



Todd Stone <retiredinsuttonsbay@gmail.com>

Blight Ordinance

1 message

Todd Stone <retiredinsuttonsbay@gmail.com>

Wed, Feb 28, 2024 at 3:43 PM

To: Midge Werner <supervisor@binghamtwpmi.com>, Midge Werner <jmw202@gmail.com>

Cc: Kathy Morio <clerk@binghamtwpmi.com>, Steve Patmore <zoningadmin@suttonsbaytwpmi.com>, Todd Stone <trustee2@binghamtwpmi.com>

Midge,

In January 2022, Steve Patmore provided a packet of documents to the Board regarding past "Junk Ordinance" work. I went back through that packet to review what has been done and where to pick it up from there.

In that packet there is a document labeled "2016 Nuisance". It appears to be a later revision of an ordinance and was considered by the Board but eventually not taken forward due to various concerns by the Board. The concerns are pretty much what has been discussed more recently by the Board.

In reviewing the ordinance, I have several thoughts about it.

- The ordinance does a good job of defining terms regarding what constitutes junk. This is important and was affirmed by the Township lawyer when he reviewed it.
- It addresses any concerns about farm implements and equipment that may be kept for those purposes. Again, this is important.
- It is set up with a municipal civil infraction (MCI) that makes it easier and less expensive to enforce. Again, this was pointed out by the lawyer.
- It doesn't require a complaint to be filed by a citizen before implementation.. As the lawyer pointed out, having objective standards as to what is being violated and what is not, means that the Township can act on it without a complaint first. It prevents a neighbor to neighbor retaliatory problem.

I believe the ordinance that was drafted is a good place to start our discussion. There are a few things that I would like to see added.

- Currently, a person is served an MCI of up to \$500 for each infraction (can be each day). Some of these properties are bad enough that cleanup could take months. I think that at the point when a property is deemed in violation and a notice served, that the property owner should be given 30 days to show that he is working on the cleanup (as judged by our enforcement officer). As long as they continue to show an effort after that (a scheduled review?) another violation need not be given. However, if they don't, another violation is considered.
- The ordinance is called Nuisance Ordinance and addresses light and noise pollution, which are considered nuisances. While they haven't been an issue, keeping them as part of the ordinance, puts that issue aside for the future. However, I would change the name of the ordinance to Blight & Nuisance, as it better defines what it is.
- The ordinance offers screening from public or total enclosure as a solution for having the junk. In other words, out of sight, out of mind. That could be fine for some things, however, I think there needs to be a written exception to that. If the property is known (either by the owner or enforcement office) to have things that could cause environmental damage (paints, solvents, oil, asbestos, etc) if allowed to remain exposed on the property, they have to be removed rather than just screened. We might also want to define what constitutes screening or enclosure.

Another thing that should be considered along with adoption of a blight ordinance is what I call a "help packet". Many people might be in a position where they don't know what can be done and it might be overwhelming. The packet could contain names/addresses/phone of agencies that could help. It could list places that either buy or take scrap. It might contain agencies that offer help for hoarding. There might be funding to help. Maybe there are groups that would help in cleanup/haul trash for them. This would have to be researched and put together. The idea would be to give this to the person when a citation is given to show that we're trying to help..

If you agree, I'd like to put the ordinance on the meeting agenda for March. I would like it to include this memo and the 2016 Nuisance Ordinance that I've referred to as a starting point for discussion. If you need a copy let me know.