

VILLAGE OF LINCOLN BLIGHT ORDINANCE

Ordinance Number _____ of 2023

The Village of Lincoln, Michigan, ordains:

SECTION 1: PURPOSE.

It is the purpose of this article to prevent, reduce or eliminate blight or potential blight in the Village by the prevention or elimination of certain causes of blight or blighting factors which exist or which may in the future exist in the Village, and to rehabilitate already blighted areas in the Village.

SECTION 2: DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BRUSH means cut or broken branches.

BUILDING MATERIALS includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, structural or miscellaneous steel, nails, or any other materials used in construction.

COMPLETELY ENCLOSED BUILDING means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

GARBAGE means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that is related to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

INOPERABLE MOTOR VEHICLE means one that is not capable of travel on public highways due to any of the following:

1. The vehicle does not have a valid and current registration.
2. The vehicle is not licensed for operation upon the highways of the state
3. The vehicle is not operable under its own power because of missing, damaged, or broken equipment.

JUNK Includes all rubbish, refuse, and debris including, but not limited to , the following :

nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for onsite use.

JUNK AUTOMOBILE Includes any motor vehicle that is kept, parked or stored other than in a completely enclosed building, and is not in operating condition, is not properly licensed or is incapable of performing the transportation function for which it was manufactured.

The term "junk vehicle" does not include a motor vehicle ordinarily used, but temporarily out of running condition.

JUNK YARD is an area where junk, used or secondhand materials are bought and sold, exchanged, stored, baled, packed disassembled or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open are of more than two hundred (200) square feet for storage, keeping or abandonment of junk. A "Junk Yard" shall include any premise upon which two (2) or more motor vehicles which are unregistered and / or which cannot be operated under their own power, are kept or stored for a period of fifteen (15) days or more outside of an enclosed building.

RUBBISH means nonputrescible solid wastes, excluding ashes, consisting of both combustible or noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, bags, rags, and demolished building materials.

PERSON includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, and any other similar entities or their agents.

SEALED CONTAINER means a covered, closable container which is rodent-proof, fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

SECTION 3: CAUSES OF BLIGHT

It is 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:

1. **JUNK AUTOMOBILES.** The storage upon any property of junk automobiles, except in completely enclosed building or in a licensed junk yard.
 - a. No more than one (1) inoperable vehicles may be stored outside the dwelling or the garage of the dwelling. Any such inoperable vehicle stored outside the dwelling or garage of the dwelling shall not be stored in the front yard and shall be properly covered with a car cover manufactured for that purpose.
 - b. Vehicles utilized for demolition derbies, bump and runs, or similar events shall not be stored or repaired in a front or side yard and shall only be stored or repaired in a rear yard. Vehicles used for demolition derbies, bump and runs, or similar events shall be screened from view of neighboring property or rights of way or shall be kept in an accessory building or attached garage. Vehicles utilized for demolition derbies, bump and runs, or similar events shall only be stored/repaired on a solid foundation made of concrete or a similar impermeable material (not soil or grass).
2. **BUILDING MATERIALS.** The storage upon any property of building materials unless there is in force a valid building permit issued by the village for construction upon the property and the materials are intended for use in connection with such construction. This does not include storage of building materials on property that contains a construction-related business, retail sales of building materials, or the manufacturing/production of building materials. After construction is complete, all construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and / or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this ordinance.
3. **JUNK.** The storage or accumulation of junk, garbage, rubbish, or refuse of any kind, except for
 - a. Junk stored in a licensed junkyard
 - b. refuse stored in a covered container for a period not to exceed 30 days.
 - c. firewood that is neatly stacked so as not to provide harborage for rodents and vermin or
 - d. yard waste compost piles that are properly maintained to prevent odor, rodent, vermin or insect nuisances.
4. **UNINHABITABLE STRUCTURES.**
 - a. **DUE TO DISASTER.** In any area, the existence of any structure or part of a structure which, because of wind, or other disaster, is no longer habitable as a dwelling or is not useful for any other purpose for which it may have been intended and is left in that condition for a period of more than six (6) months will be in violation of this ordinance.
 - b. **DUE TO PHYSICAL DETERIORATION.** In any area, the existence of any structure or part of a structure which, because of physical deterioration, is no longer habitable as a dwelling or is not useful for any other purpose for which it may have been intended.
5. **VACANT BUILDINGS.** The existence of any vacant dwelling, garage, or other outbuilding unless such building is kept securely locked and the windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals or trespassers.

