TOWNSHIP OF ELK RAPIDS
ANTRIM COUNTY, MICHIGAN
BLIGHT AND NUISANCE ORDINANCE
Ordinance No. 2026-3

AN ORDINANCE to prevent, reduce, and eliminate blight, blighting factors, and public nuisances within Elk Rapids Township; to protect the public health, safety, and general welfare of persons and property; to preserve the rural, agricultural, residential, and coastal character of the Township; to safeguard the protections afforded to lawful farm operations under state law; to provide for enforcement and abatement; and to prescribe penalties for the violation thereof.

THE TOWNSHIP OF ELK RAPIDS, ANTRIM COUNTY, MICHIGAN, ORDAINS:

Section 1. Title and Purpose

1.1 Short Title. This Ordinance shall be known and may be cited as the "Elk Rapids Township Blight and Nuisance Ordinance."

1.2 Police Power Ordinance. This Ordinance is enacted under the police power of the Township as authorized by 1945 PA 246, MCL 41.181, and the Blighted Area Rehabilitation Act, 1945 PA 344, MCL 125.71 et seq. This Ordinance is NOT a zoning ordinance and is not enacted under or governed by the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq. Nothing in this Ordinance shall be construed to amend, supersede, or repeal the Elk Rapids Township Zoning Ordinance, and an act or condition may be regulated independently under both this Ordinance and the Zoning Ordinance where each applies on its own terms.

1.3 Purpose. The purpose of this Ordinance is to enhance and protect the public health, safety, and general welfare of the residents, property owners, and visitors of Elk Rapids Township by preventing, reducing, and eliminating blight and public nuisances. The Township Board finds that the accumulation of junk, refuse, derelict vehicles, derelict watercraft, abandoned or dilapidated structures, and the dumping of liquid wastes, depress property values; harm tourism and the local economy; create hazards to children and the public; provide harborage for vermin; threaten the surface waters of Elk Lake, the Elk River, Grand Traverse Bay, Birch Lake, the Township's wetlands and groundwater; and detract from the rural, residential, agricultural, and coastal character that defines the community.

1.4 Construction. This Ordinance shall be liberally construed to effectuate its remedial purpose, but shall be applied so as not to prohibit innocent conduct that has no tendency to endanger the health, safety, welfare, or morals of the community.

Section 2. Definitions

As used in this Ordinance, the following terms shall have the meanings set forth below. Words not defined herein shall have their commonly understood meaning.

A. "Building Materials" includes, but is not limited to, lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement,

nails, screws, siding, roofing material, drywall, insulation, glass, and any other materials customarily used in the construction, alteration, or repair of any structure. The term does not include firewood stored for use on the property.

B. "Coastal Area" means any parcel of real property located within five hundred (500) feet of the ordinary high-water mark of Elk Lake, Birch Lake, the Elk River, Grand Traverse Bay, or any other lake, stream, or wetland subject to the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

C. "Derelict Vessel" means any boat, watercraft, personal watercraft, jet ski, canoe, kayak, sailboat, or other vessel (including any trailer designed to transport the same) that is in any of the following conditions for a continuous period of more than one hundred eighty (180) days: (1) partially dismantled, wrecked, junked, or discarded; (2) substantially incapable of being operated under its own power or by its own means of propulsion for the purpose for which it was designed; or (3) substantially deteriorated through exposure, including, but not limited to, hulls breached or compromised, decks rotted through, or accumulated standing water. The term does not include any of the following: (i) a vessel stored within a totally enclosed structure; (ii) a vessel actively used by the property owner or occupant during the most recent boating season; (iii) a vessel undergoing active, documented restoration or repair; (iv) a vessel that is part of the inventory or stock-in-trade of a lawfully operating marina, boat dealer, or boat repair business; or (v) a vessel maintained by a lawful farm operation for the production of farm products.

D. "Farm" and "Farm Operation" shall have the meanings given those terms in Section 2 of the Michigan Right to Farm Act, 1981 PA 93, as amended (MCL 286.472).

E. "Garbage" means rejected food wastes, including waste accumulations of animal, fruit, or vegetable matter used or intended for food, or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables.

