

**NOTICE OF POSTING OF PROPOSED CHARTER TOWNSHIP OF ALPENA ORDINANCE**  
**(ORDINANCE NO. 137; THE BLIGHT ORDINANCE)**  
**AND NOTICE OF CHARTER TOWNSHIP OF ALPENA BOARD MEETING**

TAKE NOTICE that on the 14<sup>th</sup> day of May, 2019, a proposed ordinance (Ordinance No. 137; the Blight Ordinance) was introduced during a regular meeting of the Township Board of the Charter Township of Alpena. The proposed ordinance is designed to prevent, reduce, or eliminate blight, blighting factors, and causes of blight within the Township; to promote the public health, safety, and general welfare of persons and property; to define the causes of blight that constitute violations of the ordinance; to provide for the enforcement of the ordinance; to provide penalties for violations of the ordinance; and to repeal Charter Township of Alpena Ordinance No. 127 and Ordinance No. 135. The proposed ordinance is presently posted for public viewing at the Charter Township of Alpena offices located at 4385 US-23 North, Alpena, Michigan 49707, and may also be viewed on the Township's website, [www.alpenatownship.com](http://www.alpenatownship.com). The proposed ordinance will be presented to the Township Board during a regular meeting on the 28<sup>th</sup> day of May, 2019, at 6:00 p.m., and the Township Board will consider adopting the proposed ordinance at that time. If the ordinance is adopted by the Township Board, the ordinance will take effect upon its publication as required by law. Please call the Township offices at (989) 356-0297 for further information or assistance.

Michele Palevich  
Charter Township of Alpena Clerk

**CHARTER TOWNSHIP OF ALPENA  
ALPENA COUNTY, MICHIGAN  
ORDINANCE NO. 137  
BLIGHT ORDINANCE**

An ordinance to prevent, reduce, or eliminate blight, blighting factors, and causes of blight within the Charter Township of Alpena, Alpena County, Michigan; to promote the public health, safety, and general welfare of persons and property; to provide for enforcement hereof; to provide penalties for the violation hereof, pursuant to the enacting authority provided by Michigan Public Act 359 of 1947, Michigan Public Act 344 of 1945, and Michigan Public Act 246 of 1945, as amended; and to repeal Charter Township of Alpena Ordinance No. 127 and Ordinance No. 135.

THE CHARTER TOWNSHIP OF ALPENA, ALPENA COUNTY, MICHIGAN, ORDAINS:

**SECTION I. PURPOSE.**

Consistent with the letter and spirit of Michigan Public Act 359 of 1947, Michigan Public Act 344 of 1945, and Michigan Public Act 246 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce, or eliminate blight and potential blight in the Charter Township of Alpena in an effort to promote the public health, safety, and general welfare of persons and property located in Township.

**SECTION II. CAUSES OF BLIGHT.**

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. On and after the effective date of this ordinance, no person, corporation, or association of any kind shall cause, maintain, or permit to be maintained any of these causes of blight or blighting factors upon any property in the Charter Township of Alpena:

A. In any area within the Township, except where specifically permitted by the Township's zoning ordinance or by another applicable Township ordinance, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, or boat hulls in disrepair, except in a completely enclosed and lawful building. For the purposes of this ordinance, the terms "junk automobiles," "junk motor-driven vehicles," "trailers in disrepair," "contractor's equipment in disrepair," or "boat hulls in disrepair" shall include any such item that is not properly licensed for use upon the highways or lakes and waterways; and shall also include, whether so licensed or not, any of the above enumerated items which are inoperative.

B. In any area within the Township, except where specifically permitted by the Township's zoning ordinance or by another applicable Township ordinance, the storage upon any property of building materials 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. For purposes of this ordinance, 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; and any other materials used in constructing any structure. For purposes of this ordinance, the term "building materials" shall not include building materials that are completely enclosed within a lawful

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

C. In any area within the Township, except where specifically permitted by the Township's zoning ordinance or by another applicable Township ordinance, the storage or accumulation upon any property of junk, trash, rubbish, or refuse of any kind, except domestic refuse stored in a rodent-proof receptacle, in such a manner as not to create a nuisance. For purposes of this ordinance, 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 wood, metal, and any other material or cast-off material of any kind; and dilapidated or inoperative equipment and machinery.

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

F. In any area within the Township, the existence of any partially completed structure unless the structure is lawfully in the course of construction in compliance with a valid building permit issued by the proper governmental inspector or authority.

G. In any area within the Township, except where specifically permitted by the Township's zoning ordinance or by another applicable Township ordinance, the outside storage of mobile homes, truck bodies, or semi-trailers either as vacant units or storage units.

H. In any area within the Township, the existence of any well or cistern that is not sufficiently covered or protected so as to prevent access thereto by any person.

