not support this ordinance!**

Sincerely,  Joseph BATEWICK Old Mission Tavern

May 6, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

To the Town Board:

**As residents of Peninsula Township, we are opposed to the proposed Blight and Nuisance Ordinance No. 54. It is not in the interest of the residents of Peninsula Township, nor does it reflect the spirit of our community. We ask you, the Town Board, not support it.**

Sincerely, Chelsie Platz

Chelsie Platz



May 6, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

To the Town Board:

**As a resident of Peninsula Township, I am opposed to the proposed Blight and Nuisance Ordinance No. 54. It is not in the interest of the residents of Peninsula Township, nor does it reflect the spirit of our community. I ask the Town Board not support this ordinance.**

Sincerely,   
BILL NIXON

May 6, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

To the Town Board:

**As a resident of Peninsula Township, I am opposed to the proposed Blight and Nuisance Ordinance No. 54. It is not in the interest of the residents of Peninsula Township, nor does it reflect the spirit of our community. I ask the Town Board not support this ordinance.**

Sincerely,

A handwritten signature in black ink, appearing to read "Nick De..." with a long horizontal flourish extending to the right.

May 6, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

To the Town Board:

**As residents of Peninsula Township, we are opposed to the proposed Blight and Nuisance Ordinance No. 54. It is not in the interest of the residents of Peninsula Township, nor does it reflect the spirit of our community. We ask you, the Town Board, not support it.**

Sincerely,



Deb Allen  
15776 Kroupa Rd. S  
Traverse City MI  
49684

May 7, 2019

Clerk  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

Dear Peninsula Town Board

I am writing about the proposed Blight and Nuisance Ordinance No. 54 to be reviewed and voted on at the May 14, 2019 Town Board meeting. This proposed ordinance is terrible. Whoever wrote this ordinance, does not appreciate the difficulties that surround today's business community out here on the Peninsula. Those of us in farming or construction work in a dynamic environment that demands the storage of equipment and materials outside. We often have several vehicles and pieces of machinery that are used in our work.

This ordinance does not take into consideration our special needs. If I have to worry every time I leave something in my yard because someone who does not know my business thinks it is blight, it will have a negative impact on me and my family.

Do not support this proposed ordinance!

Truly,

A handwritten signature in black ink, appearing to read "James D. All", with a long horizontal flourish extending to the right.

**Rebecca Chown**

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**Subject:** FW: Proposed Peninsula Township Nuisance Ordinance

**From:** Jim and Frances Krupka <[jimandfran@yahoo.com](mailto:jimandfran@yahoo.com)>  
**Sent:** Monday, May 13, 2019 2:16 PM  
**To:** [supervisor@peninsulatownship.com](mailto:supervisor@peninsulatownship.com)  
**Cc:** [officemanager@peninsulatownship.com](mailto:officemanager@peninsulatownship.com); [planner@peninsulatownship.com](mailto:planner@peninsulatownship.com); [mgpeters@acegroup.cc](mailto:mgpeters@acegroup.cc)  
**Subject:** Proposed Peninsula Township Nuisance Ordinance

Dear Rob and fellow members of the Township Board:

We are not clear whether this ordinance is going to be discussed tomorrow. The agenda shown on the website for the Board meeting does not list it, but the agenda posted under May 14 is also dated for May 7. Beginning with procedure, a measure of this magnitude needs to be discussed with proper announcement and agenda.

With that said, we strongly oppose this ordinance from top to bottom. Rather than promoting Peninsula Township as a good and valuable place to live, this makes our community extremely undesirable. It is invasive regulating things even inside a home like storing the camp fridge over the winter. Many items are subject to judgment with anyone who does not like a thing or activity of a neighbor able to engage police action to stop it.

When we consider trying to maintain an agricultural operation in this township, interference after interference is poised to emanate from this. Where we keep a piece of equipment or how it looks is subject to impractical judgment. Example, we have a plow that we use when we open a new field. Rarely used but needed when it is. We store it outside but out of sight. This ordinance makes that screening an intentional violation beyond just keeping a tool we need.

In our view this ordinance is vindictive, damaging and invasive. It is beyond fixable and needs a reset.

