

BLIGHT & PROPERTY MAINTENANCE ORDINANCE

An ordinance to prevent, reduce or eliminate blight, blighting factors and causes of blight within Tawas Township, Iosco County, Michigan. To require certain structures in the Township to be maintained in accordance with certain standards , to promote the public health, safety and general and economic welfare of persons and property in the Township; to provide for the enforcement hereof and to provide penalties for the violation hereof. Pursuant to the enacting authority as provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL 125.71, et seq.) and by Public Act 246 of 1945, as amended (MCL41.181, et seq.).

THE TOWNSHIP OF TAWAS, IOSCO COUNTY, MICHIGAN, ORDAINS:

SECTION 1: Purpose

Consistent with the letter and spirit of Public Act 344 of 1945 and Public Act 246 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate blight and potential blight in Tawas Township and to require certain structures in the Township to be maintained in accordance with certain standards in an effort to promote the public health, safety and general and economic welfare of persons and property located in the Township.

Section 2: Causes of Blight or Blighting Factors; Property Maintenance Standards

It is hereby determined that the following uses, structures, activities and the failure to adhere to the following property maintenance standards are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and property. On and after the effective date of this ordinance, no person, corporation, firm, association or entity of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Tawas Township.

A. The storage upon any property of junk motor vehicles, except in a completely enclosed building. For the purpose of this ordinance, the term “junk motor vehicles” shall include any motor vehicle that is propelled by any power other than muscular, including but not limited to automobiles, trucks, buses, tractors, recreational vehicles, motorcycles, snowmobiles and all-terrain vehicles, which, if required to be licensed for use upon the highways of the State of Michigan, is not so licensed and shall also include, whether so licensed or not, any motor vehicle which is inoperative.

B. The storage upon any property of building materials unless there is in force a valid and subsisting building permit and a valid and subsisting zoning permit issued by the proper governmental inspectors or authorities for construction upon the property, unless the building materials are intended for use in connection with such construction and unless the building materials are stored in an orderly manner. The term “building materials” shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials or equipment , electrical materials or equipment, heating materials or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structures.

C. The storage or accumulation of junk, trash, rubbish or refuse of any kind without a valid landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include but shall not be limited to parts of machinery, parts of motor vehicles, stoves, refrigerators, clothing washers, clothing dryers and any other appliances stored in the open; accumulations of brush, decaying grass or leaf materials, except that which are used in a neat and properly maintained compost pile for reasonable gardening or landscaping purposes, remnants of wood, metal and any other cast-off material of any kind and any dilapidated or inoperative equipment or machinery.

D. The existence of any building, dwelling, garage, mobile home, modular home, accessory building, shelter or any other structure which, because of fire, wind or other natural forces or physical deterioration or damage, is not habitable, if a dwelling, nor useful for any other purpose of which such structures are customarily and reasonably intended.

E. The existence of any vacant building, dwelling, garage, mobile home, modular home, accessory building, shelter or any other structure unless the same is kept securely locked, secured and protected to prevent entrance thereto by vandals or by other unauthorized persons.

F. The existence of any partially completed structure unless such structure is in the course of construction in compliance with and in accordance with a valid and subsisting building permit and a valid and subsisting zoning permit issued by the proper governmental inspectors or authorities.

G. The existence of any building, dwelling, garage, mobile home, modular home, accessory building, shelter or any other structure which fails to meet the following standards: (1) the exterior of such structure shall be maintained in good, structurally sound repair (2) every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

SECTION 3: Enforcement and Penalties

A. The violation by any person, corporation, firm, association or entity of any kind of any provision of this ordinance is hereby designated as a municipal civil infraction.

B. The Tawas Township Ordinance Enforcement Officer the Tawas Township Zoning Administrator and the Tawas Township Supervisor and other Tawas Township officials and employees as may be authorized by the Tawas Township Board of Trustees are authorized to administer and enforce the ordinance and issue municipal civil infraction citations.

C. "Municipal Civil Infraction" means a civil infraction as defined by Section 113 of the Revised Judicature Act of 1961, being Public Act 236 of 1961, as amended ("The Act"), involving a violation of this ordinance.

D. "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person, corporation, firm, association or entity of any kind cited ("the defendant").

E. "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

F. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.

G. A citation shall be issued and served by an authorized local official in accordance with the provisions of section 8707 and 8709 of the Act.

H. A citation shall contain the information required under section 8709 of the Act.

I. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to 90 days in jail and/or up to a \$500.00 fine, plus costs of the prosecution and will result in the entry of a default judgment against the defendant on the municipal civil infraction.

J. Violation of this ordinance constitutes a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offence and not less than \$100.00 nor more than \$2,500.00 for subsequent offences, in the discretion of the Court; and such fine shall be in addition to all other costs, attorney fees, damages, expenses and other remedies as provided by law. For purposes of this section "subsequent offence" means a violation of the provisions this Ordinance committed by the same person for the same property within twelve (12) months of a prior violation of the same provision of this Ordinance for which said person previously admitted responsibility or was adjudicated to be responsible, provided, however, that offences committed on subsequent days within a period of one week following the issuance of a citation for a first offence shall all be considered separate first offences.

K. If a defendant fails to comply with an order or judgment issued pursuant to section 8727 of the Act, within the time prescribed by the court, the court may proceed under sections 8302, 8729 and 8731 of the Act, as applicable.

L. Each day on which any violation of this ordinance continues constitutes a separate offence and the offender shall be subject to the applicable fine, costs, penalties and sanction for each separate offence.

M. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent or abate any violation of this ordinance.

SECTION 4: Effective Date

This ordinance shall become effective thirty (30) days after its publication as required by law.

SECTION 5: Publication; Recordation; Authentication

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Tawas Township and qualified under state law to publish legal notices, within 15 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

SECTION 6: Severability

The provision of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

SECTION 7: Repeal of Ordinance No. _____

Tawas Township Ordinance No. _____ which was adopted by the Tawas Township Board of Trustees on _____, is hereby repealed.