

CITY OF LUNA PIER ORDINANCE NO. 217

BLIGHT ORDINANCE

An Ordinance enacted pursuant to and Act 344 of the Public Acts of 1945, as amended, to prevent, reduce or eliminate blight, blighting factors or causes of blight within City of Luna Pier, Monroe County, Michigan; to provide for the enforcement thereof; and to provide penalties for the violation thereof, provide for the definitions of certain terms; to protect the health, safety and general welfare of persons and property within the City of Luna Pier; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

THE CITY OF LUNA PIER, COUNTY OF MONROE, STATE OF MICHIGAN
ORDAINS:

SECTION 1: PURPOSE

Consistent with the letter and spirit of Act 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in City of Luna Pier by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said City of Luna Pier.

SECTION 2: BLIGHT OR BLIGHTING FACTORS

A. Blight in General. It is hereby determined that certain uses, structures and activities are causes of blight or blighting factors creating an eyesore to the general public that is offensive to the reasonable person 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 corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City of Luna Pier owned, leased, rented or occupied by such person, firm or corporation. Blight shall not include blight and/or blighting factors that are fully contained within a completely enclosed building.

B. Blight in Areas Zoned other than Residential. In any area zoned other than residential by the City of Luna Pier Zoning Ordinance, the existence of blight or blighting factors prohibited in any area zoned for residential purposes are strictly prohibited, 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 involved. Any use which is claimed to be incidental and necessary for carrying on any business or occupation lawfully upon the premises shall be subject to the containment of the blight or blighting factors in as small an area as is reasonably required by the business or occupation and it shall be required that such blight or blighting factors shall be completely shielded from the view of the general public, such that the blight or blighting factors shall be fully contained within a building or opaque fenced or approved screened area.

SECTION 3: DEFINITIONS.

A. Motor Vehicle shall include any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in Section 90 of Act 300 of the Public Acts of 1949, as amended, being Section 257.79 of the Michigan Compiled Laws, which is required to be registered for use upon the public streets and highways of this State under Act 300, and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.

- B. “Inoperable Motor Vehicle and/or Motorized/Recreational Vehicle” shall include any Motor Vehicle which, by reason of dismantling, disrepair, or any other cause whatsoever:
1. Is incapable of being propelled under its own power;
 2. Lacks all of the necessary component parts to make it operable and serviceable as a Motor Vehicle; or
 3. Does not display or have affixed to it a current license plate or tabs as required by the State for the purpose of operating such a Motor Vehicle upon public roads or streets.
 4. Is not registered to an owner or lawful occupant of the property. Vehicles not registered to the owner or lawful occupant of the property will be considered an inoperable motor vehicle and/or motorized/recreational vehicle under this Ordinance.
- C. “Motorized/Recreational Vehicle” shall include ATV’s, dirt bikes, motorcycles, go-carts, snowmobiles, mopeds, golf carts, boats or other recreational vehicles, etc.
- D. “Building/Landscape Materials” shall include, but shall not be limited to, landscaping and construction materials, dirt piles, stone piles, woodchips, unplanted shrubbery, flowers, plants, and the like; lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- E. “Junk” shall mean trash, garbage, rubbish, or refuse, including but not limited to, parts of machinery or motor vehicles, motor vehicle tires whether mounted or unmounted on a rim or wheel, broken, unusable, deteriorated, or unused furniture, stoves, refrigerators or other appliances stored in the open, remnants of lumber, broken toys and bicycles, metal or any other material, other cast-off material of any kind whether or not the same could be put to any reasonable use, any dog, cat, or other domesticated and undomesticated animal feces, any unused and/or out-of-use machinery, or any unused and/or out-of-use lawn, garden, or farming equipment, including, but not limited to farm tractors and combines, and/or farm implements boats and boat trailers.
- F. “Person” shall mean any person, firm, partnership, association, corporation, company, individual, or organization of any kind.
- G. “City of Luna Pier” shall mean City of Luna Pier, a general law City located in the County of Monroe, State of Michigan.
- H. “Unused and/or Out of Use” machinery, equipment, lawn, garden, or farming equipment, including, but not limited to farm tractors, combines and/or other farm implements, whether operable or inoperable, shall mean those items that are not being used for the purpose they were intended or manufactured for.
- I. “Reasonable and/or Reasonable Use” shall mean any items that are being used for the purpose they were intended or manufactured for.

SECTION 4: BLIGHT IN ALL AREAS AND/OR ZONING DISTRICTS.

