

STATE OF MICHIGAN
COUNTY OF ARENAC

TOWNSHIP OF MOFFATT

ORDINANCE NUMBER 2828-5

BLIGHT CONTROL

Ordinance to Provide For: The regulation and control of the storage, accumulation, and disposition of junk, trash, and rubbish. The maintenance of blighted structures and other blighted factors or causes of blight and deterioration thereof as it relates to any property within the jurisdictional boundaries of Moffatt Township, to provide penalties for the violation thereof.

Minimum Standards: The provisions in this ordinance shall not be construed to prevent the enforcement of other codes, ordinances or regulations which prescribe standards other than are provided in this ordinance.

The ordinance shall not be intended to affect violations of any other ordinance, code or regulation existing prior to the effective date of this code, and any such violation may be governed and continued to be punished under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed and/ or this ordinance as may be appropriate.

THE TOWNSHIP OF MOFFATT TOWNSHIP, ARENAC COUNTY, MICHIGAN, ORDAINS:

Sec. 1. **DEFINITIONS.**

The following words or terms when used herein shall be deemed to have the meanings set forth below:

- (a) The term "**junk**" shall include, without limitation, parts of machinery, water craft or motor vehicles, broken and unusable furniture, stoves, refrigerators, or other appliances, or any other cast-off material of any kind.
- (b) The term "**blighted structure**" shall include, without limitation, any dwelling, garage or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer deemed habitable as a dwelling, nor useful for the purpose for which it may have been intended.
- (c) The term "**person**" shall include all natural persons, firms, copartnership, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent, or employee. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, lessee, agent, servant, or employee, shall, except as herein otherwise provided, be equally liable as principals.
- (d) The term "**trash**" and "**rubbish**" shall include any and all forms of debris not herein otherwise classified.

Sec. 2. DETERMINATION.

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk motor vehicles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the Township of Moffatt tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and therefore is contrary to the public peace, health, safety, and general welfare of the community.

Sec. 3. BLIGHTED OR VACANT STRUCTURES.

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the Township of Moffatt and unless such construction is completed within the time provided on the building permit issued.

Sec. 4. VIOLATIONS, NOTIFICATION.

If, upon inspection, the Arenac County Building Inspector, Zoning Administrator, Fire Chief, Township Supervisor, or County Health Officer shall find that any property within the Township is being used in violation of the above Sections of this Ordinance, the owner and/or occupant shall be notified of such violation which may be given by certified letter to the owner as he appears on the real property tax rolls of Moffatt Township or by service upon the occupant personally by any official as noted above or the Central Michigan District Health Department, Arenac Branch.

Sec. 5. APPEAL; HEARING.

The owner and/or occupant may appeal to the Township Board for a public hearing which shall be held at a regular or specially called Township Board meeting providing he files a request in writing with the Township Clerk within ten days of the receipt of the notice specified above. Following the hearing, the decision of the Township Board as to the violation shall be final.

Sec. 6. REMOVAL BY TOWNSHIP; EXPENSE; LIEN.

If the owner and/or occupant of such premises shall not cause such material in violation of this Ordinance, as described above, to be eliminated or removed within thirty days after notice or within thirty days after the decision of the Township Board is rendered in case of an appeal, the Township Supervisor shall direct some person, or persons, to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such materials to be eliminated or removed, the total expense incurred by the Township shall be collected in any manner authorized by statute in a suite of law. if not paid, may be placed on the tax roll and collected the same as other taxes.

Sec. 7. PENALTIES.

Any violation of or any failure to comply with the provisions of this Ordinance shall be deemed a civil and/or criminal misdemeanor as determined by the Township Board, and be punishable by a fine not to exceed \$100.00 or by imprisonment not to exceed 90 days or both. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in the Section provided no person shall be imprisoned for a single but continuing violation of the Ordinance for a period of longer than 90 days. In

addition to the criminal sanctions herein provided, the Township specifically reserves the right and shall have the authority to proceed in any Court or competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate civil proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

Furthermore this ordinance shall also be capable of being enforced by way of the Township Civil Infractions Ordinance, and if so, the penalty provisions shall be provided for therein, including but not limited to having all costs of prosecution and attorney fees assessed and either added to the taxrolls and/or placed as a lien on the property bearing statutory interest, including any reasonable costs incurred in Township clean-up of the concerned premises.

Sec. 8. ENFORCEMENT.

The Township Zoning Administrator is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any other administrative official or employee of the Township that is authorized by resolution of the Township board to enforce same.

Sec. 9. SEVERABILITY.

The various sections, parts and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Sec. 10. CONFLICTING LAWS.

If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail, and those terms inconsistent with this ordinance, are hereby repealed. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

Sec. 11. VALIDITY.

Should any section, clause, or provision of this Ordinance be declared by any Court to be invalid, the same shall not affect the validity of the remaining portions of such Section of the Ordinance or any part thereof other than the part so declared to be invalid.

Sec. 12. EFFECTIVE DATE.

This Ordinance shall become effective 30 days after publication and shall be published once in full in the *Arenac Independent*, an newspaper circulating within the boundaries of the Township of Moffatt, on or before the _____ day of _____, 20____.

Adopted:
Published:
Effective:

Motion to Adopt Ordinance Number _____ amendment by _____, seconded by _____ .

Yes : ___#___ Yes : Names
NO : ___#___ No : Names
Absent : ___#___ Absent : Names

Dated: _____

By: Dennis Spencer
Its: Supervisor

Dated: _____

By:
Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number _____, which was enacted by the
MOFFATT TOWNSHIP Board at a regular meeting on the _____ day of _____,
20____.

By:
Its: Clerk