

**NOTICE OF INTRODUCTION & POSTING OF PROPOSED CHARTER TOWNSHIP OF ALPENA ORDINANCE**  
**(ORDINANCE NO. 147; AMENDMENT OF CHARTER TOWNSHIP OF ALPENA BLIGHT ORDINANCE)**  
**AND NOTICE OF CHARTER TOWNSHIP OF ALPENA BOARD MEETING**

TAKE NOTICE that on the 26<sup>th</sup> day of July, 2021, a proposed ordinance (Ordinance No. 147) was introduced during a regular meeting of the Township Board of the Charter Township of Alpena. The proposed ordinance, if subsequently adopted by the Township Board, will modify Charter Township of Alpena Ordinance No. 137 (the Township Blight Ordinance) as follows: Section III of Ordinance No. 137 ("VIOLATIONS AND PENALTIES") will be revised in order to remove the requirement that the Township provide an alleged Blight Ordinance violator with an opportunity to participate in an informal hearing before the Township to address the violation. The amended ordinance will instead require the Township to attempt to provide verbal notice of the violation to the alleged Blight Ordinance violator, and to then provide written notice of the violation, in an effort to have the violation remedied voluntarily, before issuing a municipal civil infraction citation for the alleged violation. The proposed ordinance is presently available for public viewing at the Charter Township of Alpena offices located at 4385 US-23 North, Alpena, Michigan 49707, and may also be viewed on the Township's website, [www.alpenatownship.com](http://www.alpenatownship.com). The proposed ordinance will be presented to the Township Board during a regular meeting on the 10<sup>th</sup> day of August, 2021, at 11:00 a.m., and the Township Board will consider adopting the proposed ordinance at that time. Please call the Township Clerk at the Township offices at (989) 356-0297 for further information or assistance.

Michele Palevich  
Charter Township of Alpena Clerk

**CHARTER TOWNSHIP OF ALPENA  
ALPENA COUNTY, MICHIGAN  
ORDINANCE NO. 147  
BLIGHT ORDINANCE AMENDMENT**

An ordinance to amend Charter Township of Ordinance No. 137 (the Township's Blight Ordinance), in order to improve the ordinance enforcement procedures set forth in the "VIOLATIONS AND PENALTIES" section of the Blight Ordinance, and in order to continue to promote the public health, safety, and general welfare of persons and property in the Township.

THE CHARTER TOWNSHIP OF ALPENA, ALPENA COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. PURPOSE.**

The purpose of this ordinance is to amend section III ("VIOLATIONS AND PENALTIES") of Charter Township of Alpena Ordinance No. 137 (the Township's Blight Ordinance), in order to improve the ordinance enforcement procedures set forth in the Blight Ordinance.

**SECTION 2. AMENDMENT OF ORDINANCE NO. 137.**

Section III ("VIOLATIONS AND PENALTIES") of Charter Township of Alpena Ordinance No. 137 (the Township's Blight Ordinance) is hereby amended to now read in its entirety as follows:

**SECTION III. VIOLATIONS AND PENALTIES.**

A. When addressing a violation of this ordinance, a Township representative authorized to enforce this ordinance shall attempt to verbally contact the person or organization responsible for the violation to request that the violation be remedied within a reasonable time as determined by the Township representative. If the person or organization receives a verbal request and a deadline for remedying the violation from the Township representative, the Township representative shall inspect the subject property following the expiration of the deadline to determine if the violation has been remedied. If the violation has not been remedied, the Township representative shall then provide written notice of the violation to the person or organization responsible for the violation. The notice shall be personally delivered, sent by first-class mail, or posted at the subject property. The person or organization shall have 10 business days from the date of personal delivery, mailing, or posting of the notice of violation to remedy the violation or to provide a written plan to remedy the violation that is acceptable to the Township representative.

B. Any person or organization who violates any of the provisions of this ordinance, and who fails to remedy the violation following the procedure set forth in Section III.A. above, 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").

C. The Charter Township of Alpena Building Official, the Charter Township of Alpena Zoning Administrator, the Charter Township of Alpena Supervisor, and Charter Township of Alpena



officials and employees as may be authorized by the Charter Township of Alpena Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

D. A municipal civil infraction action may be commenced upon the issuance by an authorized Township representative directing the defendant to appear in court.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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 3 EFFECTIVE DATE.**

This ordinance shall become effective immediately upon its publication as required by law.

### **SECTION 4. PUBLICATION; RECORDATION; AUTHENTICATION.**

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within 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 5. 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.

**CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on \_\_\_\_\_, 2021.

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 \_\_\_\_\_, 2021, by the Charter Township of Alpena Board of Trustees.

\_\_\_\_\_  
Nathan Skibbe  
Charter Township of Alpena Supervisor

\_\_\_\_\_  
Michele Palevich  
Charter Township of Alpena Clerk