In any area and/or zoning district, the following shall be considered blight in City of Luna Pier:

1. The storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a reasonable manner as not to create a nuisance and/or blight or blighting condition and for a period not to exceed 15 days;
2. 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, nor reasonably useful for any other purpose of which it may have been intended;
3. The existence of any structure, vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons; however, all structures shall be properly cared for, kept safe and well maintained;
4. The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the City of Luna Pier and unless such construction is completed within a reasonable time;
5. The existence of any swimming pools that are not in reasonable use or not maintained, including inflatable pools, above-ground pools, and in-ground pools; the existence of any recreational equipment such as playscapes and swings which are in disrepair, as well as outdoor furniture that is in disrepair;
6. The storage upon any property of inoperable motor vehicles and/or motorized/recreational vehicles, except in a completely enclosed building;
7. The storage upon any property of any unregistered or inoperable boats, deteriorated boats, boat trailers and/or travel trailers, except in a completely enclosed building;
8. The storage upon any property of building materials unless there is in force a valid building permit issued by City of Luna Pier for construction upon said property and said materials are intended for use in connection with such construction;
9. The existence of out of season decorations and/or decorations that are not functional or in reasonable use;
10. Any stacking, storage or accumulation of grass, weeds, bushes, fallen leaves, branches, brush, trees or trimmings, including landscaping materials which are not actively involved in a current project on the property;
11. The storage or accumulation of firewood which is not neatly stacked or otherwise in compliance with this section. All firewood shall be neatly stacked in cord style so as not to create an eyesore or safety hazard. Stacked wood shall not exceed six (6) feet in height. For the purposes of this section, stacked wood shall be considered an accessory structure per the City of Luna Pier Zoning Code in regard to; location, setbacks, size and lot coverage.

SECTION 5: PRIVATE PROPERTY MORTGAGE FORECLOSURE OR EVICTION.

This section shall pertain to the cleanup of garbage, litter and refuse on private property pursuant to mortgage foreclosure or eviction:

- A. Owner/Operator Responsible. Where a person has been moved out of private property pursuant to a mortgage foreclosure or any other circumstance where an eviction has taken place, the following shall apply:

(1) The Owner and/or Operator of private property shall be jointly or severally responsible to remove or cause to be removed any personal property, garbage, litter or refuse within forty-eight (48) hours of the time said owner or operator knew or should have known of such placement of said garbage, or within forty-eight (48) hours notice of such dumping, disposal or placement from a City of Luna Pier Blight Enforcement Agent, as defined in this Ordinance. "Operator" shall mean a person who is in control of, or responsible for, any private property, including a moving company that has been hired by the owner; and an "owner" shall mean any owner, occupant, landlord, tenant, lessee, agent or person in possession or control of any private property.

(2) The owner or operator shall place, for disposal of personal property, a large movable container, which shall be two (2) cubic yards, three (3) cubic yards, six (6) cubic yards or larger in capacity, and which can be mechanically emptied, and is of sufficient size to hold the household furniture, goods, garbage, litter or refuse, on the private area of the owner or operator's property, only, and not on any public area adjacent to the owner or operator's property. The large movable container shall be placed on the property prior to when the Order of Eviction is executed, or if no Order of Eviction is being executed, prior to when the personal property is moved out of the household.

(3) The personal property shall be placed and disposed of only in the large movable container, as described in this Section, of sufficient size to hold personal property removed from the residence, provided, that the container shall be of the type, which will allow access from its side as opposed to access solely through the top of the container;

(4) The large movable container, as described in this Section, shall be removed from the owner or operator's property within forty-eight (48) hours of its placement; and

(5) Notwithstanding the forty-eight (48) hour requirement in subsection (A)(4) of this Section, in the event that a large movable container, as defined in this Section, is not used, in whole or in part, for disposal of the personal property, the owner, operator or other person in violation of this Section is subject to immediate issuance of a blight violation citation.

B. Contracts for Cleanup. The City of Luna Pier is authorized to enter into agreements and/or contracts with other parties to help provide for the cleanup of blight pursuant to this Section.

C. Determination of Costs. The cost of cleanup shall include, but not necessarily be limited to, actual labor cost of the City of Luna Pier personnel, administration overhead cost, cost of equipment operation, cost of materials obtained by the City of Luna Pier, and the cost and expense of any contract labor and materials.

SECTION 6: ENFORCEMENT AND PENALTIES.

A. Enforcement. This Ordinance shall be enforced by such persons who shall be so designated by the City of Luna Pier City Council.

