

# ORDINANCE # 11-08

## MIDDLE BRANCH TOWNSHIP

### ANTI BLIGHT ORDINANCE

#### THE TOWNSHIP OF MIDDLE BRANCH, OSCEOLA COUNTY, MICHIGAN, HEREBY ORDAINS:

An ordinance to prevent reduce or eliminate blight, blighting factors or causes of blight within Middle Branch Township, Osceola County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof Pursuant to the enacting authority therefore provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL 125.71, *et seq.*)

#### **I. Purpose:**

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Middle Branch Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in Middle Branch Township.

#### **II. 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. On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Middle Branch Township owned, leased, rented or occupied by such person, firm or corporation.

- A. In any area used for residential purposes, the storage upon any property of junk automobiles, except in an area completely hidden from the view of the general public and adjacent land owners. For the purpose of this ordinance the term "junk automobiles" shall include any motor vehicle which 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 which is inoperative.
- B. In any, area, the storage or accumulation 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 fourteen (14) days. The term "junk" shall include, but is not limited to: parts of machinery or motor vehicles; unused, dilapidated, unlicensed or disassembled snowmobile, ATV, farm tractor, lawn tractor, trailer or semi-trailer, motorcycle; unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.
- C. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended, or as may be prohibited by the Michigan Building Code.
- D. In any area, the existence of any abandoned dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.

**III. Enforcement and Penalties**

- A. This ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- B. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within fourteen (14) days after service of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress. Any person found, by the Township Enforcement Officer, to be in violation of this ordinance, may appeal to the Township Board, by filing an appeal with the Township Clerk within ten (10) days of the expiration of the time given by the Enforcement Officer.
- C. Failure by the owner and/or occupant to comply with terms of the notice required by Section 3(B) within the time allowed shall constitute a violation of this ordinance.
- D. Any person, firm or corporation found violating the provisions of this Ordinance, is responsible for a Municipal Civil Infraction as determined by Michigan law and subject to a civil fine determined in accordance with the following schedule: Each day that a violation shall continue, it constitutes a separate offense. The fine starts the day after the deadline date stated on the notice. Checks for fines shall be made payable to Middle Branch Township.

First Violation within a 3-year period*	\$25.00/per day
Second Violation within a 3-year period*	\$50.00/per day
Third Violation within a 3-year period*	\$100.00/per day
Fourth or subsequent violation within a 3-year period	... \$200.00/per day

(\*Determined on the basis of the date of the violation(s))

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

Any violation of this ordinance shall also constitute a public nuisance, which may be abated by injunctive relief or any other remedy permitted by law.

**IV. Repeal**

- A. Any and all anti-blight ordinances previously adopted by Middle Branch Township, as amended, are hereby repealed.
- B. All ordinances or provisions of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

**V. Effective Date**

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

DONALD WILLIAMS, Supervisor