F. "Generally Accepted Agricultural and Management Practices" or "GAAMPs" means those practices developed by the Michigan Commission of Agriculture and Rural Development under the Michigan Right to Farm Act, 1981 PA 93, as amended (MCL 286.471 et seq.), as those practices may be amended from time to time.

G. "Inoperable Motor Vehicle" means any motor vehicle, as defined in MCL 257.33, that meets any one of the following: (1) is incapable of moving under its own power for a period exceeding thirty (30) days; (2) lacks one or more functional parts (such as an engine, transmission, wheels, tires, or windshield) that are ordinarily necessary to make the vehicle operable upon a public roadway; or (3) is not currently registered with the State of Michigan or another state, and does not display a valid registration plate. The term does not include a motor vehicle of historical, classic, or collectible value (twenty-five (25) years of age or older) that is undergoing active, documented restoration and is stored in an orderly manner.

H. "Junk" means used or salvaged metals (whether ferrous or nonferrous) and their compounds or combinations; used or salvaged rope, rubber, tires, hoses, car parts, vehicle parts, machinery parts, batteries, appliances, plastics; salvaged construction debris; and similar discarded items, regardless of value.

I. "Liquid Industrial By-Product" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, used antifreeze, used solvents, paint waste, photographic chemicals, or other liquid waste produced by, incident to, or resulting from industrial or commercial activity. The term does not include liquid brine, oil, gas, or other materials normally used in or produced by oil or gas extraction operations conducted under a permit issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or its successor agency, nor any liquid normally applied in conformance with a GAAMP by a farm or farm operation.

J. "Nuisance" means a use, structure, condition, or activity declared to be a nuisance under Section 3 of this Ordinance.

K. "Orderly Manner," when applied to the storage of building materials, lumber, or similar items, means that materials of the same type are stored together; sheet goods are stacked horizontally and substantially covered to protect from weather; cement blocks, bricks, and similar masonry are stacked so as not to fall; and lumber is stacked substantially parallel.

L. "Person" means any individual, firm, partnership, association, corporation, limited liability company, trust, estate, or any other legal or commercial entity, and includes the agents, employees, officers, and representatives of any of the foregoing.

M. "Property" means any parcel of real property, whether improved or unimproved, located within Elk Rapids Township, and includes all structures, accessory buildings, and appurtenances thereon.

N. "Rubbish" means solid wastes including ashes (whether combustible or noncombustible), paper, cardboard, metal containers, yard clippings exceeding ordinary seasonal accumulation, wood, glass, bedding, crockery, bags, rags, electronics, household batteries, household appliances, furniture, and demolished or salvaged construction materials. The term does not include a properly maintained domestic compost pile used by the occupant of the property on which it is located.

O. "Sealed Container" means a covered, closable container that is rodent-proof, fly-proof, and watertight, such as a garbage can or refuse container with a properly fitting lid.

P. "Totally Enclosed Structure" means a building capable of being closed on all sides, such as a house, garage, barn, pole-building, or storage shed, with a roof, floor (which may be earthen if used for agricultural purposes), and walls or closable doors around its perimeter.

Q. "Township" means the Township of Elk Rapids, Antrim County, Michigan.

R. "Zoning Administrator" means the Zoning Administrator of Elk Rapids Township, or such other person as may be designated from time to time by the Township Board as the enforcement officer under this Ordinance.

Section 3. Acts and Conditions Declared to be Nuisances and Blighting Factors

It is hereby determined and declared that the following uses, structures, activities, and conditions are nuisances and causes of blight or blighting factors that, if allowed to exist, tend to result in blighted and undesirable neighborhoods; depress property values; impair the rural, residential, and coastal character of the Township; and threaten the public health, safety, and welfare. On and after the effective date of this

Ordinance, no Person shall create, commit, or maintain, and no Person shall knowingly permit to exist upon Property owned, leased, rented, occupied, or controlled by such Person, any of the following:

A. Junk, Garbage, and Rubbish. The keeping, storage, or accumulation of Junk, Garbage, or Rubbish outside of a Totally Enclosed Structure, except in a Sealed Container designed for that purpose. A domestic compost pile of decaying organic matter intended for fertilizing land owned or occupied by the person, no larger than one hundred fifty (150) square feet and maintained so as not to produce offensive odor at the property line, is not a violation of this subsection.

