

VILLAGE OF OTTER LAKE  
BLIGHT/NUISANCE PREVENTION ORDINANCE  
ORDINANCE NUMBER 5.2

An ordinance to protect the public health, safety and general welfare by preventing, reducing or eliminating blight and nuisances within the Village; to define and prohibit blight and nuisances; to provide for enforcement; to assess costs for blight removal; to provide penalties for violation hereof; and to repeal prior ordinances.

THE VILLAGE OF OTTER LAKE ORDAINS:

ARTICLE I

Section 1. **BLIGHT AND NUISANCES PROHIBITED.** It is hereby determined that the situations defined in Article II constitute blight and nuisances which, if allowed to exist, will result in unsafe, unsanitary, and undesirable neighborhoods. No person shall maintain or permit to be maintained any of the blight or nuisances defined in Article II upon any premises owned, leased, rented, or occupied by such person, to include the public street right-of-ways immediately adjacent to such premises.

ARTICLE II

Section 2. **BLIGHT AND NUISANCES DEFINED.** The outdoor storage of any junk motor vehicle. The term “junk vehicle” shall include any motor vehicle, which is not currently licensed for use upon the highways or roads. The term “junk vehicle” shall also include any motor vehicle, which has been partially dismantled or otherwise inoperable for period of fourteen (14) days. Trailers, contractor’s equipment, and recreational vehicles, including but not limited to, any automobile, truck, bus, motor home, motorized camper, motorcycle, tractor, snowmobile, trailer, or any other type of off-road vehicle, which have been in disrepair for any reason in excess of fourteen (14) days shall be considered “junk motor vehicles”.

Section 2.1 The storage of junk in a motor vehicle, whether licensed or unlicensed, for a period in excess of seven (7) days.

Section 2.2 The outdoor storage or accumulation of junk, rubbish, or trash of any kind. The term “junk” shall include machinery parts, motor vehicle parts, tin cans, unused appliances, wood or metal remnants or any other material or cast off items of any kind, which is not completely screened from view from public streets or residential property.

Section 2.3 The storage or accumulation of garbage of any kind, except domestic refuse originating on the premises and stored in a sanitary manner for a period not to exceed seven (7) days. The term “garbage” shall include food waste matter and discarded food containers as well as any other household refuse which may attract rodents or other vermin. Food waste and other vegetative matter may be composted in accordance with acceptable composting practices which do not attract rodents or other vermin. Placement of garbage or domestic refuse along the street or road right-of-way for pick-up more than twenty-four (24) hours prior to or twenty-four (24) hours after the scheduled garbage pick-up time is prohibited. Furthermore, garbage or refuse shall only be place in a garbage can or similar enclosed container. Placement of garbage or refuse along the street or road right-of-way in a garbage bag or other types of non-enclosed containers is strictly prohibited, unless it is set out on the morning of the scheduled pick-up day.

Section 2.4 The dumping or land filling of any junk, garbage, or junk motor vehicles. The term “dumping or land filling” shall include burying or otherwise disposing of items on property not licensed as a landfill pursuant to the Michigan Solid Waste Management Act.

Section 2.5 The existence of any vacant dwelling, structure, garage, other outbuilding, or other building or

remnant thereof, unless said building, structure, garage, or other outbuilding is kept securely locked, kept in a neat and orderly appearance, protected against the elements, and is inaccessible so as to prevent entrance by vandals, rodents, or other nuisance animals.

Section 2.6 The existence of any partially completed structure, unless such structure is in the course of construction in accordance with a currently valid Zoning permit issued by the Village of Otter Lake and a currently valid building permit issued by the authority having legal jurisdiction within the Village of Otter Lake.

Section 2.7 The existence of any buildings or structures which have been damaged by fire, wind, flood or other deterioration to the extent that they are no longer usable, to include, but not limited to, any building or structure that is not structurally sound, safe for the intended use, weather tight, waterproof, vermin proof, or which is not weather resistant so as to protect said structure from the adverse effects of the elements or from physical deterioration.

Section 2.8 The outdoor storage of mobile homes (other than those which are legally used and occupied for dwelling purposes), truck bodies, bus bodies, or semi-trailers, either as vacant units or storage units.

Section 2.9 The existence of any vacant or abandoned parking area having an improved parking surface with substantial cracks, breaks or potholes, whereby weeds grow therein or causing pooling of stagnant water thereupon.

Section 2.10 The covering of any building or structure, or window(s) of a building or structure, with external boards, metal screens (other than those used to prevent the infestation of insects), grates, or other material(s) in such a manner that the building or structure appears to be unoccupied, without obtaining the proper permits to do so.

