

CITY OF LUNA PIER ORDINANCE NO. 187

An ordinance to: (1) prevent, reduce or eliminate hazards in the construction, alteration, demolition, occupancy and use of buildings and structures within the City of Luna Pier, Monroe County, Michigan; (2) to provide for the administration and enforcement of construction and other codes; (3) to prohibit certain conduct and conditions; (4) to designate a violation thereof as a municipal civil infraction; and (5) to establish penalties for the violation thereof, created pursuant to the authority granted to the city by MCL 125.1523.

THE CITY OF LUNA PIER ORDAINS:

Section 1: TITLE.

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

Section 2: PURPOSE.

The purpose of this ordinance shall be to promote the health, safety and welfare of persons and property in the City of Luna Pier by the prevention, reduction or elimination of hazards in buildings and structures and to provide administration, standardization, enforcement and penalties.

Section 3: COMPLIANCE WITH CODES

- (a) It is hereby determined that the health, safety and welfare of persons and property in the City of Luna Pier is promoted and protected by the presence of buildings and structures that comply with the terms of the State Construction Codes or regulations.
- (b) No person shall construct, alter, modify, re-construct, repair or demolish a building, structure, appurtenance or fixture or a part thereof in any manner or with any method or material that is not authorized by the State Construction Code or other codes, and a valid building permit issued for that purpose and that premises.
- (c) No person shall use or occupy any building or structure determined by the City of Luna Pier Building Inspector to be in violation of the State Construction Code or the permits issued for such premises.
- (d) No person shall knowingly violate the code or a rule for the enforcement of the code.
- (e) No person shall knowingly fail to comply with an order issued by an enforcing agency, a construction board of appeals, or any condition of a building permit.
- (f) No person shall knowingly make a false or misleading written statement or knowingly omit required information on a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency or construction board of appeals.
- (g) No person shall knowingly refuse entry or access or unreasonably interfere with an inspector lawfully authorized to inspect any premises, building, or structure pursuant to the State Construction Codes or other codes.

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Section 4: Enforcement and Penalties.

- (a) 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) A person, corporation or employee who builds, constructs, alters, modifies, re-constructs, repairs, demolishes, uses or occupies any building, structure, appurtenance or fixture or a part thereof in any manner or with any method or material that is not authorized by the State Construction Code, or other codes, and according with a valid building permit issued for that purpose and that premises or for any other activity prohibited in section three (3) shall be deemed in violation of this Ordinance and shall be notified in writing to remove or eliminate the condition or use from said premises within ten (10) days after the service of such notice upon him or her, unless in the opinion of the Enforcement Agent, the condition or use represents an immediate hazard to the public health, safety or welfare.
- (c) If the use, condition or other violation remains in existence ten (10) days after service of notice of the violation, or if it is considered an immediate hazard, the Enforcement Agent may promptly prepare, issue, and serve a Violation Notice to appear at the City of Luna Pier Violations Bureau and to pay the fines and costs prescribed for said violation by the schedule of civil fines set forth in section 4d below.
- (d) Fines and costs:
 - 1. The fine schedule for violations paid before the Bureau:
 - (a) First Offense: \$ 100.00;
 - (b) Secondary Offense \$ 200.00:
 - (c) Subsequent Offenses: \$ 300.00;
 - (d) A "secondary Offense" violation may be issued if the violation was not removed, corrected, discontinued 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 an offense on the same property by the same violator within six (6) months.
 - (2) The penalty for a municipal civil infraction citation which has been heard at formal hearing by the First District Court is a fine not to exceed five hundred (\$500.00) dollars.
 - (3) Each day that any of the prohibited activities set forth in Section 3 hereof exist shall constitute a separate offense.
- (f) If the Enforcement Agent requests, on the face of the citation, a formal hearing in First District Court, the property owner or occupant cited may not dispose of the municipal civil infraction citation at the City's Violations Bureau. The matter will be scheduled for hearing at the First District Court.
- (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 take appropriate action for the prevention, reduction, or elimination of the condition or use. Furthermore, the City shall be entitled to recover any

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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 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, 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.

- (h) Nothing in this ordinance is intended to limit any other rights, remedies, claims or causes or action, legal or equitable, available in accordance with the State Construction Act, State Codes or City of Luna Pier Ordinance.

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.

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 (20) days after a summary has been published as provided by law.

Certified by P. Michelle Cureton, City Clerk

P. Michelle Cureton

Date

Adopted: August 11, 2005

Published: August 19, 2005

Effective: September 8, 2005