

FREEMAN TOWNSHIP ORDINANCE NO. 23

ANTI-BLIGHT ORDINANCE.

TOWNSHIP OF FREEMAN, COUNTY OF CLARE, STATE OF MICHIGAN
FREEMAN TOWNSHIP ORDINANCE NO. 23
ANTI-BLIGHT ORDINANCE

An ordinance to secure the public health, safety, and welfare of the residents and property owners of the Township of Freeman, Clare County, Michigan, by regulating, preventing, reducing or eliminating blight, blighting factors or causes of blight within said Township; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

THE TOWNSHIP BOARD OF FREEMAN TOWNSHIP
CLARE COUNTY, MICHIGAN

ORDAINS;

SECTION I. NAME.

This ordinance shall be known and cited as the Freeman Township Anti-Blight Ordinance.

SECTION II. PURPOSE.

The purpose of this ordinance is to promote the general health, safety and welfare of the residents and property owners of Freeman Township by regulating and preventing, reducing or eliminating blight or potential blight in the Township through the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Township.

SECTION III. PROHIBITED ACTIVITIES AND CONDITIONS.

As of the effective date of this ordinance, it shall be unlawful for any person, firm, corporation, or other legal entity or for any property owner, land contract purchaser, lessee, or tenant at will to maintain or allow to be maintained upon any property in Freeman Township, any of the following uses, structures, activities or conditions:

- A. Keeping any unlicensed motor vehicle, on any property in Freeman Township, unless it is in a completely enclosed building.
- B. Keeping any automobile parts outside of a completely enclosed building in any area for a period in excess of fifteen (15) days. (This shall not apply to farm equipment on a registered farm)

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- C. Keeping inoperable machines, inoperable vehicles or appliances for a period of more than fifteen (15) days on any property, unless they are in a completely enclosed building.
- D. Keeping any building materials (all inclusive of any materials used to construct, maintain, or repair a building) for a period of more than fifteen (15) days on any property unless there is an active building permit on the property or they are in a completely enclosed building. Except for masonry blocks, lumber, bricks, stone, gravel or sand may be stored in an orderly manner not to exceed 15 ft. X 15ft. X 5 ft. high, on property zoned residential.
- E. Keeping or accumulating junk, trash, refuse or debris whether bagged or un-bagged for a period of more than fifteen (15) days on any property unless it is in a completely enclosed building. This includes garbage, metal, paper products, or discarded household items.
- F. Having a structure on a property that has deteriorated or been damaged to a point that it is no longer safe or usable for it's original intended purpose, for a period of ninety (90) days, unless there is an active building permit on the property to repair/restore said damage.
- G. After being cited for a blight violation by the Township Blight Officer, ALL items in the area cited MUST be brought into compliance with the ordinance. ANY items that are in the cited area CANNOT be transferred to another piece of property in the Township. If ANY items from the cited area are transferred to another property in the Township it will be considered as a second offense to the Township Anti-Blight Ordinance and become subject to the penalties of a second offence.

SECTION IV. NOTICES.

The Freeman Township Supervisor, Freeman Township Zoning Administrator and/or any other person authorized by the Freeman Township Board shall give notice of any violation of this ordinance in the following manner.

- A. Providing written notice to the property owner (using the property address posted on a usable mailbox or the address as maintained on the tax role).
- B. Posting the property with a written notice of the violation or
- C. Personally delivering written notice of the violation or
- D. A copy of the Violation Notice is included with this Ordinance.

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SECTION V. PENALTY.

Section 5.01. Presumption of Civil Infraction.

A first violation of the Freeman Township Anti-Blight Ordinance shall be deemed to be a municipal civil infraction.

Section 5.02. Violation and Penalties.

- A. The following civil fines shall apply in the event of a determination of responsibility for a municipal infraction, unless a different fine is specified in connection with a particular ordinance provision:

The First Offense. The civil fine for a first offense violation shall be in the amount of three hundred dollars (\$300.00), plus cost and other sanctions, for each offense.

- B. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this ordinance.

- C. Continuing Offense. Each act of violation and each day, upon which any such violation shall occur, shall constitute a separate offense.

- D. Remedies Not Exclusive. In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought.

- E. Judge or Magistrate.

The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

- F. Default on Payment of Fines and Costs.

A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection A or B or an installment of the fine costs, damages or expenses as allowed by the Court, may be collected by the Township of Freeman by a means authorized for the enforcement of a judgment under Chapters 40 and 60 of the Revised Judicature Act, MCL 600.101, et. Seq. MSA, 101, et. seq, as amended.

- G. Failure to Comply With Judgment of Order.

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection I.

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H. Civil Contempt.

1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of Freeman or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on a civil contempt for non-payment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each thirty dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of thirty dollars (\$30.00) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs damages or expenses shall not be discharged from custody until one of the following occurs.
 - (a) Defendant is credited with an amount due pursuant to Subsection H (5).

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- (b) The amount due is collected through execution of process or otherwise.
 - (c) The amount due is satisfied pursuant to a combination of Subsection H (6) (a) and (b).
- 7. The civil contempt shall be purged upon discharge of the defendant Pursuant to Subsection H (6).
 - 8. The imposition of any fine and/or jail sentence shall not exempt the defendant from compliance with the provisions of this ordinance.
- I. Second or Subsequent Offenses. Any person, firm, or corporation who violates any of the provisions of this ordinance for a second or subsequent time within one hundred eighty (180) days shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that the violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the Township Blight and Zoning Inspector, any Township Police Officers or such other officer as the Township Board may designate, may petition for a court order to cause junk, blighted structure, building materials, trash or rubbish, any vehicle, trailer or parts thereof, which violate the provisions of the ordinance to be removed from the premises, impounded and destroyed or sold for junk and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which same are located. Any sums realized on the sale of same may be retained by the township to reimburse it for the cost incurred in such removal and sale, to the extent of such cost. Any balance of sums remaining after such reimbursement shall be returned to the owner of such vehicle, trailer or parts thereof.

SECTION VI. VALIDITY.

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION VII. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days following the date of publication as required by law. All ordinances or part of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

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ADOPTED: _____ EFFECTIVE: _____

_____ Date: _____

Al Housler
Freeman Township Supervisor

_____ Date: _____

Julie Lightfoot
Freeman Township Clerk