

47.000 - BLIGHT ORDINANCE Ord. No. 145 Adopted: April 21, 2005

An ordinance to stop blight and deterioration of community properties, to promote property maintenance standards and to prevent devaluing of adjacent or area properties.

THE VILLAGE OF MACKINAW CITY ORDAINS:

47.001 - Short Title.

Sec. 1. This ordinance shall be known and may be designated as "The Blight Ordinance of the Village of Mackinaw City, Michigan".

47.002 - Definitions.

Sec. 2. As used in this ordinance, the following terms are defined below:

- A. **Blighted Structure or Building.** Any dwelling, garage, accessory or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which:
 - (1) Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended; or
 - (2) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Village of Mackinaw City; or
 - (3) Is not structurally sound, weather-tight, waterproof or vermin-proof; or
 - (4) Is not covered by a water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration; or
 - (5) Which causes or tends to cause devaluation of the subject property or other adjacent or near by properties in the area.
- B. **Building, Material.** Any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.
- C. **Enforcement Officer.** The Village Manager or the Zoning Administrator or another individual the Village Council has appointed with enforcement duties.
- D. **Junk.** Any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, furniture, furniture intended for indoor use which is placed outdoors, stoves, refrigerators, freezers, cans, barrels, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates.
- E. **Person.** All natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, operator, servant, or employee shall, except as herein otherwise provided, be equally liable as principals.
- F. **Trash and Rubbish.** Any and all forms of debris not herein otherwise classified.
- G. **Garish.** Any structure which, because of gaudy or glaring paint color or because of painting method (e.g., but not limited to haphazard multicolor), is determined by the enforcement officer to be devaluing of subject property or other adjacent or nearby properties in the area.

47.003 - Blighted Structures or Buildings Prohibited.

Sec. 3. It shall be unlawful for any person to keep or maintain any blighted or vacant structure, building, dwelling, garage, outbuilding, factory, shop, store or warehouse in any of the following conditions:

- A. Having peeling paint.
- B. Sagging and deteriorating roof.
- C. Siding off and/or damaged.
- D. Broken and deteriorating windows.
- E. Unfinished exterior.
- F. Collapsing porch or deck.
- G. Scaffolding unless associated with current building permit.
- H. Cracked and broken foundations/chimneys.
- I. Garish exterior.

Structures under construction with a valid building permit issued by the Village of Mackinaw City are not considered to be blighted structures.

47.004 - Blighted Exterior and Maintenance Requirement of Property.

Sec. 4. Every owner and operator shall improve and maintain all property under its control to comply with the following minimum requirements:

- A. All exterior property areas shall be properly maintained in a clean and sanitary condition, free from debris, brush, severed tree limbs, rubbish or garbage, physical hazards, rodent harborage and infestation.
- B. All stored firewood shall be in neat, orderly stacks, unless shielded from view from all adjoining properties.
- C. The storage and accumulation of junk as herein defined is permitted only for the purpose of collection and disposal and only in a closed container or in a closed structure. Storage and accumulation shall be only for the minimum period necessary to provide for collection and disposal of same.
- D. The storage and accumulation of any building material shall only be for a period that is reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days. Building materials must be piled off the ground so as not to become a suitable environment for rats, rodents or similar vermin.
- E. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.
- F. Yard or garage sales in which items are for sale to the public shall be no longer than 7 calendar days within a 90-day period. No yard or garage sale shall offer new items which could be sold as new in a retail business.

47.005 - Disposal of Garbage.

Sec. 5.

- A. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- B. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

47.006 - Storage of Vehicles, Trailers, Recreational Vehicles, Boats, Water Toys.

Sec. 6.

- A. A travel trailer, camper, or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.
- B. The open parking or storage of recreational trailers, boats, campers, snowmobiles, jet skis, motor homes, or similar vehicles not owned by the owner of the parcel or lands not specifically designated for such parking and storage shall be permitted for a period of up to 72 hours.

47.007 - Enforcement and Penalties.

Sec. 7.

- A. Any person, firm or corporation who violates this ordinance shall be deemed guilty of a civil infraction, and upon conviction therefore, shall be punished by a fine not to exceed \$500.00. If a violation continues, each day's violation shall be deemed a separate violation.
- B. Before commencing prosecution under this Ordinance, the Zoning Administrator shall give notice to the person charged with violating this ordinance. Such notice shall be in writing and set forth the violation specifics and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition to posting, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within no fewer than 12 days of the date of personal service or 15 days from the date of mailing shall result in the issuance of a municipal civil infraction citation. The Zoning Administrator may extend these time limits, but not more than two 12-day periods where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- C. Failure to abate the blight within the required time frame shall result in the action of the Village to abate such nuisance and to assess the cost of such abatement upon the owner of record of the property. Failure to pay such assessment shall result in the cost being recorded as a lien upon the property upon approval of the Village Council who shall direct the Village Assessor to so enter the lien and assessment upon the tax rolls and assessment records of that property. Abating the nuisance is not in lieu of, or an alternative to, the civil infraction. Both civil infraction and abatement of the nuisance may be pursued by the Village.

47.008 - Appeal of Notification of Violation.

Sec. 8.

- A. A person receiving a notification of violation under Section 7(B) [47.008 B.] of this Ordinance may file an appeal to the Village Council by delivering the same to the Village Clerk no later than 10 days after the serving or mailing of the notification. The appellant shall file with the Village an appeal application on a form provided by the Village. This appeal application must include a thorough description of the reason for appealing. An appeal fee as set by the Village Council shall accompany all appeals.
- B. The Council shall set a reasonable time for hearing of the appeal within 30 days from the date of filing thereof. Council shall provide the appellant, by first class mail, one notice of the public hearing date, time, and location.
- C. The Council shall hear and decide appeals, and review on appeal any order, requirement, decision or determination, made by the Blight Ordinance enforcement officer in the enforcement application of this ordinance. Upon such appeal the Village Council may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the office from whom the appeal is taken. The concurring vote of two-thirds of the members of the full board shall be

necessary to reverse or modify any order, requirement, decision or determination of the Village officer or to decide in favor of the appellant upon any matter upon which it is required to pass.

- D. No appeal to the Village Council of a notification of violation will be accepted after a citation has been issued.

47.009 - Conflicting Ordinances and Severability.

Sec. 9. All other ordinances of the Village of Mackinaw City that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

The sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

47.010 - Effective Date.

Sec. 10. This Ordinance shall become effective 20 days after adoption.