

ORDINANCE NO. 169

An ordinance to: (1) prevent, reduce or eliminate vehicular 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 Vehicular Blight Ordinance.

Section 2: PURPOSE

The purpose of this ordinance shall be to reduce or eliminate vehicular blight in the City of Luna in order to promote the general welfare of persons and property within the City of Luna Pier.

Section 3: DEFINITION OF VEHICULAR BLIGHT

- (A) No person shall maintain or permit to be maintained upon any premises in the city which is owned, leased, rented, or occupied by such person the storage of any junk automobile, except in a completely closed building.
- (B) For the purpose of this ordinance, the term "junk automobile" includes:
 - (i) a motor vehicle which does not bear a valid registration plate,
 - (ii) a motor vehicle which is inoperable for any reason, or
 - (iii) a van or trailer with or without wheels which does not bear a valid registration plate regardless of whether the van or trailer contains motor power or the power of propulsion within the van or trailer.

Section 4: ENFORCEMENT AND PENALTIES

- (A) Any person violating the provisions of this Ordinance shall be guilty of a Municipal Civil Infraction.
- (B) This ordinance shall be enforced by the 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".

- (C) An owner or occupant of any property upon which there exists vehicular blight as set forth in Section 3 hereof, shall be deemed in violation of this Ordinance.
 - (i) The Enforcement Agent shall place a "tag" upon said vehicle which shall serve as notice to the owner or occupant of the property upon which said vehicle is located that said vehicle is in violation of this Ordinance.
 - (ii) The Enforcement Agent may immediately prepare, issue and serve on the owner, the occupant, or both, a citation to appear in First District Court.

- (D) If an owner or occupant of any property upon which there exists any junk automobile as defined in Section (3) (B), after the vehicle, van or trailer has been tagged as set for the in Section (4) (C) (i), has failed to remove it from the property, the following actions shall be taken:
 - (i) The Enforcement Agent shall immediately prepare, issue, and serve a Notice of Violation requiring appearance before the City of Luna Pier Municipal Violations Bureau, or a Municipal Civil Infraction Citation requiring appearance at the First District Court.
 - (ii) The owner or occupant shall, within ten (10) days of receiving a Notice of Violation, remove the junk automobile and pay the scheduled fine at the Municipal Violations Bureau.
 - (iii) The fine schedule for violations paid before the Bureau shall be as follows:
 - (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, 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 issued by an enforcement agent if a violator commits another offense within six (6) months.
 - (iv) If the Enforcement Agent may requests a formal hearing in First District Court, on the face of the citation at the time it is issued. The alleged violator may request a formal hearing within ten (10) days of receipt of any citation.

- (E) The penalty for a municipal civil infraction citation which has been heard by the First District Court is a fine not to exceed five hundred (\$500.00) dollars.

- (F) Each day that any vehicular blight as defined in Section 3 hereof continues to exist shall constitute a separate offense.
- (G) 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 seize and hold for auction said vehicular blight or to take any other appropriate action for the prevention, reduction, or elimination of the blight.
- (H) 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 and, 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, the City Assessor or Treasurer shall 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.

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, repealed, including Ordinance No. 167.

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