

VILLAGE OF MUIR ORDINANCE NO. 44
ANTI-BLIGHT ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS, PROPERTY OWNERS AND OTHER PERSON WITHIN THE VILLAGE OF MUIR, IONIA COUNTY, MICHIGAN, BY REGULATING, PREVENTING, REDUCING OR ELIMINATING BLIGHT, BLIGHTING FACTORS AND CAUSES OF BLIGHT WITHIN THE TOWNSHIP; AND TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE.

THE VILLAGE OF MUIR, IONIA COUNTY, MICHIGAN ORDINANCE:

Section 1. Name. This Ordinance shall be known and cited as the Village of Muir "Anti-blight Ordinance".

Section 2. Intent and Purpose. The Village of Muir has determined that the continued existence of blight or blighting factors in the absence of regulation may result in nuisance conditions, the impairment of property rights, the destruction of property values, and a threat to the public health, safety and welfare of the Village of Muir. It is the intent and purpose of this Ordinance to protect the general health, safety and welfare of the residents, property owners, and other persons within the Village of Muir by regulating and preventing, reducing or eliminating blight or potential blight in the Village through prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Village. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare within the Village.

Section 3. Definitions. The following words and terms are defined for the purpose of their use in the Ordinance. Any word or term not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.

A. "Building materials" shall include lumber, bricks, concrete, 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.

B. "Junk automobiles or junk vehicles" shall mean any motor vehicle including, but not limited to, cars, trucks, tractor trucks and trailers. Motorcycles, boats, mobile homes, recreational vehicles, travel trailers, campers, trailers, snow mobiles and other similar vehicles which are not licensed for use upon the highways of the State of Michigan, and shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all of its main component parts attached.

C. "Junk, trash, rubbish or refuse of any kind" shall include, without limitation, motorized or non-motorized vehicles, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes not meeting the minimum standards for habitation by humans, unusable trailers, televisions, furniture, or any other scrap or waste material of any kind, including parts of any of the above, but not including domestic refuse stored for a period not exceeding thirty (30) days in a manner so as not to create a nuisance, and not including firewood stored in an orderly manner, parts of machinery or motor vehicles, unused stoves, refrigerators or other appliances stored in the open, remnants of woods, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

D. "Noxious weeds" shall include Canada Thistle (*Cirsium arvense*), doddars (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus*

identified items on his or her property of otherwise prohibited items for one period of up to 30 days in any calendar year. In granting such permit to sell junk items the Village may require a cash bond to guarantee the immediate removal of the items after the sale period and place such other reasonable conditions on the sale to insure that such items will be located on the property so as to facilitate the sale and not create a nuisance or threaten the public health or safety of others.

Section 5. Enforcement.

A. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 30 days after the service of the notice upon him. Such notice may be delivered personally or by certified mail, return receipt requested. Additional time may be granted by the Village of Muir Board or designee, or appointed enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

B. Whether a criminal case is commenced regarding violation of this Ordinance or not, is the sole discretion of the Village of Muir Board. The Board may, after thirty (30) days notice to the landowner, or tenant, or person in possession, remove an offending structure or condition. The cost of said removal shall constitute a debt of the landowner to the Village, and billing for said debt may be sent to the landowner either with the notice of assessment, or the tax notice. Should the landowner fail to pay the same within sixty (60) days of the date of mailing, the Village may commence a civil action against the landowner for repayment of said sums, and damages in said action shall include attorney fees and costs in pursuing the amount claimed.

Section 6. Penalties, Nuisance.

A. Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses and other sanctions for each infraction.

2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provisions of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any two year period of any prior admission or determination of responsibility (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

3. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00 plus costs, or by imprisonment for a term not to exceed 92 days, or both fine and imprisonment.

arvensis), "Hoary Alyssum" (*Berteroa incana*), ragweed (ambrosial elator 1.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plants which in the opinion of the Village Board are regarded as a common nuisance.

