

Garfield Township Blight Elimination Ordinance
Garfield Township Ordinance # 2014 -001

An ordinance to prevent , reduce or eliminate blight, blighting factors or causes of blight within Garfield Township, Kalkaska County, Michigan; to provide for the enforcement hereof ; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by Act 344 of the public acts of 1945, as amended.

THE TOWNSHIP OF GARFIELD, KALKASKA COUNTY, MICHIGAN ORDAINS:

Section 1: Definitions:

A. Blight "Blighted" means property that meets any of the following criteria as determined by the governing body:

(1) Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.

(2) Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(3) Has substantial subsurface demolition debris buried on site so that the property is unfit for its intended use.

B. Nuisance – a thing, condition, circumstance or use that endangers the public health, safety, or that interferes with the enjoyment and use of the land of an individual. A collection (more than 10) or use of articles or items that are not used in the daily operation of a lawful business or farming operation (including sawmill operations) may be deemed a nuisance as defined in this ordinance

C. Motor Vehicle- Any vehicle propelled or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural and construction operations are excluded from this definition.

Section 2: Purpose

The purpose of this ordinance is to prevent, reduce or eliminate blight or potential blight in Garfield 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 Garfield Township.

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 neighborhoods. On and after the effective date of this ordinance, no person, firm, or corporation of any kind shall maintain or permit to maintain any of these causes of blight or blighting factors upon any property in Garfield Township owned, leased, rented, or occupied by such person, firm or corporation. These causes of blight and blighting factors do not apply to a lawfully operating business working within the designs of its daily operations.

Section 4: Storage and Accumulation:

A. In any area the storage upon any property of junk motor vehicles for a period of 365 days from the time of complaint, except in a completely enclosed building or out of sight from property line or easement. For the purpose of this ordinance, the term junk motor

vehicle means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof.

B. In any area that is visible from the property line; the storage upon any property of building materials unless there is in force a valid land use permit issued by Garfield Township and or other necessary permits 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, shingles, mortar, concrete or cement or nails, screws or any other materials used in constructing any structure.

C. In any area that is visible from property line; the storage or accumulation junk, trash, or refuse of any kind without a landfill permit, except household refuse stored in such a manner as not to create a nuisance for a period of not to exceed 365 days. The term "junk" shall include but is not limited to 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.

D. 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 of which it may have been intended, unless structure is deemed to have intrinsic value by the land owner or the community at large.

E. In any area, the existence of any partially completed structure that is hazardous or visible from property line unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the township and unless such construction is completed within a reasonable time.

Section 5: Enforcement and Penalties:

A. Complaints other than environmental threats must originate from a land owner who can experience said blight from his property.

B. Complaints shall be made to Garfield Township Police dept. who will then verify the complaint and gather any necessary evidence that will then be passed on to Township board for review.

C. Both the owner and the occupant shall be legally responsible to remove or eliminate such causes of blighting. The Garfield Township Board shall determine whether to pursue removal or elimination of the causes of blighting against the owner or occupant of the property or both.

D. The Owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blight factors from such property and the time period for removal or elimination pursuant to a decision of Garfield Township Board. 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 blighting factors are in progress.

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

F. A violation of this Ordinance shall be deemed to be a civil infraction, and any person, firm, or entity found responsible therefore shall be subject to a fine not to exceed

\$500 for each offense. A violator of this Ordinance may be subject to additional sanctions, remedies, injunctions or judicial orders as authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Section 6: Effective date and Adoption

This ordinance shall take effect on December 30th, 2014. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

THIS ORDINANCE IS DECLARED ADOPTED ON October 9, 2014, BY VOTE OF THE GARFIELD TOWNSHIP BOARD OF TRUSTEES.

Juanita Persons, Clerk for Garfield Township

Yeas 3, 1 nay, 1 absent **Ordinance Declared Adopted**

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Juanita Persons, the duly elected Clerk of the Township of Garfield, Kalkaska County, MI, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Garfield on October 9, 2014. That said meeting was conducted a 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 the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on November 5, 2014 in The Leader and Kalkaskian, a newspaper circulated in the Township of Garfield. Juanita Persons, Clerk