

ORDINANCE NO. 2013- 01

CITY OF ALGONAC

COUNTY OF ST. CLAIR, MICHIGAN

AN ORDINANCE OF THE CITY OF ALGONAC, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 12 "NUISANCES."

THE CITY OF ALGONAC ORDAINS:

SECTION 1. AMENDMENT

Chapter 12, Articles I, II, and III are hereby amended to read as follows:

Sec. 12-1. Short title.

This Ordinance shall be known as and may be cited as the City of Algonac Anti-Blight Ordinance.

Sec. 12-2. Statement of Purpose.

It is the purpose of this article to prevent, reduce, or eliminate blight by preventing and eliminating contributing factors and causes of blight in the City.

Sec. 12-3. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) Blighted structure. Any dwelling, garage, outbuilding, factory, shop, store, office, building, warehouse, or any other structure or part of a structure which, because of fire, wind, other natural disaster, or physical deterioration, is unfit for human occupancy or the useful purpose for which it was originally intended; or any originally intended, or any partially completed structure which is not being built pursuant to a valid building permit issued by the City.

(B) Building materials. Lumber, bricks, concrete blocks, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, cement, nails, screws, or any other materials commonly used in construction.

(C) Enforcement officer. The building inspector, code enforcement officer, police officer, or any other person designated by City Council to enforce this ordinance.

(D) Firewood. Logs, lumber, kindling, or other materials intended for burning in a wood stove, fireplace, or other heat-producing device.

(E) Junk. Any abandoned, discarded, unusable, or unused objects or equipment; including, but not limited to furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, metals, boxes, cartons, or crates.

(F) Junk automobiles. Any motor vehicle which is not licensed for use by the State of Michigan for a period in excess of thirty (30) days; or, any motor vehicle, whether licensed or not, which is inoperable for any reason in excess of thirty (30) days.

(G) Vacant building. Any building which is unoccupied and not kept securely locked; with windows glazed or neatly boarded up; and protected from the elements, vandals, rodents, and other animals.

Sec. 12-4. Prohibited conduct.

It shall be unlawful for any owner, lessee, occupant, or any agent, assignee, representative, or employee of such owner, lessee, or occupant to do any of the following upon any premises within the City owned or occupied by him:

(A) To maintain or permit the existence of a blighted structure for any period in excess of thirty (30) days.

(B) To maintain or permit the existence of any vacant building.

(C) To store, accumulate, or permit the storage or accumulation of junk or junk automobiles unless said items are stored within a completely enclosed building which meets with all applicable City Codes and Zoning Ordinances.

(D) To store, accumulate, or permit the storage or accumulation of any building materials for any period longer than reasonably necessary for the immediate use of such building materials, but in no event for longer than sixty (60) days.

(E) To permit or maintain any growth of weeds, grass, or rank vegetation to a greater height than ten (10") inches on the average, or any accumulation of dead weeds, grass, or brush.

(F) To permit or maintain any growth of poison ivy, ragweed, or other poisonous plants.

(G) To permit any accumulation of garbage except in tightly covered containers.

(H) To fail to stack firewood in an orderly fashion to a height not to exceed sixty-four (64") inches; or, if stacked adjacent to a fence, to a height not to exceed the height of the fence.

(I) To have, place, deposit, or cause to have placed or deposited any dead animal, putrefying carcass, carrion, animal or vegetable offal, unclean or nauseous water, any filthy or decaying matter, or any other offensive substance to the detriment of the public health.

(J) To permit any excrement, unclean or nauseous water, garbage, or any filthy or offensive substance to remain on any premises to the detriment of the public health.

Sec. 12-5. Enforcement.

(A) Written Notice of Violation. Before commencing prosecution under this article, the enforcement officer shall notify the alleged violator of the existence of the alleged violation of this article in writing. Said written notice shall specify the alleged violation of this article, the potential for creation of a lien against the property as set forth in sec. 12-5(E); and shall

be served upon the alleged violator either at the common address of the property or at the last known address of the alleged violator.

(B) Time To Remedy Alleged Violation. An alleged violator shall have ten (10) days from the date of mailing of the written notice required by sec. 12-5(A) in which to correct or remedy the alleged violation. Additional time may be granted by the enforcement officer where the alleged violator initiates good faith efforts to remove or eliminate the alleged violation.

(C) Ongoing Violations. Each day that a violation of this ordinance continues to exist after the expiration of the ten (10) day period set forth in sec. 12-5(B) shall constitute a separate violation of the ordinance subject to the penalties established in sec. 12-5(D).

(D) Penalties. A violation of this ordinance is a misdemeanor offense subjecting the violator to the penalties set forth in Code sec. 1-13(b).

(E) Lien Created. If the alleged violator fails to remedy the alleged violation within the time period set forth in sec. 12-5(B), the enforcement officer shall cause the blight to be corrected, remedied, removed, or eliminated. The actual cost of this remedial effort, plus an administrative charge as set by City Council resolution, shall become a lien against the premises and the property owner shall be invoiced. If by October 31, the debt is still outstanding, the fee shall become a lien against the premises and shall be placed on the December tax roll for collection. The remedial effort may be completed by the Department of Public Works or an agent retained by the City.

SECTION 2. SEVERABILITY

This ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection,

sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of Algonac or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION

All other provisions of the Code of Ordinances of the City of Algonac, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Algonac, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Algonac.

ORDINANCE DECLARED ADOPTED.


Irene Bird, Mayor
City of Algonac, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Algonac, County of St. Clair, State of Michigan, at a regular meeting of the City Council on held on the 21st day of May, 2013, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Bied, Martin, Meldeum, Nugent, Thompson, Tuznowski
Members Absent: Amiels

It was moved by Member Thompson and supported by Member
Martin to adopt the Ordinance.

Members voting yes: Thompson, Martin, Meldeum, Nugent, Tuznowski, Bied
Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Algonac.


Cynthia L. Greenia, City Clerk
City of Algonac, Michigan

INTRODUCED: 5-7-13
ADOPTED: 5-21-13
PUBLISHED: 5-29-13
EFFECTIVE: 5-31-13