Respectfully, Frances and Jim Krupka; 16100 Smokey Hollow Road, Traverse City, MI 49686 cell:  
Frances: 231.642.6443; Jim 231.649.1339

**From:** Laurie Wilson [<mailto:lw920@yahoo.com>]

**Sent:** Monday, May 13, 2019 8:53 PM

**To:** [dave.peninsulatruster@gmail.com](mailto:dave.peninsulatruster@gmail.com); [marge.peninsulatruster@gmail.com](mailto:marge.peninsulatruster@gmail.com); [Wunschis23@gmail.com](mailto:Wunschis23@gmail.com); [warren.peninsulatruster@gmail.com](mailto:warren.peninsulatruster@gmail.com); [supervisor@peninsulatownship.com](mailto:supervisor@peninsulatownship.com)

**Subject:** Blight Proposal

Hi,

My husband and I are OMP residents and are getting ready to build our retirement home on our property. We are definitely in favor of your blight proposal. Please vote YES!!

Attached are three photos of what we see every single day on Bluff Road (where we live).

One is of an RV/camper that is parked on property across the street from us year round. Another is of a trailer parked along the side of the road all year long (same property owner owns both). And the third is the infamous "junkyard" at the corner of Bluff Road and Blue Water.

Before we pour our life savings into our retirement home, we would like to know the township will put an end to these types of situations.

We love this peninsula and the farmland, orchards, homes, and, needless to say, the gorgeous bay. But seeing this kind of stuff everyday is a blight on our community. We are thrilled to see the township recognize the problem and hopefully start to take care of it.

Thank you for your consideration.

Sincerely,

Craig and Laurie Wilson



## Rebecca Chown

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**From:** Rex Hite <bonnieandrex@gmail.com>  
**Sent:** Monday, May 13, 2019 7:40 PM  
**To:** clerk@peninsulatownship.com  
**Subject:** Proposed changes to ordinance - blight

Having served on the Old Mission Planning Commission, I understand the need to state the underlying justification for the language being proposed - Blight and Nuisance Ordinance No. 54. In this particular case, the justification is stated as "an ordinance to secure the public health, safety, and general welfare of the residents and property owners.....". If I recall, this is basically the language that underpins the entire ordinance.

I strongly oppose Section 6B, I would like someone to explain to me how the placement of a car or boat for sale within a residential property (not on the road) in any way impacts the health, safety and general welfare of the community. If the Township cannot substantiate precisely how a car/boat for sale harms the community - this section should be removed. Frankly I believe the real basis for this section is subjective personal taste that will be imposed on all residents - rather than a true impairment of our community health and safety.

I think this entire section should be stricken from this proposed ordinance - this is a classic example of government overreach. Residents do not place cars or boats for sale on their lawn as lawn ornaments - and want to get it sold as quickly as possible. It is not enough to simply modify the time allowed to place cars/boats on lawns for sale.....the entire clause must be removed.

Thank you.

Rexford Hite  
14178 Bluff Road  
Traverse City, Michigan



## Rebecca Chown

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**From:** Mary Swift <mswift@chartermi.net>  
**Sent:** Tuesday, May 14, 2019 8:25 AM  
**To:** 'ROB MANIGOLD'; clerk@peninsulatownship.com; treasurer@peninsulatownship.com  
**Cc:** Mary  
**Subject:** Blight Ordinance #54

Please share with Trustees.

The subject ordinance is **much needed oversight** to help remedy years of blight and junk in our beautiful township landscapes. Thank you!

A couple of points:

- It is unclear on “burn piles” – they are not specifically mentioned. There are huge piles within the view sheds that are never burned. Perhaps some consideration of size of piles and duration of their remaining in sight is necessary.
- The language is silent on how a citizen can file a complaint and the process for following through. It would be helpful if citizens had this information in the ordinance.

A year ago, I wrote about the then planned Junk Ordinance #53. I'm happy to resend that letter as a reminder of how not to write a junk ordinance. I'm repasting the salient points here as a reminder why Ordinance #54 is needed.

April 5, 2018

To: Peninsula Township Board

cc: Peninsula Township Planning Commission

Subject: Junk Ordinance No. 53

The subject ordinance should NOT be passed in its present form. I applaud the Township for its efforts at crafting this ordinance; however, it is insufficient to adequately address the “junk” issues in a broad, fair, and straightforward manner.

