

**TOWNSHIP OF ALPENA
ALPENA COUNTY**

NOTICE OF ADOPTION OF ORDINANCE NO. 127

TAKE NOTICE that on the 6th day of June, 2016, the Township of Alpena Board of Trustees adopted the following ordinance:

AN ORDINANCE TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, BLIGHTING FACTORS, AND CAUSES OF BLIGHT WITHIN THE 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 344 OF 1945 AND MICHIGAN PUBLIC ACT 246 OF 1945, AS AMENDED; AND TO REPEAL TOWNSHIP OF ALPENA ORDINANCE NO. 61.

THE TOWNSHIP OF ALPENA ORDAINS:

SECTION 1. PURPOSE.

Consistent with the letter and spirit of 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 Township of Alpena in an effort to promote the public health, safety, and general welfare of persons and property located in the Township of Alpena.

SECTION 2. 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 Township of Alpena:

A. In any area within the Township of Alpena, 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. Vehicles upon the premises of a regularly licensed and established 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 Township of Alpena 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;

iv. Unlicensed vehicles, operative or inoperative, for which a special permit to keep the same on the premises has been obtained from the Township of Alpena Board of Trustees, only after the Board has made the following determinations: The vehicle is not visible to the public from public streets and highways; and the vehicle is not visible to adjacent property owners, or, if it is 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 the Township of Alpena, 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 lawful building or shielded by a lawful privacy fence so as not to be visible to the public and to adjacent property owners.

C. In any area within the Township of Alpena, 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 wood, metal, and any other material or cast-off material of any kind; and any dilapidated or inoperative equipment and machinery.

D. In any area within the Township of Alpena, 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 of Alpena, 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 by other unauthorized persons.

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

G. If the property is located in an area zoned as R-1 (one-family residential zoning district), R-2 (rural residential zoning district), or R-3 (mixed residential zoning district) by the Township of Alpena Zoning Ordinance, no more than 2 cubic yards of compost material may be piled or stored upon a lot, with the lot owner's or lot lessee's permission, 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 THREE. ENFORCEMENT; 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 Township of Alpena Supervisor, the Township of Alpena Zoning Administrator, and other Township officials and employees as may be authorized by the Township of Alpena Board of Trustees are authorized to administer and enforce this 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 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. 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.

J. 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.

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 offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

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 FOUR. 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 FIVE. EFFECTIVE DATE.

This ordinance shall take effect 30 days after its publication as required by law.

SECTION SIX. PUBLICATION; RECORDATION; AUTHENTICATION.

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township of Alpena, 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 Clerk shall authenticate this ordinance by placing his official signature upon the ordinance.

SECTION 7. REPEAL OF ORDINANCE NO. 93-2.

Township of Alpena Ordinance No. 61, which was adopted by the Township of Alpena Board of Trustees on October 5, 1998, is hereby repealed.

This ordinance may be inspected and a copy may be purchased at the Township of Alpena offices located at 4385 US-23 North, Alpena, Michigan 49707. Please call the Township of Alpena offices at (989) 356-0297 for further information.

T. Juergen Thusat
Township of Alpena Clerk