



Townships can fight blight for improved quality of life

Look across your township's landscape and what do you see? The scene may or may not be picturesque. Portions of your township's landscape may harbor blight that can hurt a community's image, property values and the environment. Blight is generally defined as anything that deteriorates the physical surroundings and quality of life in a community. It can include everything from unkempt lawns, inoperable vehicles, junk, abandoned items and litter, to graffiti or dilapidated structures.

Tackling blight can be challenging for township officials because community standards are being applied to a citizen's personal habits. Since the worst blight cases often develop over many years, to suddenly "crack down" on a situation can seem heavy-handed to the landowner on the receiving end of an enforcement action. On the other hand, new residents often force the issue because they notice the blight that others may have driven by countless times. Imagine a new family who purchases land adjacent to the neighborhood "pack rat" in the summer only to find that when the leaves fall they must gaze upon years of collected artifacts.

To compound the problem, a blighted property usually violates several local ordinances. An inoperable vehicle (vehicle code) can be parked next to a dilapidated structure (building code), which has weeds growing around it (noxious weed ordinance) that mask a pile of junk (junk ordinance). If the problem seems overwhelming to the township enforcement officer, imagine

how the person who has to clean it up feels. Extracting junk from a tangle of brush or parting with a "treasure" can be overwhelming to the property owner; accordingly, successful township enforcement efforts are based, in part, on a little finesse. With respect to multiple ordinances addressing the topic of blight, these regulations can easily be folded into an anti-blight ordinance or property maintenance code.

MORE THAN JUST AESTHETICS

Blight problems are not simply aesthetic. There are also economic, environmental and public health issues. In addition to the general nuisance of viewing a junk pile, an unhappy neighbor may worry that the blight next door devalues his or her property. In addition to being unsightly, an old car or inoperable snowmobile can harbor environmental hazards such as gas, oil, antifreeze and battery acid. If these materials leach into the ground, they can eventually contaminate area wells. One drop of oil has the potential of contaminating thousands of gallons of groundwater. For communities that rely exclusively on groundwater for domestic drinking water supplies, this is a very serious problem.

A pile of salvaged lumber can harbor pests and vermin that may migrate to homes. Aside from the immediate impacts on neighbors, blight can negatively affect the image of the entire community. If potential residents or business prospects travel through the countryside and notice blight, it sends a message that could motivate them to go elsewhere. Quality begets quality. Blight begets blight. Working to improve blight situations in your own township can make your community more attractive

to new businesses and residents—and encourage current residents and businesses to stay put.

LAYING THE FOUNDATION FOR A STRONG ANTI-BLIGHT PROGRAM

Blight enforcement is not an easy task. It requires consistent and concerted effort, and to a certain extent, sheer determination. Merely sending a letter to a landowner noting that a property should be cleaned up is of limited use. To be successful, a community needs a strategy and system for follow-up.

The following is a general outline of an anti-blight program that townships can fine-tune for their own specific application.

1. Get consensus. Prior to launching an anti-blight campaign, the local enforcement officer should work with township board members to determine an enforcement strategy and the level of support township officials are willing to give to the program. For example, what if a motivated enforcement officer sends out a large number of violation letters; are township board members willing to receive calls from frustrated residents? The board should have a united vision and standard approach to any public outcry. Having a strategy and pacing efforts are critical to a successful program.

2. Determine the township's level of resources. Lack of resources for follow-up can quickly kill a township's anti-blight campaign. If an enforcement officer works two days per week, that staff member's strategy will likely be quite different than that of a full-time employee. Further, if the blight enforcement officer is also the zoning administrator or building official, it should be recognized that his or her time is spread thinner than most.

It is also important to consider what legal resources are available to the enforcement officer. Can he or she make calls to the township attorney for enforcement assistance? While an attorney need not draft the enforcement letter, it is recommended that he or she reviews the "boiler plate" language (*see sidebar on page 22*) and be available to discuss the particulars of a difficult case.