The current draft is deficient in many areas, primarily the farming area. Let's start with the definitions, which do not sufficiently cover even the basics. A simple example would be construction debris doesn't deal with wood, tree stumps, brush from construction sites. Abandoned vehicle is obtuse and difficult to understand. Farm equipment doesn't adequately address what farm equipment is nor the length of time equipment can be “dormant or down for repair,” and it is not dealt with in Section B. As for 'junk' definition, a fallen tree is now junk? Branches? Overgrown vegetation obstructing public view? And who says these things are junk? A neighbor, the Township? How long can a tree (brought down by an act of God, for example) be left before it's considered 'junk'? Why is Farm Equipment completely excluded?

For too long, a few of our farm neighbors have taken advantage of their “right to farm” and have used that right to create blight in areas we have taxed ourselves to protect – view sheds along main corridors and scenic routes. This ordinance seems to have been written by someone who is biased in favor of farm owners and completely ignores the rights of those being taxed to protect our Peninsula from this blight. Section B Farm Uses and Farm Equipment is so benign it might as well not even be in the ordinance. “This ordinance shall not regulate outdoor storage of defined

“Farm Equipment” which is dormant or which is under repair for reasonable period of time.” This leaves the “farm” completely above this ordinance, which makes this ordinance one-sided, unenforceable, and unfair.

I expect a junk ordinance to be fair to all – residential, commercial, and agriculture. Right to farm is not a right to be exempted.

Mary Swift

May 7, 2019

Clerk - Becky Chown  
Peninsula Township  
13235 Center Road  
Traverse City, MI 49686

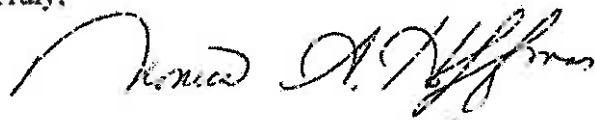
Dear Peninsula Town Board

I am writing about the proposed Blight and Nuisance Ordinance No. 54 to be reviewed and voted on at the May 14, 2019 Town Board meeting. This proposed ordinance is terrible. Whoever wrote this ordinance, does not appreciate the difficulties that surround today's business community out here on the Peninsula. Those of us in farming or construction work in a dynamic environment that demands the storage of equipment and materials outside. We often have several vehicles and pieces of machinery that are used in our work.

This ordinance does not take into consideration our special needs. If I have to worry every time I leave something in my yard because someone who does not know my business thinks it is blight, it will have a negative impact on me and my family.

Do not support this proposed ordinance!

Truly,

  
Monica A. Hoffman

## Rebecca Chown

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**From:** Murphy, Mark (M.T.) <mmurphy9@ford.com>  
**Sent:** Tuesday, May 14, 2019 2:15 PM  
**To:** clerk@peninsulatownship.com  
**Subject:** Blight Ordinance

Hi, we have a place at 13660 Bluff Road. I wanted to comment on the proposed ordinance for blight and debris. I do not support the way it written at all. It seems geared for a subdivision association requirement, not a township.

I have many concerns with it. The biggest for me personally is potential impact to trailers and watercraft. If I read it correctly, you cannot keep or store licensed trailers or watercraft outside. If I'm reading that correctly, I don't agree at all. I do not want to be essentially taxed by have to find storage for my trailer during the summer or watercraft during the winter. It is a recreational area and I think normal expectations would be to see stored trailers and watercraft on driveways or property.

Also, don't agree with many other items as they may affect farmers and the working portion of the community.

I urge for the proposal not to be approved.

Thanks.

Regards,

*Mark T. Murphy (mmurphy9)*  
GEE FEAD Supervisor  
BUILDING 1 OFFICE 12D004  
Phone: 313 805-8937

## Rebecca Chown

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**From:** John Wunsch <john@stringsbymail.com>  
**Sent:** Tuesday, May 14, 2019 2:37 PM  
**To:** clerk@peninsulatownship.com  
**Subject:** Public comment Junk ordinance

Dear board members,

I am writing in regard to the proposed blight, nuisance ordinance. I must urge you to return this proposed language to a committee including citizens as well as staff and commissioners, in order that it is appropriately adapted to our community. With appreciation for efforts that have already been invested, and the intent to resolve some existing conflicts, it clearly needs the input of more citizens and officials.

In addition to disallowing some appropriate and necessary activities in the Township, it does also hold potential as currently written for abuse of authority. It is always important to keep in mind the potential of some unknown future official straying from the intent of an ordinance.

Thank you for your ongoing efforts,

John A. Wunsch  
17881 Center Rd  
Traverse City, MI 49686

jw ~

John A. Wunsch  
President  
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