

STATE OF MICHIGAN
COUNTY OF IOSCO
TOWNSHIP OF WILBER

NOTICE OF ADOPTION OF ORDINANCE NO. 17-01

Adopted September 11, 2017

Effective: October 5, 2017

TAKE NOTICE that on the 11th day September, 2017, the Township Board of the Township of Wilber adopted the following ordinance:

BLIGHT & PROPERTY MAINTENANCE ORDINANCE

An ordinance to prevent, reduce, or eliminate blight, blighting factors, and causes of blight within Wilber Township, Iosco County, Michigan; to require certain structures in the Township to be maintained in accordance with certain standards; to promote the public health, safety, and general and economic welfare of persons and property in the Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority as provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL 125.71, *et seq.*), and by Public Act 246 of 1945, as amended (MCL 41.181, *et seq.*).

THE TOWNSHIP OF WILBER, IOSCO COUNTY, MICHIGAN, ORDAINS:

Section 1: Purpose

Consistent with the letter and spirit of Public Act 344 of 1945, and Public Act 246 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce, or eliminate blight and potential blight in Wilber Township, and to require certain structures in the Township to be maintained in accordance with certain standards, in an effort to promote the public health, safety, and general and economic welfare of persons and property located in the Township.

Section 2: Causes of Blight or Blighting Factors; Property Maintenance Standards

It is hereby determined that the following uses, structures, activities, and the failure to adhere to the following property maintenance standards 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, association, or entity of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Wilber Township.

A. The storage upon any property of junk motor vehicles, except in a completely enclosed building. For the purpose of this ordinance, the term "junk motor vehicles" shall include any motor vehicle that is propelled by any power other than muscular, including but not limited to automobiles, trucks, buses, tractors, recreational vehicles, motorcycles, snowmobiles, and all-terrain vehicles, which, if required to be licensed for use upon the highways of the State of Michigan, is not so licensed, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.

B. The storage upon any property of building materials unless there is in force a valid and subsisting building permit and a valid and subsisting zoning permit issued by the proper governmental inspectors or authorities for construction upon the property, unless the building materials are intended for use in connection with such construction, and unless the building materials are stored in an orderly manner. 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. The storage or accumulation of junk, trash, rubbish, or refuse of any kind without a valid 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; unstacked firewood; accumulations of brush;

decaying grass or leaf materials, except that which are used in a neat and properly maintained compost pile for reasonable gardening or landscaping purposes; remnants of wood, metal, and any other cast-off material of any kind; and any dilapidated or inoperative equipment and machinery.

D. The existence of any building, dwelling, garage, mobile home, modular home, accessory building, shelter, or any other structure which, because of fire, wind, or other natural forces, or physical deterioration or damage, is not habitable, if a dwelling, nor useful for any other purpose of which such structures are customarily and reasonably intended.

E. The existence of any vacant building, dwelling, garage, mobile home, modular home, accessory building, shelter, or any other structure unless the same is kept securely locked, secured, and protected to prevent entrance thereto by vandals or by other unauthorized persons.

F. The existence of any partially completed structure unless such structure is in the course of construction in compliance with and in accordance with a valid and subsisting building permit and a valid and subsisting zoning permit issued by the proper governmental inspectors or authorities.

G. The existence of any building, dwelling, garage, mobile home, modular home, accessory building, shelter, or any other structure which fails to meet the following standards: (i) The exterior of such structure shall be maintained in good, structurally sound repair; (ii) every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair; (iii) all foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, and shall be maintained plumb and free from open cracks and breaks; (iv) every exterior wall, window, door, door frame, trim, and similar features shall be free of holes, breaks, loose boards or timbers, rotting boards or timbers, and other conditions which might admit rain or dampness to the interior portions of occupied spaces of the structure; (v) all exterior surface materials, including but not limited to wood, composition, or siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration; (vi) all cornices, entablatures, felt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be properly anchored and shall be maintained in a workmanlike state of maintenance and repair; (vii) all canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts, and similar overhead extensions shall be properly anchored and shall be maintained in a workmanlike state of maintenance and repair; (viii) every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be safely constructed and shall be properly maintained in a workmanlike state of maintenance and repair; (ix) every basement or crawl space hatchway or entranceway shall be so constructed and maintained as to prevent the entrance of vermin, rain, and surface drainage into the structure; (x) exterior site improvements, including but not limited to driveways and parking lot maintenance, lighting, screening, drainage, grading, or other improvements or conditions, shall be maintained in a manner that does not cause or contribute to a blighting effect, reduction in area property values, or potential hazards.

Section 3: Enforcement and Penalties

A. The violation by any person, corporation, association, or entity of any kind of any provision of this ordinance is hereby designated as a municipal civil infraction.

B. The Wilber Township Ordinance Enforcement Officer, the Wilber Township Zoning Administrator, the Wilber Township Supervisor, and other Wilber Township officials and employees as may be authorized by the Wilber Township 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 Public Act 236 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, association, or entity of any kind 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 the 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 (including but not limited to injunctive relief) 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 4: Effective Date

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

Section 5: Publication; Recordation; Authentication

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Wilber Township, and qualified under state law to publish legal notices, within 15 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 or her official signature upon this ordinance.

Section 6: 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 7: Repeal of Ordinance No. 001-89 and Ordinance No. 07-02

Wilber Township Ordinance No. 001-89, which was adopted by the Wilber Township Board of Trustees on May 1, 1989, is hereby repealed; and Wilber Township Ordinance No. 07-02, which was adopted by the Wilber Township Board of Trustees on March 5, 2007, is hereby repealed.

This ordinance may be inspected or a copy can be purchased at the Wilber Township Hall, 3120 Sherman Road, East Tawas, Michigan 48730. Please call the Township Hall at (989) 362-5410 for assistance.

**Robert D. White
Wilber Township Clerk**