3. Identify options for your residents. A township's toughest blight enforcement case will likely involve a property owner with limited resources. The township should be able to offer solutions to facilitate compliance. For example, making contact with reputable salvage yards regarding their process for junk vehicle in-take can arm the township with information to assist the property owner. If the township can convey to a property owner that various salvage yards will retrieve junk vehicles and pay for salvage privileges, it may facilitate a quicker response. If the property owner can be provided with various contacts, so much the better. A little "hand holding" can prevent a lot of "head butting" in the future.

Some communities sponsor "dumpster days" whereby residents can bring junk to a specified area for disposal as part of a spring clean-up initiative. The effort can serve a dual purpose



Photo courtesy of Brooks Township (Newaygo Co.)

'Maintaining property values and quality of living'

Brooks Township (Newaygo Co.) has long been at the forefront of environmental stewardship. In 1999, the township adopted a Land Use Vision, dedicating itself to the preservation of the area's natural features, such as the nearby Coolbough Natural Area and the Muskegon River that knifes through the township. The township blight enforcement efforts go hand in hand with the township's history of protecting and maintaining the area's natural environment.

According to township Zoning Administrator **Warren Bender**, the township has long had both anti-blight and anti-junk ordinances. The reason is simple: "It looks better, property values and quality of living are maintained, and it's more environmentally correct," Bender said.

"We deal with blight proactively," he continued. "When we become aware of a blight situation, we make contact with the property owner, and work *with* them to resolve the issue."

Bender finds that the personal touch goes a long way in ensuring that residents comply with the township's ordinances and keep the township free of unsightly areas.

"We've found that having the initial contact be face to face has a very positive effect," he said.

What goes the furthest in ensuring compliance, according to Bender? "Deal with all residents equally and fairly," he said. "Once residents become aware of the township ordinances, and get used to the idea, they are typically very cooperative. Residents need to know that the township isn't 'picking and choosing' who is being asked to comply. Everyone is following the same rules."

Bender also notes that as a township resident himself, he also must follow those township ordinances—and that helps when discussing any blight violations with his fellow township residents. "We're all in this together," Bender said.



Photo courtesy of Brooks Township (Newaygo Co.)

Sample definitions used in a blight ordinance

- “Building materials” means, but shall not be limited to, lumber, bricks, concrete or order blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, structural or miscellaneous steel, nails, screws, or any other materials used in building or constructing any structure and in any other manner of construction.
- “Inoperable” means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause for a period in excess of 10 days.
- “Junk” means, but shall not be limited to, parts of machinery or motor vehicles, unused stoves, refrigerators or other appliances stored in the open, remnants of woods, metal or any other material or cast-off material of any kind, whether or not the same could be put to any reasonable use.
- “Junk automobile, junk motor-driven vehicle, trailer in disrepair, contractor’s equipment in disrepair, or boat in disrepair” means such automobile, vehicle, trailer, equipment or boat which is inoperable or partially dismantled.
- “Partially dismantled” means that parts that are ordinarily components have been removed or are missing.
- “Unlicensed vehicle” means any vehicle without a valid, current state motor vehicle license.

if household hazardous waste (e.g., caustic cleaners and paints) is also collected.

How about an elderly resident who cannot clean his or her property? Area service groups may be able to lend a hand. Be sure to identify and communicate with various resources before disseminating information on groups offering assistance so they can be part of your township’s “blight fight” team.

4. Alert and educate the community. Letting the public know what the rules are and alerting everyone that the township is engaging in an anti-blight campaign can help ease the enforcement burden. For instance, a community newsletter or notice with tax bills can inform residents that a general blight fight campaign will begin on a certain date. Such notification may prompt clean-up efforts for residents who self-police. It can also raise expectations for residents frustrated by blight, so it is important to keep program momentum. If a resident receives an enforcement letter, hopefully he or she won’t feel “singled out” if he or she recalls the newsletter article. If the resident does not recall the newsletter, the enforcement officer can remind him or her of the township’s effort to alert all residents when the inevitable accusation comes that the resident has been singled out.

