

TORCH LAKE TOWNSHIP

The following ordinance was adopted at the December 17, 2007 regular meeting of the Torch Lake Township Board of Trustees and is effective January 26, 2008.

BLIGHT ELIMINATION ORDINANCE #12-2007

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Torch Lake Township, Antrim County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL 125.71, *et seq.*).

THE TOWNSHIP OF TORCH LAKE, ANTRIM COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Torch 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 Torch Lake Township. Based upon the findings that have been made by the Torch Lake Township Board of Trustees, the purposes of this Ordinance are to protect and promote the public health, safety and welfare of Township residents.

Section 2: Definitions

"Blighted property" means property that meets any of the following criteria:

- (1) The property has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
- (2) The property is an attractive nuisance because of physical condition or use.
- (3) The property is a fire hazard or is otherwise dangerous to the safety of persons or property.
- (4) The property has had the utilities, plumbing, heating, or sewerage disconnected, destroyed, removed, or rendered ineffective for a period of 1 year or more so that the property is unfit for its intended use.

(5) The property is tax reverted property owned by a municipality, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a municipality, a county, or this state shall not result in the loss to the property of eligibility for any project authorized under this act for the rehabilitation of a blighted area, platting authorized under this act, or tax relief or assistance, including financial assistance, authorized under this act or any other act.

(6) The property is owned or is under the control of a land bank fast track authority under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774. The sale, lease, or transfer of the property by a land bank fast track authority shall not result in the loss to the property of eligibility for any project authorized under this act for the rehabilitation of a blighted area, platting authorized under this act, or tax relief or assistance, including financial assistance, authorized under this act or any other act.

(7) The property is improved real property that has remained vacant for 5 consecutive years and that is not maintained in accordance with applicable local housing or property maintenance codes or ordinances.

(8) The property has code violations posing a severe and immediate health or safety threat and has not been substantially rehabilitated within 1 year after the receipt of notice to rehabilitate from the appropriate code enforcement agency or final determination of any appeal, whichever is later.

Section 3: Causes of Blight or Blighting Factors

It is hereby determined that 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 property(ies). On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Torch Lake Township owned, leased, rented or occupied by such person, firm or corporation.

In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.

In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by Torch Lake Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind,

except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term “junk” shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose for which it may have been intended.

In any area, the existence of any vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.

In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within a reasonable time.

Section 4: Enforcement and Penalties

This ordinance shall be enforced by the Township Supervisor or designee, the Township Constable or by such person(s) who shall be so 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 in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 14 days after service of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this ordinance.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:

- (1) For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100) Dollars.

- (2) For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred and Fifty and 00/100 (\$250) Dollars.
- (3) For a third or subsequent offense within two (2) year of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500) Dollars.

Violators of this Ordinance may be subject to additional sanctions, remedies, injunctions or judicial orders as authorized under Michigan law.

Section 5: Effective Date

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

Doris Leech
Township Clerk