I. In any area of the Township, any dwelling that does not have adequate facilities for the disposal of sewage.

J. In any area within the Township, any building or structure that is conducive to the harboring or breeding of rats, rodents, or vermin.

K. In any area within the Township, no person shall apply graffiti to any surface or structure. For purposes of this ordinance, the term "graffiti" means any mark or marks on any surface or structure made without the prior permission of the property owner and made in any manner, including but not limited to, writing, inscribing, drawing, tagging, sketching, spray-painting, painting, etching, scratching, carving, engraving, scraping, or attaching; chalk marks on sidewalks or driveways are not "graffiti."

L. In any area within the Township, no person, corporation, or association of any kind which owns or otherwise controls or manages any property shall permit or allow any graffiti to remain on any surface or structure on the property. Removal of graffiti may be by means of actual physical removal or covering over the graffiti with paint or other appropriate similar substance applied to the surface or structure; removal shall be accomplished in such a manner that the surface or structure is substantially similar to its prior condition.

M. In any area within the Township, any building or structure that constitutes a fire hazard or is dangerous to human life for any other reason not specifically listed herein.

N. If the property is located in an area zoned as R-1 (one-family residential), R-2 (rural residential), R-3 (mixed residential), or WR (waterfront residential) by the Charter Township of Alpena Zoning Ordinance, no more than 2 cubic yards of compost material may be piled or stored upon a lot, with the permission of the lot owner or lessee, provided that the compost material is stored no closer than 20 feet from any habitable building located off of the subject lot, and provided that the compost material does not cause conditions that unreasonably interfere with the enjoyment of life and property, such as blowing debris, odors, insects, or pest animals.

### **SECTION III. VIOLATIONS AND PENALTIES.**

A. When addressing a violation of this ordinance, the Township Building Official or another authorized Township official shall attempt to verbally contact the person or organization responsible for the violation to request that the violation be remedied within a reasonable time as determined by the Township official. If the person or organization receives a verbal request and a deadline for remedying the violation from the Township official, the Township official shall inspect the subject property following the expiration of the deadline to determine if the violation has been remedied. If the violation has not been remedied, the Township official shall then provide written notice of the violation to the person or organization responsible for the violation. The notice shall be personally delivered, sent by first-class mail, or posted at the subject property. The person or organization shall have 10 business days from the date of personal delivery, mailing, or posting of the notice of violation to remedy the violation or to provide a written plan to remedy the violation that is acceptable to the Township official.

B. If the person or organization responsible for a violation of this ordinance fails to remedy the violation in accordance with the procedure set forth in Section III.A. above, the Township official shall personally deliver, send by first-class mail, or post at the subject property a notice informing the person or organization that an informal hearing may be requested by the person or organization verbally or in writing by providing the Township official with the request within 7 business days from the date of personal delivery, mailing, or posting of the notice. If an informal hearing is requested and conducted, the Township official shall during such informal hearing provide the person or organization with an opportunity to address the alleged violation, any past efforts to remedy the alleged violation, and a proposed plan for remedying the alleged violation.

C. Any person or organization who violates any of the provisions of this ordinance, and who fails to remedy the violation following the procedure set forth in Section III.A. and IV.B above, has created a nuisance per se and shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236").

D. The Charter Township of Alpena Building Official, the Charter Township of Alpena Zoning Administrator, the Charter Township of Alpena Supervisor, and Charter Township of Alpena officials and employees as may be authorized by the Charter Township of Alpena Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

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

F. 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 ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

G. 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 not to exceed \$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.

H. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.

I. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

J. 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.

K. 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 IV. EFFECTIVE DATE.**

This ordinance shall become effective immediately upon its publication as required by law.

#### **SECTION V. PUBLICATION; RECORDATION; AUTHENTICATION.**

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

**SECTION VI. SEVERABILITY.**

The provisions 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 this ordinance, which shall continue in full force and effect.

**SECTION VIII. REPEAL.**

Charter Township of Alpena Ordinance No. 127, which was adopted by the Township Board of Trustees on June 6, 2016, and Charter Township of Alpena Ordinance No. 135, which was adopted by the Township Board of Trustees on December 17, 2018, are hereby repealed.

**CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on \_\_\_\_\_.

I further certify that the following Board members were present at the meeting: Supervisor Skibbe, Clerk Palevich, Treasurer Ellery-Somers, Trustee Poli, Trustee Dunckel, Trustee Kroll, and Trustee Lappan, and that the following Board members were absent: None.

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

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: \_\_\_\_\_, and the following Board members voted against the adoption of the ordinance: \_\_\_\_\_.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Charter Township of Alpena Board of Trustees.

\_\_\_\_\_  
Nathan Skibbe  
Charter Township of Alpena Supervisor

\_\_\_\_\_  
Michele Palevich  
Charter Township of Alpena Clerk