Another strategy is to send an educational flier as an enclosure with every enforcement letter. This is yet another opportunity to educate the public with respect to township rules.

5. Lay out a timetable and enforcement trail. Armed with an understanding of the level of resources available, township officials and/or enforcement staff can commit to a dedicated schedule to tour the community with regularity. Note that it may take several months to make an initial sweep of the township. It is not recommended that the township send out a rash of letters and brace for the reaction, but rather, target certain areas in a more strategic fashion to keep tasks manageable. A successful program is paced and methodical. Blight did not appear overnight, and it will certainly not disappear overnight.

One potential approach is to divide the township into quadrants, targeting one quadrant at a time. For example, the north-

west quadrant may be toured in April, the northeast quadrant in May, and so on. Initial contact can be made in one quadrant while follow-up from previous contact is made in another. Phasing helps keep enforcement efforts manageable. Blanket, hard-hitting enforcement is rarely successful because township staff and elected officials are quickly overrun with follow-up demands. The result is often that the effort simply fizzles out for lack of human energy.

If it seems like this article suggests a great deal of effort *prior* to any enforcement action, that's purposeful; it saves stress and resources later in the process.

TOWNSHIP ENFORCEMENT ACTIVITIES

The motive of any enforcement action is compliance, not the issuance of tickets or court appearances. Legal action can be costly and time consuming, but in many cases, it can be avoided. On the other hand, if legal action is warranted, it should be taken promptly.

When a violation is observed, communication must be made with the property owner involved. The tone of the communication, whether in a letter or in person, should be firm, yet couched in a spirit of cooperation. If personal communication can be made, it carries the most weight. However, if personal contact is not feasible, the initial enforcement letter should invite a phone call from the property owner. Since a letter—the notice of violation—is the first formal step in the enforcement process, it should clearly outline the violation and anticipated corrective actions, including deadlines for compliance. Even if personal communication is made initially, a follow-up letter restating the essence of the conversation and clean-up expectations should be sent.

When contact is made, use the opportunity to educate the property owner as to why the property should be cleaned up—note health and environmental concerns, retaining property values, community image, fairness to the neighbors, etc. Remember that the initial reaction of the recipient may be anger and frustration. Those feelings need to be diffused to

facilitate communication. Note that the township is making a general concerted effort to improve the community—in other words, the property owner is not being singled out.

During the course of the conversation, offer options and emphasize that their cooperation is appreciated and anticipated. Get the property owner to commit to a course of action and reiterate the agreed-upon strategy in a follow-up letter. Chronic problem properties may need several months of clean-up efforts with the township enforcement officer monitoring progress during the course of clean-up. It is not unusual to hear many reasons for the lack of compliance, but the conversation needs to come back to what *can* be done to address the issue.



Sometimes to make peace and expedite the enforcement action, a property owner or public official may suggest tarping a pile of debris or erecting a fence to mask the problem. Masking blight, however, is not a long-term solution to the problem.

Photo courtesy of Brooks Township (Newaygo Co.)

In the end, the township enforcement officer must assert the need for compliance and work toward a reasonable action strategy. Setting a deadline of 30 days for compliance on a property with numerous cars and a significant amount of debris is likely not reasonable. On the other hand, if the compliance deadline is too long, it can undermine the program. A “chronic” blight case will need regular attention. Once the property is cleaned, it will still likely require continued monitoring because, unfortunately, the chronic junk collector will generally continue to collect junk. Not letting the matter get out of hand is the key.



Photo courtesy of Brooks Township (Newaygo Co.)

