

**Blight Elimination Ordinance
for the
Township of Torch Lake, Michigan**

Ordinance Number 02-08

An ordinance to prevent, reduce, or eliminate blight, blighting factors, or causes of blight within Torch Lake Township, Houghton 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, HOUGHTON 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.

Section 2: 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 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, the storage upon any property of junk motorized vehicles, except in a completely enclosed building. For the purpose of this Ordinance, the term "junk motorized vehicles" shall include any motor vehicle intended for use upon the highways of the State of Michigan and which is not licensed for use upon the highways of the State of Michigan, or shall also include, whether so licensed or not, any motorized vehicle which is inoperable including, but not limited to, snowmobile, off-road vehicle, motorized equipment, boat and motorcycle.

In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, 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, remnant of structure, or part of any structure which, for any reason, is not longer habitable, if a dwelling, nor useful for any other reasonable purpose.

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 Houghton County and unless such construction is completed within a reasonable time.

Section 3: Enforcement and Penalties

This Ordinance shall be enforced by such persons 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 10 days after service 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 bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

Failure of the owner or occupant to comply with such notice within the time allowed shall constitute a violation of this Ordinance, and each day after the time for compliance shall constitute a new and repeat violation of this Ordinance.

Section 4: Civil Infraction Violation

Unless otherwise specified in this Ordinance, a violation of this Ordinance is a municipal civil infraction. Civil sanctions under this Section may include, without limitation, fines, damages, expenses and costs as authorized by Public Act 236 of 1961, as amended, subject to the following provisions:

- a) Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$75, plus other costs, damages, expenses and other sanctions for each infraction.
- b) Increased civil fines may be imposed for repeat violations. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be not less than \$250, plus costs for a first repeat offense, and not less than \$500, plus costs per offense for a second repeat or any subsequent repeat offense.
- c) A municipal civil infraction may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in Court.

- d) Failure to answer a citation to appear in Court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- e) Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of PA 236 of 1961, as amended.
- f) A municipal civil infraction is not a crime under this Ordinance, and is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

Section 5: Nuisance Per Se and Injunctive Relief

A violation of any portion of Section 2 of this Ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within the Township, and is deemed a public *nuisance per se*. Any such violation of this Ordinance shall constitute a basis for injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law. The Township or any owner or owners of real estate within the Township may bring an action to enjoin such alleged violation activity.

Section 6: Effective Date and Adoption

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

A motion to adopt Ordinance No. 02-08 was offered by Board member CADWELL and supported by Board member ZURCHER.

Upon a roll call vote, the following voted:

AYE: CADWELL, ZURCHER, LEPISTO, AMBUEHL, ROVANO

NAY: _____

The Supervisor declared the Ordinance adopted.

Karen Rovano
Karen Rovano, Clerk

10-22-2008
Date