

ORDINANCE NO. 168

AN ORDINANCE TO: (1) PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE CITY OF LUNA PIER, MONROE COUNTY, MICHIGAN; (2) TO PROVIDE FOR THE ENFORCEMENT THEREOF; (3) TO DESIGNATE A VIOLATION THEREOF AS A MUNICIPAL CIVIL INFRACTION; AND (4) TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, CREATED PURSUANT TO THE AUTHORITY GRANTED TO THE CITY BY MCL 117.41 and MCL 600.113.

THE CITY OF LUNA PIER ORDAINS:

SECTION 1: TITLE.

This Ordinance shall be known, identified and cited as the City of Luna Pier Blight Ordinance.

SECTION 2: PURPOSE.

The purpose of this ordinance shall be to prevent, reduce or eliminate blight or potential blight in the City of Luna Pier by the prevention or elimination of certain environmental causes of blight or blighting factor which exist or which may in the future exist in the City of Luna Pier in order to promote the general welfare of persons and property within the City of Luna Pier.

SECTION 3: 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. No person shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any premises in the city owned, leased, rented, or occupied by such person:

- (a) The outdoor storage upon any premises of building materials, unless a valid building permit has been issued by the city not more than one year previously for construction upon such premises, and such materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete, or cinder blocks, flooring, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used

in construction of any structure. Provided, that outdoor storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if such materials are kept out of view of the public and abutting premises. Provided further, that all construction debris shall be removed from any premises within 30 days of being removed from the structure or before occupancy thereof.

- (b) The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such manner as not to create a nuisance. Lawn "junk" shall include parts of machinery, boats, or motor vehicles, any furniture not designed for-outdoor use, unused stoves or other appliances, remnants of wood, metal, or any other kind of material, stored in the open.
- (c) A vacant dwelling, garage, or other outbuilding, unless the same is kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals.
- (d) In any area zoned other than residential by the zoning ordinance, the causes of blight or blighting factors which are prohibited in this section in any area zoned for residential purposes, unless such uses of property are incidental to and necessary for the carrying on of any business or occupation lawfully being conducted upon the premises.
- (e) A structure or part of structure which because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
- (f) A partially completed structure, unless such structure is in the course of construction in accordance with a valid building permit issued by the city and is closed in within 60 days.
- (g) Any stacking, storage or accumulation of firewood, weeds, grasses, fallen leaves, bushes or their trimmings, trees or their trimmings, or landscaping materials, which interferes with pedestrian or vehicular traffic or which creates a vision obstruction or which otherwise creates a safety or health hazard.

- (h) Any fence which is not maintained in a state of good repair or which is not in compliance with all applicable city codes and ordinances.
- (i) Any structure or outbuilding shall be maintained so as to prevent:
 - (i) loose, missing, or inadequate weather or exterior protection including, siding, roofing, gutters, windows, screens, doors, and peeling paint;
 - (ii) broken or deteriorated, steps, decks, and porches;
 - (iii) cluttered, unclean or unsafe sidewalks;
 - (iv) sagging, deteriorated, or inadequate, roofs, porches, decks or other structural members;
 - (v) or any other unsafe condition.

SECTION 4: ENFORCEMENT AND PENALTIES

(A) ENFORCEMENT AGENTS

This ordinance shall be enforced by the City of Luna Pier Building Inspector, City of Luna Pier Chief of Police, all police officers of the City of Luna Pier Police Department, and any other persons duly designated and authorized by the City of Luna Pier Council, any or all of whom may hereinafter be referred to as 'Enforcement Agent'.

(B) REMOVAL OF BLIGHT

It is the duty of all persons, firms or corporations occupying, using, possessing or owning any property upon which exists any of the causes of blight or blighting factors set forth in Section 3 to remove or cause the removal or elimination of them. The failure to completely remove, cause the removal or eliminate such blighting factors or causes of blight is a violation of this ordinance.

(C) ENFORCEMENT ACTIONS

1. In the event of an immediate hazard in the opinion of an Enforcement Agent, the enforcement agent shall immediately prepare, issue and serve on the alleged violators a Municipal Civil Infraction Citation.
2. In all other cases, the enforcement agents may prepare and serve:
 - A. A notice warning of a blight violation, and/or
 - B. A Notice of Violation requiring appearance before the Luna Pier Municipal Ordinance Violations Bureau, and/or
 - C. A Municipal Civil Infraction Citation requiring appearance before the First District Court.
3. The enforcement agent may request a Formal Hearing in District Court on the face of a Citation at the time it is issued. The alleged violator may request a formal hearing within 10 (ten) days of receipt of a citation.

(D) FINES AND COSTS

1. The fine schedule for violations paid before the Bureau:
 - (a) First Offense: \$25
 - (b) Secondary Offense: \$75
 - (c) Subsequent Offenses: \$100
 - (d) A "Secondary offense" violation may be issued if the blight was not removed, and/or the fine has not been paid, or both, within ten (10) days after service of the first notice.
 - (e) A "Subsequent offense" is a Notice or Citation issued by an enforcement agent if a violator commits another offense within six (6) months.

2. The penalty for a municipal civil infraction citation heard by the First District Court is a fine not to exceed five hundred (\$500) dollars.
3. Each day that any of the cause(s) of blight or blighting factors set forth in Section 3 hereof exist shall constitute a separate offense.

(E) **NUISANCE**

A violation of any provision of this Ordinance is hereby declared to be a nuisance per se. The City may petition the court of competent jurisdiction for an order to abate such nuisance, authorizing the City to bring about rehabilitation of such blighted areas and to take appropriate action for the prevention, reduction, or elimination of the blight, blighting factors, or causes of blight. Furthermore, the City shall be entitled to recover any reasonable costs and attorneys fees or other public expenditures incurred as a result of its efforts to obtain a court order and to abate such nuisance. The City may, upon the owner's failure to pay such costs within (30) days after the first class mailing of the notice to the violator by the City Assessor or Treasurer of the amount thereof, add the same to the next tax roll of the City and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes and enforcement of tax liens.

(F) **REMEDIES**

Nothing in this Ordinance is intended to limit any other rights, remedies, claims or causes of action, legal or equitable, available to the City.

SECTION 5: PRIOR AND INCONSISTENT ORDINANCES REPEALED

All ordinances and amendments thereto which are in conflict with this Ordinance are, to the extent of such conflict repealed, including Ordinance number 166.

SECTION 6: SEVERABILITY

This ordinance and its various parts, sentences, paragraphs, sections, subsections, phrases and clauses shall be severable, and if any of them are held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

SECTION 7: EFFECTIVE DATE

This ordinance shall become effective ten (10) days after a summary has been published as provided by law.

I, Rose M. Laderach, Clerk, City of Luna Pier, do hereby certify, that the foregoing ordinance was duly adopted at the regular meeting of the Luna Pier City Council held on October 12, 2000.

Rose M. Laderach, Clerk
City of Luna Pier

ADOPTED: 10/12/00

PUBLISHED: 10/18/00

EFFECTIVE: 10/28/00