

STATE OF MICHIGAN
COUNTY OF ARENAC
TOWNSHIP OF MOFFATT
ORDINANCE NUMBER 6-24

BLIGHT CONTROL

Ordinance to Provide For: The regulation and control of the storage, accumulation, and disposition of junk, trash, and rubbish or the maintenance of blighted structures and other blight factors or causes of blight and deterioration that shall be considered a public nuisance relating to any property within the jurisdictional boundaries of Moffatt Township, and to provide for penalties for the violation thereof.

Minimum Standards: The provisions in this ordinance shall not be construed to prevent the enforcement of other codes, ordinances, or regulations, which prescribe standards other than are provided in this ordinance.

The ordinance shall not be intended to affect violations of any other ordinance, code, or regulation existing prior to the effective date of this code, and any such violation may be governed and continued to be punished under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

THE TOWNSHIP OF MOFFATT TOWNSHIP, ARENAC COUNTY, MICHIGAN, ORDAINS:

Sec. 1. DEFINITIONS.

The following words or terms when used herein shall be deemed to have the meaning set forth below:

- (a) The term “**junk**” shall include, without limitation, parts of machinery, water craft or motor vehicles, broken and unusable furniture, stoves, refrigerators, or other appliances, or any other cast off material of any kind.
- (b) The term “**blighted structure**” shall include, without limitation, any dwelling, garage or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure

or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer deemed habitable as a dwelling, nor useful for the purpose for which it may have been intended.

- (c) The term “**person**” shall include all natural persons, firms, copartnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent, or employee. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, lessee, agent, servant, or employee, shall, except as herein otherwise provided, be equally liable as principals.
- (d) The terms “**trash**” and “**rubbish**” shall include any and all forms of debris not herein otherwise classified.
- (e) The term “**enforcement officer**” shall include the Township of Moffatt Zoning Administrator, Township Supervisor or his/her designee, or any legitimate county law enforcement officer.
- (f) The term “**public nuisance**” shall include any accumulations of dead weeds, grass or brush, trash, debris, refuse, filth, or other noxious material which endangers public property or the health or safety of the public.

Sec. 2. **DETERMINATION.**

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk motor vehicles, abandoned vehicles, building materials, the accumulation of dead weeds, grass, or brush, or the maintenance of blighted structures upon any private property within the Township of Moffatt tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and, therefore, is contrary to the public health, safety, and general welfare of the community.

Sec. 3. **BLIGHTED OR VACANT STRUCTURES.**

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit

issued by Arenac County and unless such construction is completed within the time provided on the building permit issued.

Sec. 4. ENFORCEMENT.

Before commencing prosecution under this ordinance, the enforcement officer shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement office, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure on the property. In addition, a copy of the notice shall be sent by first class mail to the owner of the land at the owner's last known address. The notice shall specify that failure to remedy the violation within thirty (30) days of the date of personal service or from the date of mailing shall result in the issuance of a violation notice. The Township Zoning Administrator is hereby authorized to enforce this ordinance, and he or 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 the same.

Sec. 5. APPEAL; HEARING.

The owner and/or occupant may appeal to the Township Board for a public hearing which shall be held at a regular or specially called Township Board meeting providing the owner or occupant files a request in writing with the Township Clerk within ten days of the receipt of the notice specified above. Following the hearing, the decision of the Township Board as to the violation shall be final.

Sec. 6. PENALTIES.

Any violation of or any failure to comply with the provisions of this Ordinance shall be deemed a civil infraction and be punishable by a fine not to exceed \$100.00 or by imprisonment not to exceed 90 days, or both. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section provided no person shall be imprisoned for a single violation, but for a continuing violation of the Ordinance for a period of longer than 90 days. In addition to the criminal sanctions herein provided, the Township specifically reserves the right and shall have the authority to proceed in any Court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate civil proceedings to prevent, enjoin, abate, or remove any violation of this ordinance.

Sec. 7. REMOVAL BY TOWNSHIP; EXPENSE; LIEN.

If the owner and/or occupant of such premises shall not cause such material in violation of this Ordinance, as described above, to be eliminated or removed within thirty days after notice or within thirty days after the decision of the Township Board is rendered in case of an appeal, the Township Supervisor or his designee is hereby authorized to enter upon the premises in the Township for the purpose of correcting the violations. The Township Supervisor shall direct some person, or persons, to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such materials to be eliminated or removed, the total expense incurred by the Township shall be collected in any manner authorized by statute in a suit of law, and if not paid, may be placed on the tax roll and collected the same as other taxes.

Sec. 8. 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.

Sec. 9. 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.

Sec. 10. VALIDITY.

Should any section, clause, or provision of this Ordinance be declared by any Court to be invalid, the same shall not affect the validity of the remaining portions of such Section of the Ordinance or any part thereof other than the part so declared to be invalid.

Sec. 11. EFFECTIVE DATE.

This Ordinance shall become effective 30 days after publication and shall be published once in full in the *Arenac Independent*, a newspaper circulating within the boundaries of the Township of Moffatt, on or before the 20th day of June, 2024.

Adopted: June 17th 2024
Published: June 20th 2024
Effective: July 20th 2024

Motion to Adopt Ordinance Number 6-24 by Lenny Mezey, seconded by Kevin Kaczmarek

Yes: 4 (#) Yes: Stephanie, Raymond, Kevin, Lenny (Names)
No: 0 (#) No: _____ (Names)
Absent: 1 (#) Absent: Lee (Names)

Raymond J Daniels
By: Raymond Daniels
Its: Supervisor

7-2-2024
Dated

Stephanie Kernstock
By: Stephanie Kernstock
Its: Clerk

7-2-2024
Dated

CERTIFICATION

The foregoing is a true copy of Ordinance Number 6-24, which was enacted by the MOFFATT TOWNSHIP BOARD at a regular meeting on the 17th day of June, 2024.

Stephanie Kernstock
By: ~~Stephanie Kernstock~~
Its: Clerk Stephanie Kernstock