

**WAVERLY TOWNSHIP
ANTI BLIGHT ORDINANCE - 2007**

THE TOWNSHIP OF, WAVERLY, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Waverly Township, Van Buren County, Michigan; 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 WAVERLY, VAN BUREN COUNTY, MICHIGAN, ORDAINS:

Section I. Purpose

Consistent with the letter and spirit of the above-mentioned statutes, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Waverly Township by the prevention or elimination of certain causes of blight or blighting factors which exist or which may in the future exist in Waverly Township.

Section II. Definitions.

The following terms as used within this ordinance are defined as follows:

- A. "Alleged violator" means the tenant, occupant and owner of property which is the subject of a complaint brought pursuant to this ordinance;
- B. "Blighted Area" means any portion of the Township developed or undeveloped, improved or unimproved, marked by a demonstrated pattern of deterioration in the physical conditions of the property, physical deterioration of structures and/or improvements, or other similar characteristics which may endanger the health, safety or general welfare of the Township. The following conditions and circumstances shall be included within this definition:
 - 1. A public nuisance in accordance with local housing, building plumbing, fire or other related code or ordinance, excluding the Township Zoning Ordinance;
 - 2. An attractive nuisance to children and/or others because of physical condition, location, use or occupancy;
 - 3. Fire hazard, used for illegal purpose, or is otherwise dangerous to the safety of persons or property;

4. In any platted subdivision, the storage, parking or permitting to be stored or parked of any junk, unused, dilapidated, unlicensed or disassembled motor vehicle, road tractor, trailer or semi-trailer, outside of a fully enclosed building is prohibited. A junk, unused, dilapidated, unlicensed or disassembled motor vehicle, road tractor, trailer or semi-trailer is defined as a blighting factor if it has been unassembled or inoperable for more than seven (7) consecutive months; or when used solely for highway travel - unlicensed and inoperable for more than seven (7) consecutive months;
 5. In all areas, except within the confines of a duly licensed junk yard, the storage, parking or permitting to be stored or parked more than one (1) junk, unused, dilapidated, unlicensed or disassembled motor vehicle road tractor, trailer or semi-trailer, outside of a fully enclosed building is prohibited. A junk, unused, dilapidated, unlicensed or disassembled motor vehicle, road tractor, trailer or semi-trailer is defined as a blighting factor if it has been unassembled or inoperable for more than twelve (12) consecutive months; or when used solely for highway travel - unlicensed and inoperable for more than twelve (12) consecutive months.
- C. "Enforcement Officer" means the person(s) or agency designated by the Township Board to administer and enforce this Ordinance.
- D. "Farm" means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products;
- E. "Farm operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products;
- F. "Generally accepted agricultural and management practices" means those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from Michigan State University College of Agriculture and Natural Resources Extension and the Agricultural Experiment Station in cooperation with the United States Department of Agriculture Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations;

Section III. Nuisance Per Se

Any blight or blighting factor as herein defined is declared to be a nuisance per se.

Section IV. Exception

Equipment, machines and/or structures, constituting a blight factor resulting in blight and a nuisance per se per this ordinance, shall be exempted from the provisions of this ordinance if utilized in the ownership of a farm, farm operations or generally accepted agricultural and management practices, so long as said equipment and/or structures are maintained in a manner indicative of proper storage for purposes of safety.

Section V. Enforcement Procedure

- A. This ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- B. Complaints:
 - 1. Any township resident, owner of adjacent property, or a Township Board member may initiate a written complaint alleging violation of this ordinance;
 - 2. Upon receipt of a written complaint, the complaint shall be reviewed by two (2) Township Board members who are designated on a rotation basis by the Township Board, to determine whether the complaint should be forwarded to the Enforcement Officer for action. In the event the two Board members determine that the complaint is invalid or otherwise fails to meet the standards of this ordinance, then the complaint shall not be forwarded to the Enforcement Officer and the complainant shall be informed of the deficiency.
- C. Enforcement Officer Procedure.
 - 1. Upon receipt of a written complaint, the Enforcement Officer shall follow the following procedures:
 - a. Perform a review of the subject property alleged to be in violation of the ordinance, including a "drive-by" to view the property and take photographs of property conditions visible from public areas or in plain view from adjoining properties.