Sample enforcement letter

Date

John Doe
1234 Country Lane
Your Township, MI

Mr. Doe,

It has come to my attention that your property, located at 1234 Country Lane, is in violation of Section ____ of the township's anti-blight ordinance. Specifically, the following were noted on your property in a _____ (date) property inspection (see enclosed photos):

1. Several inoperable motor vehicles
2. Junk tires
3. Construction debris
4. Litter

Since the township has recently dedicated itself to cleaning up the community, we are asking that you address this matter in a timely fashion. There are a few disposal options available that may help you in your clean-up efforts (see enclosed information sheet). Please clean up your property no later than _____ (date), or legal action could result, including, but not limited to fines and/or court action. Please contact me if I can be of assistance or you have questions regarding this matter. I can be reached at _____ (contact information).

Signed,

Township blight enforcement officer

Although the enforcement officer is working toward and assuming compliance, he or she must behave as if every enforcement action is going to court. This means keeping clear and accurate records of all written communications, notes regarding calls and conversations, photos and dates of enforcement and re-inspection activities. An enforcement letter should cite sections of the appropriate ordinance(s) and give a specific description of the violation(s). A vague letter about needing to clean up a property is of limited use if it comes to ticketing or court action. It also provides no guidance to the property owner as to how to comply with the ordinance. Specificity is important.

The adage that "a picture is worth 1,000 words" rings true with any enforcement action. If photos are included in the initial letter, it can more clearly convey the need for action on the property owner's part. Oddly, an individual who lives in blighted conditions ceases to "see" his or her surroundings. Again, photos are critical if the case goes to court. Photos should also be dated. Each revisit to the property should entail photos and field notes in the record.

Be careful not to let too much time lapse between the initial deadline for compliance and re-inspection of the property. A helpful practice is to develop a "tickler system" that is used to remind enforcement agents that a property re-inspection is due. The system can be as simple as reminder notes slipped into files for each day of the next month, or computer calendar functions that flag dates for re-inspections. More sophisticated computerized databases can generate initial letters, second offense letters and lists of properties that need re-inspection by date. Whatever the system, consistent and assertive follow-up is critical. If there is a general feeling the township does not follow-through with enforcement, program credibility and effectiveness will suffer.

CIVIL INFRACTION OR MISDEMEANOR?

If your township has not already switched from a misdemeanor to a civil infraction system, the township may wish to investigate the merits of civil infraction (*see the July 2008 Michigan Township News for an overview of the civil infractions process*). Generally, a civil infraction is easier to prove and is less burdensome on the court system. It can also yield a quicker

response. If the enforcement action needs to be elevated to a higher level of legal action, the enforcement official may ask for supplemental relief—generally after a default on the first infraction. Since each court system operates a little differently, officials should discuss this option with the township attorney. *(For additional information regarding the civil infractions process, check out MTA's newest publication, Municipal Civil Infractions: The Process. Visit www.michigantownships.org or call (517) 321-6467 for details.)*

Prior to starting a township civil infractions program, contact the local district court regarding the process for writing and recording civil infraction tickets. The courts generally provide the ticket book and can advise the township's enforcement officer how to write a ticket (with proper citations, etc.). Improperly filled-out tickets can be rejected by the courts—sending the enforcement officer “back to go” with an enforcement action.

A NOTE ON TRESPASS

It's a good idea to have a conversation with the township's attorney regarding who can enter private property and under what circumstances it can be entered. An enforcement officer does not have the right to enter property without permission, especially on posted property. However, if the enforcement officer attempts to make personal contact to merely discuss a

potential violation, he or she can usually knock on a door, just like anyone else (absent “no trespassing” signs). If the resident asks the officer to leave the property, he or she must do so.

Property may only be entered and inspected under court order. Sometimes, adjacent property owners will permit entry for enforcement personnel to view the neighboring offending property. Again, it is best to explore the nuances of property entry with your township attorney.

MAINTAINING A LEVEL OF QUALITY

A successful anti-blight campaign needs a firm foundation that includes consensus among township officials, dedicated resources, public education and a systematic approach to problem properties. If the foundation is set, enforcement will likely be much smoother. Consistent and timely follow-up is also critical. Once the message is sent though the community regarding general property maintenance standards, it is easier to maintain a certain level of quality in the community. ■

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