

CITY OF MUNISING

BLIGHT CONTROL ORDINANCE

ORDINANCE NO. 2018-06

An Ordinance to repeal Ordinance 2006-1, as amended by Ordinance 2013-1, and to adopt a new Ordinance to prevent, reduce, or eliminate blight, blighting factors, or causes of blight within the City of Munising; to provide for enforcement; and to provide penalties for violation.

By the authority granted to the City by Act 344 of the Public Acts of 1945, as amended, MCL 125.71, et seq., and by authority granted in the City of Munising Charter.

THE CITY OF MUNISING ORDAINS:

SECTION 1. PURPOSE. Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, and the Munising City Charter, it is the purpose of this Ordinance to prevent, reduce, or eliminate blight in the City of Munising by preventing or eliminating certain causes of blight or blighting factors which exist or which may in the future exist in the City, and to declare certain blight and blighting factors nuisances and to provide for the abatement of those nuisances.

SECTION 2. CAUSES OF BLIGHT OR BLIGHTING FACTORS. It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance, no person shall maintain, or permit to be maintained, any of these causes of blight upon any property in the City of Munising owned, leased, rented, or occupied by the person, and these causes of blight are hereby declared to be nuisances.

JUNK AUTOMOBILES

(A) Except in an area, appropriately zoned, which has been lawfully fenced from view to a minimum of 8 feet in height on all sides, the storage upon any property of a junk automobile for more than 10 days.

For the purpose of this Ordinance, the term “junk automobile” includes any motor vehicle that is not currently licensed for use upon the highways of the State of Michigan or is inoperable, for any reason, whether licensed or not.

BUILDING MATERIALS

(B) The storage upon any property of building materials, for more than 10 days, unless there is in force a valid building permit for construction upon the property and the materials are for use in such construction.

Building materials includes, but is not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, sand and gravel, and nails, screws, or other materials generally used for construction purposes.

JUNK, TRASH, RUBBISH, REFUSE

(C) The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a health hazard, for more than 10 days.

The term “junk” includes tires, parts of machinery or motor vehicles, unused stoves or other appliance stored in the open, remnants of wood, metal or any other material, or other cast-off material of any kind whether or not the same could be put to any reasonable use.

UNINHABITABLE BUILDINGS

(D) The existence of any structure, or part of any structure, which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable, if a dwelling, or, if not a dwelling, not useful or reasonably safe for use for any other purpose for which it may have been originally intended.

VACANT BUILDINGS

(E) The existence of any vacant building, garage, or other outbuilding unless the building is securely locked, with windows glazed or neatly boarded, and otherwise protected to prevent entrance thereto by persons or animals.

GRASSES, WEEDS, AND TREES

(F) Height Restrictions. Owners or occupants of property in the City of Munising shall cut grass or weeds, to a height of not more than six (6) inches, from their property and from undeveloped public rights of way, such as medians, adjacent to their property.

Abatement After Notice. If, at the expiration of the time limit in the notice provided for in Section 3, the owner or occupant has not complied with the requirements of this

Section, the City may abate the nuisance. The cost of the abatement will be charged against the premises and the owner thereof in accord with Section 3 (E).

Immediate Abatement. The City Manager may declare any tree or weed which endangers public property or the health and safety of the public a nuisance, and may abate the nuisance. The city may abate the nuisance without giving notice if the public health or safety requires immediate action. The cost of abating the nuisance will be charged against the premises of the owner in accord with Section 3(E).

Section 3. ENFORCEMENT AND PENALTIES.

(A) The owner, or any current occupant, who will be treated by the City of Munising as the agent of the owner, of any property upon which any of the causes of blight set forth in this Ordinance are found to exist can be charged under this Ordinance. Providing notice of violation shall not be a prerequisite to charging under this Ordinance but the City shall attempt to notify the person in violation, prior to charging under this Ordinance, in order to give that person an opportunity to cure the nuisance by removing or eliminating the causes of blight from the property within ten (10) days of the notice being provided. The notice may be served upon the owner or occupant personally, verbally, by telephone, or by certified mail, return receipt requested. Details about the attempt, or attempts, made to provide notice shall be included in any police report upon which charges are brought under this ordinance.

(B) Failure to comply with the notice within the time allowed shall constitute a violation of this Ordinance and the city shall be entitled to charge the occupant, the owner, or both with the violation.

(C) One Notice Per Calendar Year. An owner or occupant provided with the notice referred to in Section 3(A) shall not be entitled to further notice of violation of this Ordinance, for the same activity, in any calendar year. After service of that Notice, whether the nuisance is abated or not, violations for the same activity occurring in the calendar year the Notice was given may be charged as violations by the City without further notice of opportunity to abate.

(D) Section 3(D) Penalty – Misdemeanor.

A person responsible for activity that violates Section 2 shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00 and/or imprisoned for not more than 90 days. If the person responsible for an activity which violates Section 2 cannot be determined the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation, and upon conviction, shall be fined not more than \$500.00 and/or imprisoned for not more than 90 days.

(E) The City Commission, at its option, in addition to or together with the foregoing, and after complying with Section 10.15 of the Munising City Charter, may proceed to abate or remove the blighting factors or nuisances, bill the cost to the property owner and include such bill, if not paid, upon the current tax assessment roll in accordance with said Section 10.15.

SECTION 4. If any portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit Ten (10) days after the date of publication.

ADOPTED: August 20 2018

ROD DESJARDINS, Mayor

SUE ROBERTS, City Clerk

Date Introduced: August 1, 2018

Date Adopted: August 20, 2018

Date Published: August 29, 2018

Date Effective: September 9, 2018