- b. Under no circumstance shall the enforcement officer go onto the property unless given permission by the property owner; in addition, if it is necessary to determine whether or not the alleged violation is in plain view from adjoining properties, the Enforcement Officer shall first obtain the permission of the adjoining property owner(s) or tenant before going onto their property to make that determination.
2. Enforcement Officer sends a letter (the form and contents of said letter being provided by the Township) to the alleged violator stating the cause of the violation and gives the alleged violator fourteen (14) days to respond whether the violation is factual and if clean-up will occur;
3. After the initial fourteen (14) day response time has expired, or after the date the alleged violator has agreed to a specific clean-up date by which the violation would be removed, whichever is later, the Enforcement Officer will do a 2nd drive-by to view the alleged violation to determine the status of the alleged violation.
4. In the event the alleged violation remains upon the second drive-by the Enforcement Officer, the Enforcement Officer will send the alleged violator a second letter (the form and contents of said letter being provided by the Township) stating the alleged violation and response time of fourteen (14) additional days is given for removal of the alleged violation and/or that the alleged violator may meet with the Township Board members who are on the rotation as set forth in Section V(B)(2).
5. If the alleged violation has not been removed by the second drive-by, the Enforcement Officer will also notify the Township Supervisor of non-compliance.
6. The Enforcement Officer shall prepare a report of the alleged violation to be presented to the Township Board at the next scheduled regular meeting.

D. Township Board Action.

After the above procedure has been followed:

1. Township Board reviews the alleged blight violation report prepared by the Enforcement Officer.
2. Township Board votes whether or not to have the Township Attorney send the first of two letters notifying the alleged violator that the Township will take court action if the violation is not corrected.
3. Seven (7) days prior to the next regular Board meeting, the Supervisor or his or her designee will do a drive-by and prepare a report to the Township Board and Township Attorney for the next meeting.
4. At the next regular Board Meeting, the Township Attorney will report to the Board the response of the alleged violator and the time table for removal of the alleged blight. If there is no response from the alleged violator, the Township Attorney will send a second letter restating the violation and court action if no response.
5. At the 3rd regular Board meeting, the Township Attorney will report to the Board regarding this alleged blight violation. The Township Board will vote on a resolution regarding whether to instruct the Township Attorney to proceed to court to request permission to hire a 3rd party to remove the blighting situation by court order as provided in Section VI.

Section VI. Remedies

The Waverly Township Board, after resolution duly adopted, may take action in any Court of competent jurisdiction to cause abatement of the nuisance and violation of this ordinance. In the event of Court action being pursued, the Township shall seek the following redress:

- A. An order compelling removal of the alleged violation by the alleged violator by a date certain;
- B. An order allowing the Township, in the event the alleged violator fails to comply with the court order regarding the mandated date for removal of the alleged violation, to take all necessary steps, including but not limited to the

employment of a third party, to enter the subject property and remove the blight factors resulting in blight in violation of this ordinance;

- C. An order compelling payment by the alleged violator to the Township for reimbursement of the costs and expenses incurred by the Township to the Enforcement Officer, as well as actual attorney fees and costs, for enforcement of this ordinance;
- D. An order permitting the Township, in the event the alleged violator fails to comply with the payment required by the previous paragraph, to impose a lien in the form of a special assessment upon the subject property.

Section VII. Repeal

Any and all anti-blight ordinances previously adopted by Waverly Township, as amended, are hereby repealed.

All ordinances or provisions of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section VIII. Miscellaneous

This ordinance is not intended to repeal, modify or in any way supercede the provisions of the Township Zoning Ordinance.

Section IX. Effective Date and Adoption

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

Motion by: Ruitter Second by: Dorr

Upon roll call vote, the following voted:

Wilfong: Yes
Dahms: Yes
Dorr: Yes
Millek: Yes
Mitchell: Yes

Adopted: March 1, 2007

WAVERLY TOWNSHIP

Jean Dahms
Clerk, Waverly Township