

STATE OF MICHIGAN, COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C- 53A-D

ANTI-BLIGHT ORDINANCE AMENDMENT

An Ordinance to amend the Township Regulations regarding blight conditions and blight factors by amending existing provisions and by adding provisions to the Anti-Blight Ordinance.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

ARTICLE II. ANTI-BLIGHT

Sec. 10-16. Purpose.

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945 (MCL 125.71 *et seq.*), as amended, it is the purpose of this article to prevent, reduce or eliminate blight or potential blight in the 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 the township.

Sec. 10-17. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

Firewood means any lumber, timber, trees, branches, stumps or wood byproducts intended to be burned, typically for generating heat or steam.

Illness means an disease or abnormal condition or disorder, which does or could threaten or afflict the health, safety and welfare of the public, including but not limited to such illnesses as Avian Influenza, Chronic Wasting disease, Lyme disease, Rabies, Tuberculosis and West Nile Virus or any other scientifically recognized disease, abnormal condition or disorder.

Nuisance means an interference with the public's or a person's health, safety and welfare or the quiet enjoyment of his or her property.

Parking lot means all areas set aside or designed for the parking of motor vehicles or the loading and unloading of motor vehicles, and includes driveways and all supplementary areas.

Private means not open to the public and intended for the use of the resident or his or her immediate family and guests.

Proprietor means every owner, lessee, tenant or other person having right to possession of all or part of any buildings or grounds covered under this article. Where there is more than one (1) such person, all shall be jointly and severally obligated by the terms of this article.

Public means open to members of the public and intended for the use of the public, regardless if such use is free of charge or paid for.

Stagnant water means any standing, stale, disused or non-flowing water, whether trapped in human artifacts or natural containers, such as discarded bird baths, buckets, cans, faucets, gutters, plant pots, swimming pools, tires, roots, tree trunks or leaf sheaths, that promotes or has the potential of promoting illness and the spread thereof.

Swimming Pool means any outdoor artificially constructed pool, located either above or below ground, built-in or removable, intended for swimming, wading or bathing, having a depth of two feet or more at any point. This includes private and public swimming pools and small rubber or plastic baby wading pools.

Unsanitary means any condition that is unhealthy or unhealthful and tending to harbor or spread illness or disease.

Sec. 10-18: Causes of Blight; blighting factors enumerated.

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 undesired neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the township owned, leased, rented or occupied by such persons:

- (1) *Junk vehicles.* The storage upon any property of junk vehicles except in a completely enclosed building. For the purpose of this article the term "junk vehicles" shall include any motor vehicle which is not licensed for use upon the highways of the state for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days.
- (2) *Building materials.* Except as otherwise stated herein, the storage upon any property of building materials unless there is in force a valid building permit issued by the township for construction upon the property and the materials are intended for use in connection with such construction. Building materials shall include but shall not 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. Notwithstanding the forgoing, if the building materials are stored outside upon private property, based upon a valid building permit, for a period in excess of sixty (60) days, such building materials shall (i) be stored not lower than eighteen (18") inches above the ground; (ii) placed not closer than two (2') feet from any property line; (iii) stacked in an neat and orderly manner; (iv) not be rotted or otherwise deteriorated; and (v) not be infested with insects or harboring animals.
- (3) *Junk, trash and rubbish.* The storage or accumulation of junk, rubbish or refuse of any kind, except as provided herein. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other materials or other cast-off materials of any kind whether or not the same could be put to any reasonable use. On properties used for single-residential purposes, domestic refuse originating from such premises may be stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The refuse shall be stored in suitable

containers so as to protect it from wind, rain and animals and shall be shielded from view of adjacent areas except when placed at the property line for removal on the day of removal. The proprietor of the premises shall provide for removal of all domestic refuse at least every thirty (30) days and more often if necessary to prevent the creation of a nuisance. In any area used for business or multiple-residential purposes, domestic refuse originating on such premises may be stored for a period not to exceed ten (10) days in such a manner as not to create a nuisance. The refuse shall be stored in appropriate watertight, commercial-type containers, shielded from view of adjacent areas. The proprietor shall provide for weekly removal of all waste, trash, rubbish or refuse of all kinds and more often if necessary to prevent the creation of a nuisance. The proprietor of business or multiple-residential premises shall keep the premises, including parking lots and rights-of-way adjoining the premises, free of junk, trash, rubbish, debris or refuse of any kind and shall provide containers for discards for public use.