B. Removal of Blight. The owner and/or occupant of any property upon which any of the blight or blighting factors set forth in Sections 2 and 4 hereof is found to exist shall be notified in writing to remove or eliminate such blight or blighting factors from such

property within 10 days after service of the notice upon him. Such notice may be served personally or by regular first class mail to the owner and/or occupant of the property. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such blight or blighting factors are in progress. Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance. Notwithstanding the forty-eight (48) hour requirement in Section 5(A)(4), failure to comply with Section 5 of this Ordinance shall constitute an immediate violation of this Ordinance.

C. Penalties. This Section shall apply to and provide for the enforcement and penalties of this Ordinance, in accordance with the following:

1. This Ordinance shall be enforced by any City of Luna Pier Ordinance Blight Enforcement Officer, who shall include the City of Luna Pier Building Official, City of Luna Pier Police Officers, and any other persons duly designated and authorized by the City of Luna Pier City Council or City Administrator, any or all of whom may hereinafter be referred to as "Enforcement Agent".
2. An owner or occupant of any property upon which there exists any blight or blighting factors as set forth in Sections 2 and 4 hereof, and an owner and/or occupant of any property upon which a foreclosure or eviction results in blight as set forth in Section 5 hereof, shall be deemed in violation of this Ordinance. An Enforcement Agent may immediately prepare issue and serve an ordinance enforcement appearance ticket citing the violator into the appropriate court of jurisdiction, or may prepare a formal Complaint and Warrant to be served upon the violator or may pursue any other appropriate remedies allowed by law and the various ordinances and successor ordinances of this City of Luna Pier.
3. Each day that any blight or blighting factors exist, shall constitute a separate offense.
4. A violation of any provision of this Ordinance is hereby declared to be a nuisance per se. The City of Luna Pier may petition the court of competent jurisdiction for an order to abate such a nuisance, and/or for an order authorizing the City of Luna Pier to bring about rehabilitation of the blighted areas and to take any and all other appropriate action for prevention, reduction or elimination of the blight, blighting factors or causes of blight. Furthermore, the City of Luna Pier shall be entitled to recover any and all costs, attorney fees or other public expenditures incurred as a result of its efforts to obtain a court order to abate such nuisance, and/or incurred to rehabilitate, prevent, reduce or eliminate the blight, blighting factors or causes of blight. The City of Luna Pier shall be entitled to obtain a money judgment for the payment or repayment of said costs, attorney fees, or other public expenditures, or may add them to the taxes for the property. To add them to the taxes, the owner of the property shall be notified by first class mail of the costs, attorney fees, and expenses. If the owner fails to pay within thirty (30) days, the assessor shall add the same to the next tax roll of the City of Luna Pier and the same shall be collected in the same manner and in all respects as provided by law for the collection of taxes and enforcement of tax liens.
5. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding Five Hundred and NO/100 (\$500.00) Dollars or by imprisonment not

exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the Court.

SECTION 7: PRIOR AND INCONSISTENT ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

SECTION 8: SEVERABILITY.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional, or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

SECTION 9: EFFECTIVE DATE AND ADOPTION.

This Ordinance shall become effective thirty (30) days after its publication as required by law.

THE CITY OF LUNA PIER CITY
COUNCIL OF THE
CITY OF LUNA PIER, COUNTY
OF MONROE, STATE OF MICHIGAN:

By: _____
Crystal Manley, Deputy Clerk

AUTHENTICATED:

By: _____
Dave Davison, Mayor
City of Luna Pier

Published: August 14, 2013

Effective: September 14, 2013

I, Crystal Manley, do hereby certify that I am the Deputy Clerk of the City of Luna Pier, and I do hereby certify in this Ordinance that this Ordinance was adopted by the City Council of the City of Luna Pier, Monroe County, Michigan, in the regular meeting of the City Council of the City of Luna Pier Board held at the City of Luna Pier Hall, City of Luna Pier, Michigan, on 8th day of August, 2013.

The vote on said Ordinance, 7 members being present and 0 members absent, was as follows:

Member's Last Name

Voting in Favor: Gardner, Gramza, Hutchinson, Russell, Welton, Lucarelli, Davison

Voting Against: None

Abstained: None

Absent: None

I, Crystal Manley, Deputy Clerk for the City of Luna Pier, do hereby certify that this Ordinance or a summary of it was published on the 14th day of August 2013 in a newspaper of general circulation in the City of Luna Pier, within fifteen (15) days after adoption of the Ordinance.

Crystal Manley
City of Luna Pier Deputy Clerk

ATTEST:

Dave Davison, Mayor
City of Luna Pier

ADOPTED: August 8, 2013

PUBLISHED: August 14, 2013

EFFECTIVE: September 14, 2013