

## ORDINANCE NO. 162

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 storage upon any premises of any junk automobile, except in a completely closed building. For the purpose of this ordinance, the term "junk automobile" includes:

(i) a motor vehicle which does not bear a valid registration

plate for a period of 60 days,

(ii) a motor vehicle which is inoperative for any reason for a period in excess of 60 days, or

(iii) a van or trailer with or without wheels which does not bear a valid registration plate for a period of 60 days regardless of whether the van or trailer contains motor power or the power of propulsion within the van or trailer.

(b) 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

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cinder blocks, flooring, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles or 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 after occupancy thereof.

(c) 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. The 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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 hazard.

(i) 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.

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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) An owner or occupant of any property upon which there exists any of the causes of blight or blighting factor set forth in Section 3 hereof, shall be deemed in violation of this Ordinance and shall be notified in writing to remove or eliminate the blight or blighting factor from said property within ten (10) days after the service of such notice upon him or her, unless, in the opinion of the Enforcement Agent, the blight or blighting factor represents an immediate hazard to the public health, safety or welfare.

(i) In the event of an immediate hazard, the Enforcement Agent may immediately prepare, issue and serve on the owner, the occupant, or both, a citation to appear in First District Court.

(c) If an owner or occupant of any property upon which there exists any of the causes of blight or blighting factors set forth in Section 3 hereof, after service of a written notice to abate as set for the in Section 4, subsection (b) hereof, has failed to remove or eliminate the blight or blighting factors from said property:

(i) The Enforcement Agent may immediately 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 herein, as authorized by the City of Luna Pier Ordinance No. 161 creating the Municipal Ordinance Violations Bureau.

(ii) The fine schedule for a Violation Notice shall be as follows:

(a) First Offense: \$25;

(b) Subsequent Offenses: \$50.

(c) A "subsequent offense" is an offense on the same property by the same violator within six (6) months.

(d) If the property owner or occupant has failed to eliminate the blight or blighting factors deemed to be a violation of Section 3 hereof, the enforcement agent may immediately prepare, issue, and serve a

municipal civil infraction citation.

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( i ) The owner or occupant may, within ten (10) days of receiving a citation, pay the scheduled fine at the Municipal Violations Bureau, unless the Enforcement Agent or the violator have requested, on the face of the citation, a Formal Hearing,

( i i ) The payment schedule for a municipal civil infraction citation payable at the Violations Bureau is as follows:

(a) First offense: \$ 75;

(b) Subsequent offenses: \$100.

(c) A "subsequent offense" is an offense on the same property by the same violator within six (6) months.

(iii) 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.

(e) 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.

( f ) 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 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.

(g) 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.

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#### **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 (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 \_\_\_\_\_.

\_\_\_\_\_  
Rose M. Laderach, Clerk  
City of Luna Pier

**ADOPTED:** \_\_\_\_\_

**PUBLISHED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_