

**Proposed revision to Curtis Township  
Junk and garbage ordinance 26-9  
Otherwise known as the Curtis Township blight ordinance**

**An ordinance to regulate the storage of junk, rubbish and garbage within Curtis Township and to prohibit such storage except under certain conditions and to provide penalties for violation.**

THE TOWNSHIP OF CURTIS, COUNTY OF ALCONA, ORDAINS:

**Section 1.** Legislative findings:

It is hereby determined that there is on both privately and public owned parcels of land within Curtis Township, accumulations of junk, rubbish and/or garbage and that such accumulations of junk, rubbish and/or garbage diminish property values in Curtis Township and constitute a hazard to the public health, safety and welfare of the residents of Curtis township for the reasons that they provide a habitat conducive to breeding and nesting of rats, mice and other vermin and also they contain sharp edged and other hazards which could injure small children who would be attracted to play thereon without appreciating the danger thereof, and that the regulations contained in the ordinance are the minimum regulations required to eliminate the foregoing undesirable condition and protect the public health, safety and welfare and maintain property values.

**Section 2.** The following words or terms when used herein shall be deemed to have the meaning set forth below:

- A. The term "**PERSON**" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons incorporated or unincorporated, acting by themselves, or by an officer, official servant, agent or employee. ALL persons who violate any of the provisions of this ORDINANCE, whether as owner, occupant, lessee, official, agent servant or employee shall be equally liable as principals.
- B. The term "**JUNK**" shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators, or other appliances, remnants of metal or any other castoff material of any kind, whether or not the same could be put to any reasonable use.
- C. The terms : "**TRASH**", "**RUBBISH**" AND "**REFUSE**" shall include, tree stumps, tree or bush branches and limbs, grass and weeds, human or animal waste, bodies or parts of bodies of wild or domestic animals and concrete and any other forms of other debris not herein otherwise classified.

- D. The term: "**GARBAGE**" as used in this ordinance, "garbage" means any accumulation of trash, refuse, or litter, specifically including, but not limited to, containers once containing edible, drinkable or usable materials.
- E. The term "**ABANDONED VEHICLE**" shall include, without limitation, any vehicle which has remained on a private property for a period of 72 continuous hours, or more, after the consent of the owner or occupant of the property has been revoked.
- F. The term "**JUNK MOTOR VEHICLES**" shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 30 days, and shall also include, whether or not, any motor vehicle which is inoperable for any reason for a period in excess of 30 days; provided that there is excepted from definition unlicensed, but operative, vehicles which are kept as stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle dealer; provided further, that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of 120 days rather than 30 days, with extension of an additional 30 day periods upon presentation to the enforcing officer of written proof of the offending vehicle is involved in insurance claims litigation or similar matter requiring repair thereof and additional time is required for settlement or repair before a vehicle can be removed.
- G. The term "**BLIGHTED STRUCTURE**" shall include, without limitation, any dwelling, garage, outbuilding, factory, shop, store, office building warehouse or any other structure or a part of a structure which, because of fire, wind, or other natural disaster physical deterioration, is no longer habitable as a dwelling, or useful purpose for which it may have been intended.
- H. The term "**BUILDING MATERIALS**" shall include, without limitation, lumber, brick, concrete or cinder block, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, cement, nails, screws or any other materials used in constructing any structure.
- I. The term "**NUISANCE**" as used in this Ordinance means any act, acts or omission to act, on the part of any person or persons, which creates or permits the existence of a condition which injures or endangers the peace, health, safety or general welfare of the public in their persons or property. As defined herein, without limitation, a 'NUISANCE' shall include conditions such as dust, smoke, gas, garbage, trash, rubbish, soot acids, chemicals, fumes, insects, rodents, flies and decaying matter which effect or render persons insecure in life or in the use and enjoyment of their property, whether such effects are natural or result from human or mechanical alteration or manipulation of materials. A "NUSINANCE" shall also include residues or leaching from deposits of matter which seep or could potentially seep into the surface or sub-surface water making it unfit, unpalatable or dangerous for human consumption or use by domestic animals.

