

# Proposed Village of Cass City, MI Ordinance No. 179

## AN ORDINANCE TO AMEND THE VILLAGE OF CASS CITY CODE OF ORDINANCES, CHAPTER 16, ARTICLE II, (Blight), SECTION 16-33.1-16-34.3 ENTITLED “**ANTI-BLIGHT ORDINANCE**, AS FOLLOWS.

The Village of Cass City ordains.....

Chapter 16 – Environment, Article II – Blight, Section(s) 16-33.1 – 16-34.3 – Anti Blight

It is the purpose of this Ordinance to prevent, reduce and eliminate blight, potential blight, blighting factors and causes of blight within the Village of Cass City by the prevention or elimination of contributing environmental factors and causes of blight which exist or which may in the future exist in the Village of Cass City. The purpose of this Ordinance is for protecting the public health, safety, and general welfare of the persons and property of the Village of Cass City.

Sec. 16-33.2 - Definitions.

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

*Blighted Structure.* Any dwelling, garage, outbuilding, accessory building, factory, shop, store, office building, warehouse, sign or any other structure or part of a structure which is man-made:

- (a) 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
- (b) 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 Cass City; or
- (c) Is not structurally sound, weather-tight, waterproof or vermin-proof; or
- (d) 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.
- (e) Any structure which could be defined as dangerous under Chapter 6, Article III, Section 6-52, (Dangerous Buildings) of the Cass City Ordinances.

*Building Material.* Any lumber, bricks, concrete, cinder blocks, plumbing materials and fixtures, electrical wiring or equipment, heating/cooling ducts or equipment, shingles, mortar, cement, plaster, gypsum board, nails, screws, or other material commonly used in the construction or repair of any building or structures.

*Enforcement Officer.* The Village of Cass City building inspector or code official, any Village of Cass City police officer, or any other person designated by the Cass City Council to enforce the provisions of this Ordinance.

*Firewood.* Any timber, split logs, detached stumps, tree remnants, branches.

*Garbage.* The organic (animal and/or vegetable) waste resulting from the handling, preparation, cooking and consumption of food.

*Hazardous Materials.* Any explosive, acidic or caustic substance, flammable liquid, oil, chemical or any other substance, or residues of same, which is or could be defined as toxic or dangerous by statute of the State of Michigan or United States; or which could pose danger or potential danger to persons, animals, vegetation or the environment, if spilled or stored in violation of state or federal statute or manufacturer's instructions; or where, in the opinion of the enforcement official, is otherwise stored improperly or in inadequate containment facilities or structures.

*Junk.* Any abandoned, discarded, unusable or unused objects or equipment including, but not limited to: furniture, household appliances, barrels, tanks, implements, parts of motor vehicles, tires, machinery, cloth, cartons, crates and papers.

*Person.* Any natural person, firm, association, partnership or corporation.

*Premises.* A lot, plot or parcel of land including the buildings or structures thereon.

*Rubbish.* Combustible and noncombustible waste materials, except garbage, including but not limited to: residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, leaves, yard trimmings, cans, metals, mineral matter, glass, crockery, dust and other similar materials.

*Vacant building.* Any building or structure which is unoccupied and which is not securely locked, with the windows not glazed or neatly boarded up and protected against the elements and from the entry of vandals, curious children, or rodents and/or other animals.

*Village.* Village of Cass City.

*Trash.* Means any and all forms of debris not otherwise classified in this Article.

Sec. 16-33.3 - Prohibited conduct.

Except as may otherwise be permitted by the holding of a specific license, permit, or by any other Village of Cass City Ordinance, no person in the Village of Cass City shall:

- (a) Store, accumulate or permit the storage or accumulation of garbage, junk, hazardous materials or rubbish on premises owned, leased, operated, rented or occupied by the person or on vehicles owned, leased, or operated by the person which is stored or parked on any street, alley, or public property in accordance with Chapter 30, Solid Waste, Section 30-37.

*EXCEPTIONS:*

- (1) Materials intended for recycling shall be exempted from this provision, provided that the same shall be stored in a rodent-proof receptacle or other approved container, or out of public view so as not to create a public nuisance. Storage of such materials shall not exceed thirty (30) days.
  - (2) If lawn trimmings, leaves and/or vegetable waste are to be utilized for "backyard composting" purposes, then such materials shall be placed in an enclosure that does not create a public nuisance.
  - (3) Materials must be in accordance with Village Ordinance, Chapter 30, Solid Waste, Article II, Collection and Disposal, Sections 30-37, Precollection Practices.
- (b) Store, accumulate or permit the storage or accumulation of any building materials on property owned, leased, operated, rented or occupied by the person for any period longer than reasonably necessary for the immediate use of such materials, but in no event to exceed sixty (60) days.

