

CITY OF MUNISING

BLIGHT CONTROL ORDINANCE

ORDINANCE NO. 2006-1

An Ordinance to prevent, reduce, or eliminate blight, blighting factors, or causes of blight within the City of Munising; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

By the authority granted to the City by Act 344 of the Public Acts of 1945, as amended, and by authority granted in the City of Munising Charter, Chapter 2, Section 2.3, paragraph O and T and Section 10.15.

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 or potential blight in the City of Munising by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the City, and to declare certain blighting factors as nuisances and to provide for the abatement thereof.

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 tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance no person, firm, or other entity shall maintain, or permit to be maintained, any of these causes of blight or blighting factors upon any property in the City of Munising owned, leased, rented, or occupied by such person, firm, or other entity, and said causes of blight or blighting factors 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 junk automobiles.

For the purpose of this Ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or motor vehicle which is not currently licensed for use upon the highways of the State of Michigan, and is either:

- (1) Unusable or inoperable because of lack of, or defects in, component parts;
- (2) Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
- (3) Beyond repair and therefore not intended for future use as a motor vehicle; or
- (4) Being retained on the property for possible use as salvageable parts, but not as a current means of transportation.

### BUILDING MATERIALS

(B) The storage upon any property of building materials unless there is in force a valid building permit for construction upon said property and said materials are for use in such construction.

Building materials shall include, but 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, and sand and gravel.

### 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 a period not exceed thirty (30) days.

The term "junk" shall include all used or cast off parts of machinery or motor vehicles, unused stoves or other appliance stored in the open, remnants of wood, decayed, weathered, or broken construction materials no longer suitable for safe, approved building materials, 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 not useful or reasonably safe for use for any other purpose for which it may have been originally intended.

### VACANT DWELLINGS

(E) The existence of any vacant dwelling, garage, or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded and otherwise protected to prevent entrance thereto by trespassers.

### NOXIOUS WEEDS

DEFINITIONS: As used in this Ordinance, the following terms shall have the meaning herein defined:

- (1) **Tree** shall mean tree, planted bushes, planted shrubs, and cultivated plants.
- (2) **Weeds** shall mean ragweeds, Conada thistles, burdocks, crabgrass, quack grass, wild growing bushes, milk weeks, wild carrot, oxeye daisies, or other noxious weeds.
- (3) **Department** shall mean the Department of Public Works.
- (4) **Street** shall mean all land lying between property lines on either side of all the public streets, boulevards, and alleys in the City.

(F)(1) Height Restrictions. No person shall fail to keep cut any grass or weed which exceeds a height of six (6) inches, is located on public property, private property, or adjacent right-of-way, and is within fifty (50) feet of a structure or public right-of-way.

(F)(2) Abatement After Notice. If, at the expiration of the time limit in the notice provided for in Section 3, the owner has not complied with the requirements thereof, the Department shall abate the nuisance. The Cost of such abatement may be charged against the premises and the owner thereof in accord with Section 3 (E).

(F)(3) 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 any such public nuisance without giving notice if the public health or safety requires immediate action. The cost of abating such nuisance may be charged against the premises of the owner in accord with Section 3(E).

### SECTION 3. ENFORCEMENT AND PENALTIES.

(A) This Ordinance shall be enforced by the City Manager.

(B) The owner and the occupant of any property upon which any causes of blight or blighting factors set forth in Section 2 hereof are found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested, at the last known address of the owner.

(C) Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance.

(D) PENALTY-CIVIL INFRACTION/MISDEMEANOR. A person responsible for activity that violates Section 1 shall be guilty of a civil infraction or a misdemeanor, as provided below. 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.

A person found responsible hereunder shall be guilty of a civil infraction as defined in RJA Section 113, MCLA 600.113, as amended, punishable by civil fine according to the following schedule:

First offense within one year \$50.00

Second offense within one year \$100.00

Any person who commits three or more violations of Section 1, whether or not within one year, shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one year period, time shall run from the date the first ticket was issued.

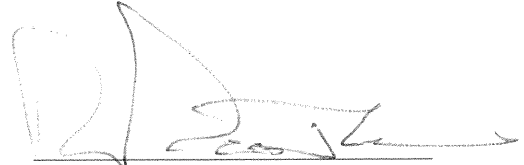
(E) The City Commission, at its option, in addition to or together with the foregoing, and after complying with Section 10.15 of the Munising City Charter, may proceed to abate or remove the blighting factors or nuisances, bill the cost to the property owner and include such bill, if not paid, upon the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

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

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: March 20, 2006



ROD DESJARDINS, MAYOR



SUE ROBERTS, CITY CLERK

Date Incorporated: March 8, 2006

Date Adopted: March 20, 2006

Date Published: March 29, 2006

Date Effective: April 8, 2006