**Section 3.** It is hereby determined that the storage or accumulation of "TRASH", "RUBBISH", "GARBAGE", "JUNK", "JUNK VEHICLES", "ABANDONED VEHICLES", "BUILDING MATERIALS", AND the maintenance of "BLIGHTED STRUCTURES" upon any private property within the Township of Curtis, tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, and is therefore contrary to the public peace, health, safety and general welfare of the Community.

**Section 4.** It shall be unlawful for any person or persons to store, dump, deposit, place, throw or leave trash rubbish, refuse, garbage, junk, junk vehicles or abandoned vehicles on public or private property in the Township of Curtis except upon the premises of a properly zoned, licensed or approved junk dealer, junk buyer, dealer in used auto parts, or dealer in secondhand goods or junk.

**Section 5.** It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, out-building, factory, shop, store, or warehouse unless the same is kept securely locked, the windows glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or is in the course of construction in accordance with a valid zoning or land-use permit issued by the Township of Curtis and, if required, a building permit from Alcona County.

**Section 6.** It shall be unlawful for any person or persons to store or permit the storage or accumulation of "BUILDING MATERIALS" on any property except in a completely enclosed building or completely fenced-in area or except where such "BUILDING MATERIALS" are part of the stock and trade or business located on said property, or except when such materials are being used in construction of a structure on the property in accordance with a valid zoning or land-use permit issued by the Township of Curtis and, if required, a building permit from Alcona County.

**Section 7.** It is the duty of the person or persons who create, allows, caused, suffers or permits the existence of a "NUISANCE", to abate the same. The term ("ABATE or "ABATEMENT" shall include demolition, removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appurtenances or equipment; and it shall also include removal, transportation, burying, disposal and treatment of refuse or other substances or media capable of causing or causing "NUISANCES" and to eradicate and eliminate the "NUISANCE" conditions.

**Section 8.** The Curtis Township supervisor is hereby authorized to enforce this ORDINANCE and he/she may delegate the enforcement to any administrative official or employee of Curtis Township. Curtis Township may seek enforcement of this ORDINANCE and such other relief as may be ordained by injunctive proceedings in the Circuit Court for the County of ALCONA. This is in addition to and not in derogation of prosecutions for violations of this ORDINANCE under Section 9 below.

**Section 9.** Any person or persons who violates any provision of this ORDINANCE is responsible for a civil infraction, subject to payment of a civil fine (as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Curtis Township Ordinance violations).

First Violation within a 3 year period: \$100

Second violation within a 3 year period: \$200

Third violation within a 3 year period: \$400

Fourth violation within a 4 year period: \$500

In addition to the above prescribed civil fines, cost in the amount of \$20 may be assessed by the Township if the fine is not paid within 10 days of the date of service of the municipal ordinance violation notice.

Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.

**Section 10.** Should any section, clause, word 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 this Ordinance or any part thereof other than the part so declared to be valid.

**Section 11.** In addition to the remedies set forth above, the Township shall have the right to remove the blight by taking the following steps:

- A. Written notice shall be sent by first class mail to the owner of record on the Township tax roll and any other person or entity which has advised the Township that it claims an interest in the subject property. Such notice shall advise that a blight condition exists on the property and that it must be removed from the property within 30 days of the date of the notice, and, further that if the blight is not removed, the Township may remove the blight and place a lien upon the property for all costs associated with the removal, the same to be paid together with the taxes on the property.
- B. If at the end of the 30-day period the blight condition continues to exist, the Township shall have the right to retain the services of a contractor and such contractor shall the right to enter upon the property to remove the blight.
- C. All expenses of such removal shall be paid by the owner of the property together with an administrative charge of \$100.00 per residential parcel, and \$200.00 per commercial parcel.
- D. Charges for blight removal by a Township contractor shall be a lien upon the property. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the official or officials in charge of the collection thereof shall prior to August of each year, certify to the Township Assessor the facts of such delinquency, whereupon the Township Assessor shall enter such delinquent charges against such premises and the

same shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien enforced.

- E. Notice of such lien claim shall be mailed to the owner of the premises on the Township tax roll at the last known address, provided, that failure of the township to record such lien claim or mail such Notice, or the failure of the owner to receive such Notice shall not affect the right to foreclose therein for such charges.

**Section 12.** This ordinance shall take effect upon the expiration of 30 days after a summary of the ordinance is published.

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