*EXCEPTION:* Building materials that are stored in a building or enclosure are exempt from this sub-section, provided said materials are not in view of the general public.

- (c) Allow or permit the existence of any blighted structure on property owned, leased, operated, rented or occupied by the person.
- (d) Store or permit the storage of firewood on property owned, leased, operated, rented or occupied by the person except in a neat, orderly stack to a height no greater than five (5) feet from grade. The storage of firewood shall be in the rear or interior side yard of the premises. A stack of firewood shall not be used effectively as a fence so as to circumvent the fence Ordinance.

Sec. 16-34.1 – Notice and Hearing

- (a) The owner and/or the occupant of any premises upon which any one or more of the causes of blight or blighting factors set forth in Section(s) 16-33.2 and 16-33.3 is found to exist shall be notified in writing to remove and eliminate such causes of blight or blighting factors from such premises **within ten days** after service of notice upon the owner and/or the occupant.

- (b) Such notice may be served personally or by certified mail, return receipt requested, addressed to the owner at the address shown on the latest city tax rolls, and/or to the occupant at the address of the premises involved. If the owner and/or occupant cannot be served personally or by certified mail, a copy of the notice shall be posted in a conspicuous place on the premises and published once in the official newspaper of the village.
- (c) Additional time may be granted by the enforcement officer where, in his or her opinion, bona fide efforts to remove or eliminate such causes of blight or blighting factors are being made and are satisfactory to the enforcement officer.
- (d) Failure of the owner and/or occupants to comply with such notice within the time set forth in the notice shall constitute a violation of this Ordinance. Each day that there is such a failure to comply shall constitute a separate offense. Violation of this article shall be deemed to be a nuisance per se. Any person or anyone acting on behalf of any such person who shall violate any provisions of this article, or who shall fail to comply with any of the requirements thereof shall be responsible for a municipal civil infraction as defined by state law and subject to a civil fine determined in accordance with Sec. 16-34.2

Sec. 16-34.2 - Violations; municipal civil infraction.

- (a) Any person, firm, corporation, or entity of any kind found violating the provisions of this Article is responsible for a municipal civil infraction, subject to payment of a civil fine of not more than **\$100.00**, plus costs and other sanctions, for each violation (as authorized by chapter VI, section 2, of the General Law Village Act, Public Act No. 3 of 1895 (MCL 66.2), and the Village Municipal Civil Infraction Ordinance, Article II of chapter 20).
- (b) Repeat offenses, at the same address, under this Article shall be subject to increased fines as provided by this section. As used in this section, the term "repeat offense" means a second, or any subsequent, violation of the same requirement or provision of this Article for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Article shall be as follows:
  - (1) The fine for any offense which is a first repeat offense, at the same address, shall not be more than **\$150.00**, plus costs.
  - (2) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall not be more than **\$250.00** each, plus costs.
- (c) The ordinance enforcement officer is designated as the authorized village official to issue municipal civil infraction citations for violations of this Article, as provided by the Village Municipal Civil Infraction Ordinance, Article II of chapter 20. As used in this Article, the term "ordinance enforcement officer" means the village official, employee, agent or other entity assigned to perform the functions and tasks assigned by this Article to the ordinance enforcement officer.
- (d) In addition to any remedies available at law, the Village may bring an action for an injunction or other process against any person to restrain, prevent or abate violation of this Article.

Sec. 16-34.3 – Severance and incorporation.

(a) If any clause, sentence, section, paragraph, or part of this Ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

(b) If any provision of this Chapter differs from a provision of any other applicable law, Ordinance, rule or regulation, both the provision of this Chapter and the differing provision shall apply if possible. If the two (2) provisions are in conflict, then the provision establishing the higher or stricter standard shall apply.

A Motion to approve Village of Cass City, MI Ordinance No. 179, "AN ORDINANCE TO AMEND THE VILLAGE OF CASS CITY CODE OF ORDINANCES, CHAPTER 16, ARTICLE II, (Blight), SECTION(S) 16-33.1-16-34.3 ENTITLED "ANTI-BLIGHT ORDINANCE,

Was offered by \_\_\_\_\_

And supported by \_\_\_\_\_

Ayes:    Nays:

Resolution:    \_\_\_\_\_ Approved    \_\_\_\_\_ Not Approved

\_\_\_\_\_  
President, Village of Cass City

\_\_\_\_\_  
Clerk/Treasurer, Village of Cass City

Introduction and First Reading: \_\_\_\_\_

Public Notice: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

Effective: Upon adoption by the Cass City Village Council, this ordinance shall become effective 30 days later.