B. Vermin Conditions. The keeping or storage of Junk, Garbage, or Rubbish on Property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source, harborage, or habitation of insects, rodents, or vermin.

C. Inoperable Motor Vehicles. The keeping or storage of one or more Inoperable Motor Vehicles outside of a Totally Enclosed Structure, except as expressly permitted by Section 4 of this Ordinance.

D. Derelict Vessels. The keeping or storage of one or more Derelict Vessels outside of a Totally Enclosed Structure. This subsection applies with particular force, but is not limited to, the Coastal Area, where derelict vessels and associated marine debris pose a heightened risk to navigation, water quality, and shoreline ecology.

E. Marine Debris and Boat-Related Materials. The accumulation outside of a Totally Enclosed Structure of derelict outboard motors; unmounted boat hulls; broken or unusable docks, hoists, or sections thereof; unmounted boat lifts not used for at least two (2) consecutive boating seasons; or unattended marine fuel containers, except where such items are part of the ordinary, seasonal inventory of a lawfully operating marina, boat dealer, marine repair business, or similar use lawfully established under the Zoning Ordinance. Nothing in this subsection prohibits the lawful seasonal storage of operable boats, kayaks, canoes, paddleboards, docks, or hoists when stored in an orderly manner.

F. Building Materials. The keeping or storage of Building Materials outside of a Totally Enclosed Structure on Property, unless: (1) there is in force a valid building permit issued by the Antrim County Building Department for construction on that Property, and the Building Materials are intended for use in connection with that construction, and the materials are removed or used within six (6) months after the date the permit becomes inactive or after a certificate of occupancy is issued, whichever occurs first; or (2) the materials are stored in an Orderly Manner by a lawful business engaged in construction, contracting, lumber sales, or a similar lawful use established under the Zoning Ordinance; or (3) the materials are stored in an Orderly Manner in connection with a lawful Farm Operation.

G. Dilapidated Structures. The existence of any structure, or part of any structure, that, by reason of fire, wind, flood, or other natural disaster, or by reason of physical deterioration, lack of maintenance, or partial demolition, is no longer habitable as a dwelling, nor reasonably useful for any other purpose for which it may have been intended.

H. Insecure Vacant Buildings. The existence of any vacant dwelling, garage, barn, outbuilding, or other structure, unless such structure is kept securely closed against entry by the public, with all

windows and doors either intact, locked, or neatly boarded up in a manner designed to prevent entry by trespassers, vandals, animals, or the elements.

I. Partially Completed Structures. The existence of any partially completed structure unless: (1) such structure is in the course of construction in accordance with a valid building permit, and active construction continues in good faith; or (2) construction is suspended for not more than twelve (12) months and the structure is maintained in a secure, weather-tight condition.

J. Illicit Dumping of Liquid Wastes. The intentional or negligent depositing, discharging, or releasing of liquid petroleum, liquid petroleum by-products or derivatives, used oil, used antifreeze, paint, solvents, or Liquid Industrial By-Product on the ground, into any storm drain, ditch, wetland, or surface water, or into any unlined pit or container. This provision is intended to supplement and not to conflict with, and shall be construed consistently with, Part 31, Part 111, Part 121, Part 201, and any other applicable part of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

K. Illegal Open Dumping. The placing, depositing, or accumulating of Junk, Garbage, Rubbish, or demolition debris on any Property without the written consent of the owner or occupant of that Property, or on any public property, road right-of-way, lake, river, or other surface water.