Section 4. Causes of Blight or Blighting Factors: Offenses Designated. After the effective date of this Ordinance, no person, firm, corporation, or entity of any kind shall maintain or allow to be maintained upon any property within the Village which is owned, leased, rented or occupied or possessed by the persons, firm, corporation or entity any of the following uses, structures, activities or conditions which are hereby determined as causes of blight or blighting factors and which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, and threaten the public health, safety and welfare:

A. The parking or storage of "Junk automobiles" outside of a completely enclosed building in any area (not including property of which a valid junk-salvage yard license issued by the Village is in effect for a period in excess of thirty (30) days.

B. The storage of "building materials" outside of a completely enclosed building in any area for a period in excess of thirty (30) days, not including building materials used for a legally operated business, and not including building materials stored on the site of property for which a valid building permit has been issued by the appropriate County or Village building official if the materials are intended for use in connection with construction on the property.

C. The storage of accumulation of junk. Trash, rubbish or refuse of any kind outside of a completely enclosed building in any area (not including property for which a valid junk-salvage yard license issued by the Village is in effect) for a period in excess of thirty (30) days.

D. Any structure or part of a structure which because of fire, explosion, wind, natural disaster, or physical deterioration must be secured, repaired, replaced, demolished or removed (including removal of debris) to meet the minimum application standards for human habitation or to meet otherwise applicable health and safety standards, and which, due to a failure to secure, repair, replace or demolish or remove the damaged structure, remains uninhabitable or unusable for its intended purpose or in violation of applicable health and safety standards for a period of more than (180) days.

E. The growth of noxious weeds, or the growth of grass or weeds (other than noxious weeds) higher than six (6) inches from May 1 until the following October 1 of each year, in any of the following locations:

1. On any lot on which a residential dwelling is located, within fifty (50) feet in any direction from any portion of the dwelling; or

2. On a platted lot or a lot located within a residential subdivision on which a residential dwelling is not located (i.e., an undeveloped lot), but where fifty percent (50%) of the lots within the plat or subdivision have residential dwellings on them, within fifty (50) feet from any public street and/or within fifty (50) feet of any residential dwelling on any adjacent lot. This subsection shall not apply to the growth of grass or weeds (other than noxious weeds) higher than six (6) inches on any portion of undeveloped property located behind a wooded tree line or which is otherwise not visible from any adjacent lot or from any adjacent public street.

F. Except as provided in this subsection, the sale or advertising for sale of items creating blight, including junk items, junk automobiles and vehicles, building materials, trash, rubbish or refuse of any kind is prohibited. The Village Board or Village Enforcement Officer may grant a temporary permit to the property owner or occupant to permit the sale of specifically

4. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

5. A municipal civil infraction is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

B. Misdemeanor Violations. It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 92 days, or both fine and imprisonment; for any person who makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this ordinance of other state or federal law.

C. Nuisance. Maintenance of, or allowing the maintenance of, any cause of blight or blighting factor as defined in this Ordinance, in violation of this Ordinance, is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within the Village of Muir, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

D. Continuing Offenses. Each day on which a violation of the ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

E. Parties Liable. Any person who violates any of the provisions contained in this Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, employee or in any other capacity shall be liable as a principle.

F. Enforcement Actions. This ordinance shall be enforced by the person or persons designated by the Village of Muir Village Council. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infraction citation directing the alleged violator to appear in court.

G. Non-Exclusive Penalties. The prohibitions and penalties provided by this Ordinance shall be in addition to, and not exclusive of, prohibitions and penalties provided by other applicable laws, finance, rules or regulations.

Section 7. Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsections, sentence, phrase or clause is adjudged, unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 8. Non-repeal. This Ordinance is intended to specifically repeal Ordinance #33 of the Village of Muir and any other Ordinances that are in conflict with the terms of this Ordinance which pertain to the same subject matter.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Village of Muir, Ionia County, Michigan.

CERTIFICATION: This is to certify that the above Ordinance was passed as set forth above, by the Village of Muir Board in regular sessions and is a true and exact copy thereof.

First Reading: 1-2-01

Second Reading: 2-6-01

Passage: 2-6-01

Publication: 2-14-2001

Village of Muir

Laura Stewart, Village Clerk