

STATE OF MICHIGAN
COUNTY OF IOSCO

THE CHARTER TOWNSHIP OF AUSABLE

ORDINANCE NUMBER 99

BLIGHT

Adopted: November 19, 2007

Effective: December 19, 2007

(Replaced Ordinance Number 92)

THIS IS AN ORDINANCE TO PRESERVE THE PEACE, WELFARE, ORDER, HEALTH AND SAFETY OF PERSONS AND PROPERTY IN THE CHARTER TOWNSHIP OF AUSABLE, AND TO PRESCRIBE VARIOUS PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. ADDITIONALLY THIS ORDINANCE SPECIFICALLY IS INTENDED TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, OR BLIGHTING FACTORS, OR CAUSES OF BLIGHT WITHIN THE CHARTER TOWNSHIP OF AUSABLE, IOSCO COUNTY, STATE OF MICHIGAN.

THE CHARTER TOWNSHIP OF AUSABLE DOES HEREBY ORDAIN:

Section 1. **TITLE AND PURPOSE**

This Ordinance shall be known and may be cited as AuSable Township Ordinance Number 99. The Township, as allowed by law, hereby declares by this ordinance, that it is the intent of same to prevent, reduce, or eliminate blight or potential blight in the Charter Township of AuSable, by the prevention and/or elimination of certain environmental causes of blight or blighting factors, and/or any blight regardless of the cause of same, which exists, or may in the future exist in said township.

Section 2. **DEFINITION**

“Blight” may be defined as follows, but is not limited to: Junk automobiles in violation of any ordinance of the Township, any condition that is violative of any ordinance of the Charter Township of AuSable as it relates to the appearance of the property and as it may adversely affect the public health, welfare and safety, including but not limited to the values of surrounding property, the accumulation of any junk, trash, rubbish, or refuse of any kind, including, but not limited to appliances, furniture beds and bedding placed or stored in the open, remnants of any wood, metal, pans of machinery, tires, parts of motor vehicles, unstacked firewood, accumulation of brush, decaying grass materials and leaf piles, except that which can be reasonably anticipated in a properly maintained compost pile for reasonable landscaping purposes of a non-commercial nature, or any other building materials, including but not limited to lumber, bricks, concrete or

cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in the construction of a structure, or other cast-off material of any kind whether or not same could be put to any reasonable use, any home destroyed and/or no longer inhabitable due to fire, wind or other natural disaster. The existence of any partially completed structure unless same is in the course of construction in accordance with valid and subsisting zoning and building permits issued by said township and/or County of Iosco.

Section 3. **PENALTY**

1. Any person who commits blight as further described herein, shall be given ten (10) days to correct any claimed violations of this ordinance, and for failure to do so, said particular individual, shall be guilty of a misdemeanor, punishable upon conviction by a fine not in excess of \$100.00 or by imprisonment in the Iosco County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the Judge imposing sentence, plus costs of prosecution and any court costs. Each day the violation is determined to have existed may constitute a separate offense.
2. Furthermore, the CHARTER TOWNSHIP OF AUSABLE may enforce this ordinance by way of civil infraction, being Ordinance Number 75, or any amendment thereto, as well as any action as allowed by law, including but not limited to a Restraining Order in either District and/or Circuit Court of the County of Iosco, State of Michigan, and/or in the appropriate court of federal jurisdiction, all as the circumstances may warrant.
3. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Township against the Township tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.
4. The Zoning Administrator and/or any other personnel as authorized by the Superintendent or Township Board, shall be allowed to go onto the premises and correct the cited violation after the property owner has been notified of same and be able to place all reasonable incurred costs either as a lien upon the concerned property, or cause said costs to be added to the tax rolls of said parcel.

Section 4. **ENFORCEMENT**

1. 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.
2. The Zoning Administrator, or designee, duties shall include the following:
 - a. Investigation of ordinance violations
 - b. Issuance and service of municipal ordinance violation warning notices

- c. Issuance and service of fineable municipal ordinance Notice of Violation and municipal Civil Infraction Citations
- d. Appearance in court of other judicial or quasi-judicial proceedings in the administration of the Township's ordinance.
- e. All notices of enforcement are outlined in Resolution 2007-17 Violation Notice Policy

Section 5. 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.

Section 6. 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.

Section 7. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days following adoption on December 19, 2007. At a regular meeting of the AuSable Township Board held on the day of November 19, 2007, adoption of the foregoing ordinance was moved by Paul Mayville, and supported by Jan Baldwin.

Voting for: Paul Mayville, Lynn Mitchell, Mary Jo Samotis, Jan Baldwin, Alanda Barnes, Kevin Beliveau

Voting against: Dan Hayes

Absent: None

The Supervisor declared the Ordinance Adopted.

CHARTER TOWNSHIP OF AUSABLE

Dated: 11/19/07

Albert D. Hayes, Jr.
By: Albert D. Hayes, Jr.
Its: Supervisor

Dated: 11/19/07

Lynn A. Mitchell
By: Lynn A. Mitchell
Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 99, which was enacted by the AUSABLE TOWNSHIP Board at a regular meeting on the 19th day of November 2007.

Lynn A. Mitchell
By: Lynn A. Mitchell
Its: Clerk