

5.07.0

ANTI-BLIGHT
CITY OF ORCHARD LAKE VILLAGE, MICHIGAN
Ord. no. 5.07 eff. Feb 26, 1982

5.07.01

Sec. 1. PROHIBITION OF BLIGHT.

No person or business entity shall maintain or permit any blight or any cause of blight upon any premises in the City of Orchard Lake Village (the "City") leased, rented, owned or occupied by such person or business entity. (ord. no. 5.07 eff Feb 26, 1982)

5.07.02

Sec 2. EXAMPLES OF PROHIBITED BLIGHT AND CAUSES OF BLIGHT.

It is hereby determined that the following uses, conditions, activities and structures are causes of blight or blighting factors which, if allowed to exist, will result in blighted and undesirable neighborhoods adversely affecting the surrounding residents and their property:

- (a) *Damaged buildings.* The existence of any structure or part thereof 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 or for some other lawful purpose.
- (b) *Vacant buildings.* The existence of any partially completed or partially demolished structure unless such structure is in the course of construction, repair, alteration or demolition in accordance with a valid and *un-expired building* permit issued by the City *and unless such construction is completed in a reasonable time.* The existence of any vacant dwelling, garage, outbuilding or other structures shall be kept securely locked, the windows closed and glazed and all means of ingress neatly secured against the entrance of unauthorized persons.
- (c) *Noxious weeds.* The existence of noxious weeds or shrubs, dead trees or other unsightly or noxious vegetation. *Noxious vegetation shall include but not limited to Canada Thistle (Cirsium arvense), dodders (any species of Cuscuta), mustards (charlock, black Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus carota), bindweed (Convolvulus arvensis), perennial sow thistle (Sunchus arvenis), hoary alyssur (Berteroa Incana), ragweed (ambrosia elatior), poison ivy (Rhus toxicodendron), poison sumac, ox-eyed daisies, goldenrod, milkweed, or any other varieties, species or plant growth designated by the City of Orchard Lake Village as poisonous and/or injurious. Provided, however that nothing shall apply to fields devoted to growing any small grain crop such as wheats, oats etc. The presence of such weeds upon any lot or parcel of land within the limits of the City are declared to be a public nuisance.*

- (d) *Junk, trash and rubbish.* The *outside* storage or accumulation of junk, trash rubbish or refuse of any kind except as provide herein. *The term "junk" shall include parts of machinery or motor vehicles, unused stove or other appliances stored in the open, remnants of wood, metal or any other cast-off materials on any kind whether or not the same could be put to reasonable use.*

On properties used for singlefamily-residential purposes, domestic refuse originating from such premises shall be stored for a period not to exceed fifteen (15) days in such a manner as not to create a nuisance.

1) The refuse shall be stored in suitable containers so as to protect it from wind, rain and animals and shall be enclosed and shielded from public view and meet waste hauler's size requirements

2) It shall be unlawful for any person to place or cause to be placed refuse for disposal upon the premises of another.

3) All refuse shall be stored on the site of generation and not commingled with recyclables and yard waste.

4) Hazardous refuse is not be placed at the curbside or other designated location for collection and the refuse hauler shall not knowingly collect or deliver hazardous refuse to a processing or disposal site. (Hazardous refuse shall include but not limited to corrosives, toxics, ignitable or reactive ingredients ie. Paint, oils, cleaners, batteries, pesticides etc.)

5) Seasonal yard refuse (i.e. leaves, branches, etc.) shall be exempt from the shielding requirements and shall not be commingled with other refuse. Seasonal yard refuse shall be site generated and placed in approved containers or disposal bags clearly marked "Yard Waste".

6) No refuse, including solid refuse, yard refuse and recyclable material shall be placed at the curbside for collection prior to 4:00 p.m. on the day immediately preceding a scheduled collection day. All storage containers and any waste not removed by the designated refuse hauler, shall be removed from curbside by 9:00 p.m. on the scheduled day of collection. (Exception: Yard refuse can be placed at the curbside for collection after 9:00 a.m. the Saturday before the normal collection day during normal yard refuse collection dates.

7) In any area used for business or multiple-residential purposes, domestic refuse originating on such premises may be stored for a period of seven (7) days in such a manner as not create a nuisance.

a) The refuse shall be stored in appropriate watertight, commercial type containers, shielded from view of adjacent areas.

b) 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.

c) The proprietor of business or multiple- residential premises shall keep the premise, including parking lots and right-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.

(e) Building materials. The outside storage upon any property of building materials unless there is in force a valid and un-expired building permit issued by the City for construction upon the property and the materials are intended for use in connection with such construction. Building materials shall include but are not limited to lumber, bricks, concrete or equipment, shingles, mortar, concrete cement, nails, screws or any other materials used in constructing any structure.

(f) Firewood The outside storage upon any property of firewood shall not be construed as blight when placed in accordance with the following provisions:

- Wood may not be stacked closer than one foot (1') from any portion of a building and no closer than two feet (2') from any property line.*
- Wood stacks or a combination of wood stacks shall have a Dimension of no more than five feet (5') in width, no more than five feet (5') in height and no more than fifty feet (50') in length.*
- Split wood must be stacked in a neat and orderly manner.*
- Wood that has rotted or otherwise deteriorated, creating a haven for animals and insects shall not be allowed to remain.*

- (g) The owner and occupant of any premises whereon the storage or maintenance of items described in paragraph (d) and (e) is permitted shall take all reasonable means to assure that the storage or maintenance of the items is enclosed or otherwise shielded from the public view in a manner consistent with the purposes of this Ordinance as reasonably applicable to the area where the property is located.

5.07.03 Sec. 3. NOTICE.

- (a) It is the responsibility of each owner and occupant to maintain *his/her* premises free from blight and causes of blight, and upon failure to do so, the City shall notify the owner or occupant to remove from the premises of any blight and causes of blight. *The notice shall be in writing and signed by the Building Official or Police Officer* and shall be served on the owner or occupant of the affected premises by certified mail, return receipt requested or served in person, or failing either, a copy of the notice may be posted on the premise affected. The notice shall describe the blight and causes of blight complained about and direct their removal within the time specified in the notice.
- (b) Failure of owner or occupant to comply with such notice within the time allowed by the City, shall constitute a violation of this article.

5.07.04 Sec 4. VIOLATION AND PENALITES.

- A. Municipal Civil Infraction/Payment of Fine. Any person, firm or corporation violating a provision of this ordinance, upon an admission of a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, et. seq.;MSA 21A.101, et. seq., as amended, and shall pay a civil fine as prescribed by ordinance or as determined by the district court, district court judge, or district court magistrate.
- C. Additional Writs and Orders. A person who admits or is found responsible for violation of this ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this ordinance pursuant to Chapter 83 and Chapter 87 of the Revised Judicature Act, MCL 600.101, et. seq.; MSA 27A.101, et. seq., as amended.

5.07.05

Sec 5. ABATEMENT BY CITY.

If the owner or occupant of the premises served with notice under Section 3 (5.07.03) fails to make substantial progress towards the removal of the blight and causes of blight, within the time stated in the notice, then the City may proceed to abate the condition complained about by eliminating the blight and causes of blight, and the City may charge the cost against the affected property as a special assessment in the manner provided for in the City Charter.