Section 4. Exemptions and Permitted Uses

The following uses and conditions shall not constitute a violation of this Ordinance:

A. Right to Farm Act. Consistent with the Michigan Right to Farm Act, 1981 PA 93, as amended (MCL 286.471 et seq.), a Farm or Farm Operation shall not be found to be a public or private nuisance under this Ordinance if the Farm or Farm Operation alleged to be a nuisance conforms to GAAMPs. Further, and consistent with MCL 286.474(6), nothing in this Ordinance shall be enforced in a manner that purports to extend, revise, or conflict with the Michigan Right to Farm Act or any GAAMP developed thereunder. The customary storage of agricultural equipment, salvaged metal or wood for reuse by the Farm Operation, manure, hay, silage, fencing, irrigation equipment, livestock-related materials, and other items reasonably necessary to the Farm Operation, when stored in a manner consistent with GAAMPs, shall not constitute Junk, Rubbish, or a nuisance under this Ordinance.

B. Industrial and Commercial Salvage. The storage or keeping of salvageable metal, wood, or other materials on property on which is located a factory, mill, or similar industrial or commercial use lawfully established under the Zoning Ordinance, shall not be prohibited, so long as the salvageable materials are for resale, recycling, or reuse by the occupant of the Property and are stored in an Orderly Manner.

C. Forestry and Silvicultural Activities. The cutting, stacking, storage, and seasoning of timber, pulpwood, firewood, or other forest products, when conducted as part of a lawful forestry or silvicultural operation, shall not constitute a nuisance under this Ordinance.

D. Hunting Camps and Seasonal Recreational Property. The seasonal storage in an Orderly Manner of recreational equipment (including boats, snowmobiles, all-terrain vehicles, trailers, and tree stands) on Property used principally as a seasonal hunting camp or recreational property, shall not constitute a nuisance, provided no other subsection of Section 3 is violated.

E. Active Construction or Restoration. Property on which active, documented construction or restoration is occurring pursuant to a valid building permit, or pursuant to documented restoration of a vehicle or vessel as described in the definitions of "Inoperable Motor Vehicle" and "Derelict Vessel," shall not be deemed in violation of this Ordinance solely on account of the presence of materials, parts, or work-in-progress reasonably related to such construction or restoration.

F. Coexistence with Other Laws. Nothing in this Ordinance shall be construed to prohibit conduct that is expressly authorized or licensed by state or federal law, including activities regulated by the Michigan Vehicle Code (1949 PA 300, MCL 257.1 et seq.) relating to the disposition of abandoned vehicles, or by the State Construction Code (1972 PA 230, MCL 125.1501 et seq.) relating to dangerous buildings.

Section 5. Enforcement Authority

5.1 Designation of Enforcement Officer. The Zoning Administrator is hereby designated as the authorized officer of the Township to administer and enforce this Ordinance, including the issuance of municipal civil infraction citations directing alleged violators to appear in district court. The Township Board may, by resolution, designate one or more additional persons (including a code enforcement officer, the Township Supervisor, or a contracted enforcement agent) to enforce this Ordinance. Police officers of the Antrim County Sheriff's Department and the Michigan State Police are also authorized to issue municipal civil infraction citations under this Ordinance.

5.2 Right of Entry. The Zoning Administrator and other authorized enforcement officers may, at reasonable times and upon presentation of credentials, enter upon any Property to inspect for compliance with this Ordinance. No entry into a dwelling shall be made without the consent of the occupant or a duly issued administrative search warrant.

Section 6. Notice and Opportunity to Cure

6.1 Written Notice. Prior to the issuance of a municipal civil infraction citation, except in circumstances posing an immediate threat to public health or safety, the Zoning Administrator shall serve upon the owner and, if different, the occupant of the Property a written notice of violation. The notice shall: (a) describe the location of the Property; (b) describe the nature of the alleged violation with reasonable particularity, including reference to the subsection(s) of Section 3 alleged to be violated; (c) state the actions necessary to cure the violation; (d) state a reasonable period of time, not less than fourteen (14) days, within which the violation must be cured; and (e) state that failure to cure may result in the issuance of a civil infraction citation, abatement by the Township at the violator's expense, or both.

6.2 Manner of Service. The notice may be served personally or by first-class mail to the last known address of the owner of record as shown by the most recent assessment roll of the Township, and to the occupant if different. Service shall be deemed complete upon personal delivery, or three (3) days after deposit in the United States mail.

6.3 Extensions. The Zoning Administrator may extend the time for compliance upon a showing by the owner or occupant of good-faith efforts to cure the violation, hardship, or other circumstances reasonably warranting additional time.

