TOWNSHIP OF PRESQUE ISLE

ORDINANCE NO. 1 of 2002

AN ORDINANCE TO PREVENT, REDUCE, AND ELIMINATE BLIGHT AND CAUSES OF BLIGHT WITHIN PRESQUE ISLE TOWNSHIP, PRESQUE ISLE COUNTY, MICHIGAN; TO PROVIDE FOR ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF, PURSUANT TO THE ENACTING AUTHORITY PROVIDED BY ACT 344 OF THE PUBLIC ACTS OF 1945 AND ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED.

THE TOWNSHIP OF PRESQUE ISLE 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, and eliminate blight and potential blight in Presque Isle Township in an effort to promote the public health, safety, and general welfare of persons and property located in Presque Isle Township.

Section 2: Causes of Blight or Blighting Factors

It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and property in Presque Isle Township. On and after the effective date of this ordinance, no person, corporation, or association of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Presque Isle Township owned, leased, rented, or occupied by such person, corporation, or association:

A. In any area within Presque Isle Township, the storage upon any property of junk vehicles, except in a completely enclosed building. For the purpose of this ordinance, the term "junk vehicles" shall include any motor vehicle that is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle that is inoperative. The following vehicles are excluded from this definition of "junk vehicles":

i. Unlicensed, but operative, vehicles that are kept as the stock in trade of a regularly licensed and established dealer in new or used automobiles or other motorized vehicles;

ii. Operative vehicles that are used seasonally and licensed by the State of Michigan for half-year use upon the highways of the State of Michigan;

iii. Operative antique cars and trucks provided the same were manufactured at least 25 years ago;

iv. Vehicles upon the premises of a vehicle repair garage awaiting repair for a period of up to 120 days. Such 120-day period may be extended for additional periods of 30 days each upon the presentation to the Presque Isle Township Supervisor of written proof that the offending vehicle is involved in insurance claims litigation or a similar matter and that additional time is required before the vehicle can be moved off the premises;

v. Unlicensed vehicles, operative or inoperative, for which a special permit to keep the same on the premises has been obtained from the Presque Isle Township Planning Commission, only after the Commission has made the following determinations: Such vehicles are not visible to the public from public streets and highways; and such vehicles are not visible to adjacent property owners, or, if they are visible to adjacent property owners, those adjacent property owners have no objection to the placement of the vehicle at this location. Any permit issued under this provision shall be valid for a period not to exceed 1 year. A permit may be renewed for 1-year periods providing all the above conditions have again been satisfied.

B. In any area within Presque Isle Township, the storage of building materials upon any property unless there is in force a valid building permit issued by the proper governmental inspector or authority for construction upon the property, and unless the building materials are intended for use in connection with such construction. 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 structure. The term "building materials" shall not include building materials that are completely enclosed within a building

or shielded by a privacy fence or natural obstruction so as not to be visible to the public and to adjacent property owners.

C. In any area within Presque Isle Township, the storage or accumulation upon any property of junk, trash, rubbish, or refuse of any kind without a 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 driers, and any other appliances stored in the open; broken or unusable furniture; remnants of woods, metal, or any other material or cast-off material of any kind; and any dilapidated or inoperative equipment and machinery.

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

E. In any area within Presque Isle Township, the existence of any vacant building, dwelling, garage, mobile home, or modular home unless the same are kept securely locked and protected to prevent entrance thereto by vandals or by other unauthorized persons.

F. In any area within Presque Isle Township, 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 building permit issued by the proper governmental inspector or authority.

Section 3: Enforcement and Penalties

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

B. The Presque Isle Township Supervisor and the Presque Isle Township Zoning Administrator are hereby designated as authorized local officials who shall administer and enforce this ordinance and who are authorized to 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

Act No. 236 of the Public Acts 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, or association 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 Sections 8707 and 8709 of the Act.

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

I. An authorized local official may issue a citation to a defendant if the official witnesses a defendant commit a violation of this ordinance; or if, based upon investigation, the official has reasonable cause to believe that the defendant is responsible for a violation of this ordinance; or if, based upon investigation of a complaint by someone who allegedly witnessed the defendant commit a violation of this ordinance, the official has reasonable cause to believe that the defendant is responsible for a violation of this ordinance, and if the Township attorney approves in writing the issuance of the citation.

J. 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 entry of a default judgment against the defendant on the municipal civil infraction.

K. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed $500.00 plus costs of not less than $9.00 nor more than $500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township. In

addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order necessary to enforce this ordinance, in accordance with Section 8302 of the Act.

L. 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.

M. If a defendant does not pay a civil fine or costs or an ordered installment within 30 days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the register of deeds for the county in which the land, building, or structure is located. The court order shall not be recorded unless a legal description of the property is incorporated into or attached to the court order. A lien is effective immediately upon recording of the court order with the register of deeds. The court order recorded with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township by first-class mail to the owner of record of the land, building, or structure at the owner's last known address. The lien may be enforced and discharged by the Township in the manner prescribed by Section 8731 of the Act.

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

O. In addition to any remedies available at law, Presque Isle 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: Severability Clause

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any of the remaining portions of this ordinance.

Section 5: Effective Date, Publication, and Adoption

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

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Presque Isle Township, and qualified under state law to publish legal notices, within 15 days after its adoption, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signature of the Township Clerk.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Township Board of the Township of Presque Isle, County of Presque Isle, Michigan, at a regular meeting held on the 11th day of March, 2002.

I further certify that the following Board members were present at the meeting: Peter Pettalia, Judith D. Cameron, Cynthia Paavola, and Karen Fournier and that the following Board members were absent: Bette Tadajewski.

I further certify that the Board member Pettalia moved for adoption of the ordinance, and that the motion was supported by the Board member Paavola.

I further certify that the following Board members voted for the adoption of the ordinance: Paavola, Fournier, Pettalia, Cameron and that the following Board members voted against the adoption of the ordinance: none.

DATED: March 11, 2002

Judith D. Cameron
Presque Isle Township Clerk

I, Judith D. Cameron, Presque Isle Township Clerk, do hereby certify that the above ordinance was published in the Alpena News on the 20th day of March, 2002, and that the ordinance has been recorded in the Township Ordinance Book on this 20th day of March, 2002.

DATED: March 20, 2002

Judith D. Cameron
Presque Isle Township Clerk