6. **UNMAINTAINED BUILDINGS.** Buildings which are not being maintained or are becoming dilapidated as evidenced by existence of one or more of the following conditions:
 - a. missing, broken, or boarded up windows or doors.
 - b. collapsing or missing walls, roof, or floor.
 - c. structurally faulty foundation.
 - d. seriously damaged or missing siding.
 - e. rodent harborage and / or infestation.
 - f. peeling paint
7. **PARTIALLY COMPLETED STRUCTURES.** 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 the village and unless such construction is completed within the life of the building permit or a valid extension thereof. Every three months, the owner shall provide evidence to the enforcing officer that construction is occurring on a continual basis.
8. **PUBLIC PROPERTY OR PRIVATE PROPERTY.** The placing of junk, garbage, rubbish, or dead animals on private property without the owner's permission, or on any street, alley, or utility easement, or on any public property. This provision applies regardless of whether the junk, garbage, rubbish, or dead animal is in a sealed container.
9. **WASTE.** Intentional depositing of oil, gasoline or industrial wastes on or in the ground or in the storm / sanitary sewer system.
10. **FENCES.** Fences characterized by rot, crumbling, cracking, peeling, or rusting.
11. **OTHER.** Other conditions posing a serious threat to the safety, health and / or general welfare of the community, as determined by the building official; attracts illegal activity, as documented by police reports; or is a fire hazard, as determined by the Fire Chief.

SECTION 4. RESPONSIBILITIES OF PROPERTY OWNERS, TENANTS, AND OCCUPANTS.

1. **PROPERTY OWNERS.** No property owner shall maintain or permit to be maintained any of the causes of blight or blighting factors set forth in Section 3 upon any property in the Village owned by such person.
2. **TENANTS OR OCCUPANTS.** Any tenant or occupant of property in the Village shall also be responsible for any of the causes of blight or blighting factors set forth in Section 3 that he / she creates or permits on the property leased or occupied by him/ her.

SECTION 5. ENFORCEMENT AUTHORITY.

This article shall be enforced by such person as may be designated by the Village President.

SECTION 6. NOTICE OF VIOLATION.

1. **FIRST OFFENSE.** The owner, if possible, or the occupant of any property upon which any of the causes of blight or blighting factors set forth in this article is found to exist shall, upon the first offense, be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within seven (7) after service of the notice upon him / her. Such notice may be served personally, may be attached to or hung on the door of the principal structure on the property, or may be by registered mail.
2. **SUBSEQUENT VIOLATIONS.** For subsequent or repeat violations by the same person, such written notice shall not be required.
3. **GRANTING OF ADDITIONAL TIME.** 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 a state of progress deemed satisfactory to the enforcement officer or if the delay is out of the

control of the property owner due to unforeseen or unusual circumstances, in the opinion of the enforcing officer.

SECTION 7. FAILURE TO COMPLY; MUNICIPAL CIVIL INFRACTION. Failure to comply with the notice provided in Section 6 by the owner and / or occupant within the time allowed shall constitute a violation of this article. A person who violates this article is responsible for a municipal civil infraction.

SECTION 8. REPEAL AND SAVINGS CLAUSE.

1. This Ordinance repeals and replaces any previous Village of Lincoln Blight Ordinance in its entirety.
2. The repeal of any previous Blight Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

I hereby certify that the above Ordinance was adopted by the Lincoln Village Council at a regular meeting held on _____.

Village Clerk

Published:

Effective Date:

Affidavit of Publication Required.