Section 7. Penalties and Municipal Civil Infraction

7.1 Designation as Municipal Civil Infraction. A violation of this Ordinance is hereby designated a municipal civil infraction as defined in Public Act 12 of 1994, as amended (MCL 600.8701 et seq., and as referenced in MCL 41.183).

7.2 Civil Fine. A Person determined to be responsible for a municipal civil infraction under this Ordinance shall be ordered to pay a civil fine, plus costs, justice system assessments, and any other sanction authorized by law, as follows:

(a) First violation: a civil fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00);

(b) A second violation of the same subsection of Section 3 within twelve (12) months: a civil fine of not less than Two Hundred Fifty Dollars ($250.00) and not more than Five Hundred Dollars ($500.00);

(c) A third or subsequent violation of the same subsection of Section 3 within twelve (12) months: a civil fine of Five Hundred Dollars ($500.00).

7.3 Each Day a Separate Violation. Each day on which a violation continues constitutes a separate violation, subject to the maximum daily civil fines authorized by MCL 41.183 and any applicable state law.

7.4 Costs of Abatement; Damages. In addition to any civil fine, the court may order a Person responsible for a municipal civil infraction to pay all costs reasonably incurred by the Township in the prosecution and abatement of the violation, including reasonable attorney fees and the actual cost of any abatement performed under Section 9, as damages under MCL 600.8727 and MCL 600.8733.

Section 8. Abatement by Township

8.1 Authorization. If the owner or occupant of any Property on which a nuisance exists fails to eliminate the nuisance within the time specified in a notice issued under Section 7, the Zoning Administrator, after receiving written authorization from the Township Board, may take such steps as are reasonably necessary to abate or eliminate the nuisance, including entry upon the Property for that purpose.

8.2 Recovery of Costs. The costs of abatement, including reasonable attorney fees, administrative costs, and the actual cost of any work performed or contracted for by the Township, may be: (a) collected in a civil action against the owner, the occupant, or the Person who committed, created, or maintained the nuisance; (b) imposed by the court as damages in a municipal civil infraction action pursuant to MCL 600.8727 and MCL 600.8733; and/or (c) to the extent permitted by law, certified to the Township Treasurer as a single lot assessment against the Property, to be collected in the same manner as delinquent real property taxes.

8.3 Emergency Abatement. Notwithstanding the notice provisions of Section 7, where the Zoning Administrator determines, in consultation with the Township Supervisor or Township legal counsel, that a condition presents an imminent threat to public health, safety, or welfare, the Township may abate the condition immediately and recover its costs as provided in Section 9.2.

Section 9. Separate Remedies; Public Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se. Nothing in this Ordinance shall prevent the Township, or any other interested party, from seeking any other remedy available at law or in equity, including an action for injunctive relief, for the abatement of a nuisance, or for the recovery of damages, in the Antrim County Circuit Court or any other court of competent jurisdiction. The remedies provided in this Ordinance are cumulative and not exclusive.

Section 10. Severability

If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect any remaining portion of this Ordinance, which shall remain in full force and effect. The Township Board hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 11. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances of Elk Rapids Township in conflict with this Ordinance are hereby repealed to the extent of such conflict. The Elk Rapids Township Zoning Ordinance is not repealed by this Ordinance and shall remain in full force and effect.

Section 12. Effective Date

Pursuant to MCL 41.184, this Ordinance shall take effect thirty (30) days after publication of a notice of adoption in a newspaper of general circulation within the Township.

CERTIFICATION

I, Debbie Husband, Clerk of the General Law Township of Elk Rapids, Antrim County, Michigan, do hereby certify that the foregoing Ordinance was duly adopted by the Township Board of Elk Rapids Township at a regular meeting held on the 10th day of August 2026, by the following vote:

Ayes: M. Soper, K. Jensen, D. Amos, D. Husband, and R. Hults

Nays: None, Absent: None, Abstain: None

First Published: August 21, 2026

Effective Date: September 20, 2026

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Dorance Amos, Township Supervisor Debbie Husband, Township Clerk