- (4) *Damaged buildings.* The existence of any structure or part of structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
- (5) *Vacant buildings.* The existence of any vacant building not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- (6) *Incomplete structures.* The existence of any partially completed structure is a cause of blight or blighting factor unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the township, the structure and property are being properly maintained, and the construction is continuing and completed within the time prescribed by the building permit and applicable rules and regulations.
- (7) *Swimming pools.* Any and all private or public swimming pools and pool equipment that contributes to health, safety or welfare hazards or constitutes a nuisance, unsanitary condition, cause of illness or potential cause of illness, shall be abated, removed or repaired.
- (8) *Stagnant water.* Any and all stagnant water that contributes to health, safety or welfare hazards or constitutes a nuisance, unsanitary condition, cause of illness or potential cause of illness, shall be abated, removed or drained.
- (9) *Firewood.* Any and all firewood stored outside and upon any property unless said firewood (i) is stored not lower than eighteen (18") inches above the ground; (ii) is placed not closer than two (2') feet from any property line; (iii) is stacked in a neat or orderly manner; (iv) is stacked with dimensions not exceeding five (5') feet in width, five (5') feet in height, and fifty (50') feet in length; (iv) is not rotted or otherwise deteriorated; and (vi) is not infested with insects or harboring animals.

Sec. 10-19. Exceptions to article.

The causes of blight or blighting factors set forth in section 10-18 shall not be determined to be causes of blight or blighting factors and subject to the prohibitions of this article if such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question.

Sec. 10-20. Enforcement; penalties.

(a) This article shall be enforced by such persons who shall be so designated by the township board.

(b) 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 10-18 is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within seventy-two (72) hours after service of the notice upon him or her. Such notice may be served by posting at the property, or by personal service or refusal, or on the first day after mailing by first class U.S. mail to the property and to the owner or occupant's last known address, if different from the property. The enforcement officer may grant additional time where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(c) Failure of owner or occupant to comply with such notice within the time allowed by the township shall constitute a criminal misdemeanor pursuant to chapter 1, section 1-10(a) et seq. of the township code. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense pursuant to chapter 1, section 1-10(c) et seq. of the township code. In addition to the criminal penalties stated above, pursuant to chapter 1, section 1-10(d) et seq. of the township code, the township may enjoin or abate any violation of this article by seeking a warrant from the court, and if issued, shall enter upon the buildings or grounds, without further notification to the owner or occupant as provided for in section 10-20(b) above, and perform the work required to abate, remove, repair or drain the condition. Further, the cost thereof shall be assessed against the owner or occupant's property, which cost shall be collected and treated in the same manner as property taxes assessed under the general laws of this state.

(d) Where the enforcement of any part of this article constitutes a hardship, and upon an appeal by the proprietor, the township board may waive any such part of this article as it deems necessary.

(e) When any condition constitutes an immediate hazard to the health, safety and welfare of the public, and where the delay of notification would serve to further endanger the public, the Township may enter upon the buildings or grounds, without notification to the owner or occupant as provided for in section 10-20(b), and perform the work required to abate, remove, repair or drain the condition. Further, the cost thereof shall be paid by the owner or occupant, and if not paid within 30 days from the date of any billing statement, shall be assessed against the owner or occupant's property and collected and treated in the same manner as property taxes assessed under the general laws of this state.

Section 2 of Ordinance

All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance, be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 4 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 5 of Ordinance

Every word importing the masculine gender will extend to and be applied to females as well as males. Every word importing the feminine gender will extend to and be applied to males as well as females. Every word importing the singular number may extend to and embrace the plural number. Every word importing the plural number may be applied to and limited to the singular number.

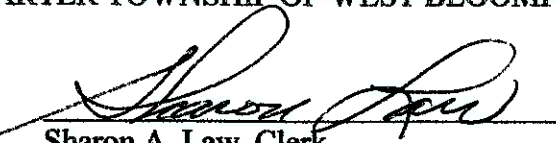
Section 6 of Ordinance

The provisions of this Ordinance are hereby ordered to take effect immediately upon publication.

CERTIFICATION

It is certified that the Ordinance set forth above was duly adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on March 19, 2007, to be effective upon publication as provided by law.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: 
Sharon A. Law, Clerk

INTRODUCED: 3-05-07
ADOPTED: 3-19-07
EFFECTIVE: 3-26-07
PUBLISHED: 3-25-07