

**CHARTER TOWNSHIP OF AUSABLE  
IOSCO COUNTY, MICHIGAN**

**ORDINANCE # 133  
BLIGHT ORDINANCE**

An ordinance to prevent, reduce, or eliminate blight, blighting factors, and causes of blight within the Charter Township of AuSable, Iosco County, Michigan; to promote the public health, safety, and general welfare of persons and property; to provide for enforcement hereof; and 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.

**THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:**

**SECTION I. 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 Charter Township of AuSable in an effort to promote the public health, safety, and general welfare of persons and property located in the 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 AuSable:

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, any building or structure that constitutes a fire hazard or is dangerous to human life for any other reason not specifically listed herein.

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

A. Any person or organization who violates any of the provisions of this ordinance 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").

B. The Charter Township of AuSable Civil Infraction Enforcement Officer, the Charter Township of AuSable Zoning Administrator, the Charter Township of AuSable Superintendent, the Charter Township of AuSable Supervisor, and other Township officials and employees as may be authorized by the Charter Township of AuSable Board of Trustees ("an authorized local official") are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. In addition, an authorized local official may first issue and serve a municipal ordinance violation notice in accordance with Section 8707 of Public Act 236, instead of a municipal civil infraction citation, for a 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 or a lawful summary shall be published once in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within thirty (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 IX. REPEAL OF PRIOR TOWNSHIP ORDINANCE.**

Charter Township of AuSable Ordinance No. 99, the Charter Township of AuSable prior blight ordinance, is 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 AuSable Board of Trustees at a regular meeting held on the 21st day of February, 2023.

I further certify that the following Board members were present at the meeting: \_\_\_\_\_  
\_\_\_\_\_, and that the following Board members were absent:  
\_\_\_\_\_.

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 AuSable Board of Trustees.

The Township Supervisor declared this ordinance adopted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kevin Beliveau  
Charter Township of AuSable Supervisor

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kelly Graham  
Charter Township of AuSable Clerk