Section 2.11 This Ordinance shall not apply to junkyards or salvage yards which are properly zoned and have been granted approval under the Otter Lake Village Zoning Ordinance.

### ARTICLE III

#### Cutting of Grass and Noxious Weeds

Section 3. The property owner (as identified on the most current tax roll), agent, or occupant of land shall not permit or maintain on any such premises any growth of noxious weeds, nor any growth of cultivated turf grass to a height of twelve (12) inches on average; nor any accumulation of dead weeds, grass or brush on any lot less than one (1) acre in size. On lots in excess of one (1) acre in size, the property owner, agent, or occupant of land shall not permit or maintain on any such premise any growth of noxious weeds, nor any growth of cultivated turf grass to a height twelve (12) inches on average, within 50 feet from the edge of property line abutting another property with a dwelling unit located within 50 feet of common property line.

Section 3.1 Noxious weeds shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (chalack, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* 1.), giant hogweed (*Heracleum mantegazzianum*), poison ivy (*rhus toxicodendron*), and poison sumac (*toxicodendron vernix*) and any other species of vegetation determined by the Village as constituting a common nuisance.

Section 3.2 On all private property, trees, brushes and other woody plants growing within the public right-of-way shall be maintained so that no part thereof is obstructing or blocking a public sidewalk, street or road, and must be trimmed in order to allow a minimum eight (8) foot clearance for a public sidewalks, streets and roads.

Section 3.3 EXEMPTIONS. Exempted from the provisions of this article are flower beds, cultivated beds, plots of shrubbery, vegetable gardens, planned natural landscapes, wetlands, woodlots, and land used for agricultural production and/or animal husbandry. It is the desire of the Village to maintain the rural appearance of the area as defined within the Village's Master Land Use Plan.

Section 3.4 The property owner, agent, or occupant of land shall be notified when a violation of Section 3., 3.1 or 3.2 of this Ordinance is observed on the property. The notice shall be sent by first class mail setting forth the violation, requiring the property owner, agent, or occupant of land to voluntarily correct the violation within ten (10) days of the date of the notice of the violation. It shall not be necessary to send more than one notice, per property, per season. The Village may address subsequent violations of this Ordinance, involving the same property, without providing additional notice.

Section 3.5 The Village President may direct Village employees or independent contractors to undertake the necessary work to cut the grass or weeds which have not been cut by voluntary action on the part of the responsible property owner. In the event that Village employees or outside contractors are used to cut weed or grass, the full cost of obtaining compliance, including administrative and collection costs as well as mowing costs, shall be invoiced to the occupant and property owner. Any invoices attributable to a property and not paid within thirty (30) days from the date of the invoice shall be assessed against the property tax roll.

#### ARTICLE IV

##### Enforcement and Penalties

Section 4. This ordinance shall be enforced by officers designated by the Village Council.

Section 4.1 The occupant and the owner (if different from the occupant) of any property upon which any blight or nuisance as set forth in Article II and Article III hereof is found to exist shall be notified in writing to eliminate such blight or nuisance from such property within ten (10) days after notification. The owner of the property, if he does not reside on the property, may be notified by regular mail sent to the address of record on the village tax roll.

Section 4.2 Failure to comply with such notice within the time allowed all constitute a violation of this Ordinance. Each day that there is continued failure to comply shall constitute a separate offense.

Section 4.3 Violation of this Ordinance shall be a municipal civil infraction, subject to payment of a civil fine plus costs and other sanctions, for each infraction pursuant to the Village of Otter Lake Civil Infraction Ordinance No. 32. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Village of Otter Lake Civil Infraction Ordinance No. 32.

Section 4.4 If a property owner fails to eliminate a blight or nuisance after notification to eliminate such blight or nuisance, and the Village deems such blight or nuisance to be an imminent threat to the public health and safety, the Village may cause such blight or nuisance to be eliminated and bill the cost to the responsible party. The cost of such blight or nuisance elimination, if it is not voluntarily paid for by the responsible party, shall be assessed against the property on the next tax roll.

#### ARTICLE V

##### Repeal

The former Blight/Nuisance Ordinance No. 5.1, adopted by the Village of Otter Lake in 2004, is hereby repealed in its entirety.

ARTICLE VI

Enactment and Effective Date

Section 6 This Ordinance was adopted by the Otter Lake Village council at a meeting duly held on the 3<sup>th</sup> day of October, 2016.

Section 6.1 This Ordinance was published in the County Press on the ~~13<sup>th</sup> day of October, 2004~~ ???

Section 6.2 This Ordinance shall take effect twenty (20) days after the date of adoption specified in Section 6.

David W Dorr  
David Dorr, President

Joan Skias  
Joan Skias, Clerk