

**CLEMENT TOWNSHIP ANTI-BLIGHT ORDINANCE**  
**ORDINANCE NO. 2016-01**

An ordinance to prevent, reduce or eliminate blight, blighting factors, or causes of blight, within the Township, and to secure the public health, safety, and general welfare by prohibiting the accumulation of trash and junk or either of them on property within the Township and to provide penalties for the violation of said ordinance.

Now, therefore, the Township ordains:

**Section 1. Title.**

This ordinance shall be known as “The Clement Township Anti-Blight Ordinance” (referred to herein as “This Ordinance”)

**Section 2. Purpose.** The purpose of this Ordinance is to promote the health, safety and general welfare of the residence and property owners of Clement Township by regulating and preventing, reducing, or eliminating blight or potential blight in the township through the prevention or elimination of certain environment causes of blight or blighting factors which exist or may in the future exist in the township.

**Section 3. Definitions.**

- A. Blighted Structure includes, without limitation, any dwelling, garage or outbuilding, warehouse, or any other structure or part of a structure which because of fire, wind, flood, or other natural disaster, physical deterioration, demolition or partial demolition when said demolition is not carried out within a reasonable period of time, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended, or has uncovered openings which may provide unrestrained access to enter the structure.
- B. The term “Junk” and “Trash” are used synonymously and each as herein shall include, without limitation inoperative or discarded machinery, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes not meeting the minimum standards for inhabitation by humans, televisions, furniture or any other scrap or waste material of any kind, including part of any of the above.
- C. The term “Person” as used in this ordinance shall include any person, firm or corporation or other entity of any kind.
- D. The term “Inoperable Motor Vehicle” or “Junk Motor Vehicle” means any device, in, upon, or by which any person or property is or may be transported or drawn that is or is intended to be self-propelled and that which is incapable of being operated upon roadways of the State of Michigan because it is not licensed for the use for which it was intended or which by reason of dismantling, disrepair, or other cause is incapable of being propelled under its own power, is inoperable, is unsafe for operation, or does not have all of its main component parts attached. It shall not include motor vehicles that are specifically designed for use in the production of crops or the management of livestock (i.e. tractors, combines, etc.) or industrial equipment such as forklift, front-end loader, or other construction equipment that is in working condition and is immediately capable of being used for its intended purpose and is being stored on premises linked with its use.

**Section 4. Prohibited Use of Activities.** On and after the effective date of this Ordinance, no person, firm, corporation or entity of any kind shall maintain or allow to be maintained upon any property in the Township of Clement, owned, leased, rented or occupied or possessed by such person, firm, corporation or entity of any kind, any of the following uses, structures or activities which are hereby determined to be causes of blight or blighting factors which if allowed to exist will tend to result in blighted or undesirable neighborhoods and threaten the public health, safety and welfare.

- A. No person shall accumulate, place, store, or allow the accumulation, placing or storing of trash or junk on any public right-of-way for more than forty-eight (48) hours or on premises for more than ten (10) days in said township unless licensed to do so by the State of Michigan. Any such licensee shall cause his premises to be screened by natural objects, plantings, fences, or other appropriate means so that the trash, or junk shall not be visible to the public view except at a road entrance.
- B. No person shall accumulate, place, store, or allow the storage of more than one junk motor vehicle on any premises for more than ten (10) days in said township unless licensed to do so by the State of Michigan. Any such licensee shall cause his premises to be screened by natural objects, plantings, fences or other appropriate means so that the junk motor vehicles shall not be visible to the public view except at a road entrance.
- C. No person occupying the lot or land within the township shall maintain any blighted structure on said lot or land for more than thirty days.

**Section 5. Declaration of Nuisance.** The presence of a blighted condition on a platted or unplatted parcel of land is a violation of the terms of this Ordinance and is hereby declared a public nuisance per se.

**Section 6. Notice of Remedy Condition.** Upon the discovery of a prohibited condition existing as set forth in the Ordinance, the Township Enforcement Officer or the duly authorized representative of the Township of Clement shall notify the owner of the property of such condition and require that it be remedied within ten (10) calendar days. The notification may be given in person, or by first class mail, addressed to the last known address of the property owner, or by posting the premises.

**Section 7. Failure to Remedy Prohibited Condition; Lien.** Should the owner fail to remedy the condition after notice as described in this Ordinance, the Township Enforcement Officer or the duly authorized representative of the Township of Clement may remedy the condition or cause the same to be done by the personnel of the Township or by private contractor, and the actual cost of remedying the prohibited condition plus 10% for inspection and overhead and other additional costs in connection therewith, shall be collected as a special assessment against the premises as provided in the statutes and shall become a lien against the property. Levying or collection such special assessment shall not relieve any person offending against this ordinance from the penalty described for the violation of the same.

**Section 8. Penalties.**

- A. First Offense: Any person, responsible party or other entity who violates this ordinance shall, as a first offence, be responsible for a civil infraction with a penalty of \$100.00 together with any costs assessed by the court.

- B. Subsequent Offenses: Any person, responsible party or entity who violates any provision of this Ordinance a second time within twelve months of receiving a civil infraction ticket (whether the **violation is for the same offense of the civil infraction or some other offense under this ordinance**) shall upon conviction in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of not more than \$500.00 and imprisonment for a period of not more than 93 days, or both, plus court costs and costs of prosecution.
- C. Additional Remedies: In addition to the foregoing provisions relating to penalties, Clement 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 legal or equitable remedy to abate all said violations and the nuisances thereby created and to compel compliance with this ordinance. Each day that a violation continues shall constitute a separate offense.

**Section 9. Severability.** The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion thereof.

**Section 10. Repeal of Conflicting Provisions.** All other Township ordinances, Township Board resolutions, and parts thereof that conflict with provisions of this ordinance are hereby repealed and shall be of no further force or effect.

**Section 11. Effective Date.** This Ordinance shall become effective thirty (30) days from the date of publication in a newspaper in general circulation within the Township of Clement.

Yeas: (4) Carolyn Ochab, Jacklyn Anderson, Eric House, Karon Hoffman

Nays: (0)

Absent: (1) Sharon Prosser

**ORDINANCE DECLARED ADOPTED this 10th day of August, 2016.**

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Eric House, Clerk  
Clement Township  
Gladwin County, Michigan