

THE VILLAGE OF EDMORE ORDAINS

AN ORDINANCE TO ADOPT ORDINANCE NO 2014-2 "Blight Ordinance"

VILLAGE COUNCIL

VILLAGE OF EDMORE

MONTCALM COUNTY, MICHIGAN

Adopted: 4/14/14

Published:

Effective:

It is the purpose of Ordinance 2014-2 to prevent, reduce or eliminate blight in the Village of Edmore by the prevention or elimination of contributing factors and causes of blight which exist or which may in the future exist in the Village of Edmore. No person, firm or corporation shall maintain or permit to be maintained any of these causes of blight upon any property owned, leased, rented, possessed, controlled, or occupied by such person, firm or corporation in the Village of Edmore.

**SECTION 1-Title**

The Title of this Ordinance is the Village of Edmore Ordinance 2014-2 Blight Ordinance.

**SECTION 2- Repeal**

The prior Dangerous Building Ordinance, Ordinance Number 269-00, is hereby repealed.

**SECTION 3- Purpose**

The purpose of Ordinance 2014-2 "Blight Ordinance" is to;

1. Prevent areas of the Village that are, or may become, blighted with the resulting impairment of taxable values upon which operating revenues to the Village of Edmore and other local units of government depend;
2. Eliminate such blighted areas that are detrimental to the health, safety, and general welfare of the citizens, property owners, and economic welfare of the community;
3. Improve and maintain the general character of the Village, and where necessary rehabilitate such blighted areas;
4. Ensure neighborhoods remain aesthetically desirable for single-family residential development.

**SECTION 4- Definitions:**

For the purposes of this Chapter of the codified ordinances of the Village of Edmore the following definitions shall apply;

A. "Nuisance": Any condition, matter, or item that annoys, injures, or endangers the safety, health, comfort or repose of the public or any person; offends public decency; interferes with, obstructs, or renders dangerous any street, public place, highway, or navigable stream; depreciates or lowers property values; or in any way renders the public insecure in life or property, is hereby declared to be a nuisance. Any violation of this ordinance shall also constitute a nuisance.

B. "Blighted Structure": This shall mean any dwelling, garage, building, outbuilding, accessory building, swimming pool, pond, or structure of any nature or part of any building or structure which, because of disrepair, fire, wind, or other natural disaster or physical deterioration is no

longer habitable, if a dwelling; or useful for any other purpose for which it is intended of other than a dwelling, and/or which involves or has any one of the following characteristics:

1. “Deterioration or deteriorated”: means the status of an item, process of decay, or degeneration has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, or unusable or unsuitable for its intended use, including but not limited to, the advanced stage of rot, rust, mold, vermin, ingestion, dilapidation, infestation, or destruction.
2. “Vacant Structure”: This shall mean any building or structure which is unoccupied and which is not securely locked, with the windows glazed, or otherwise protected against the elements and/or from vandals, rodents and other animals or otherwise maintained in accordance with all of the Village’s ordinances.

C. “Building Material(s)": This shall mean the open or outdoor storage upon any property of any new or used building materials unless there is in force a valid building permit issued for construction upon said property and said materials are intended for (and consistent with) use in connection with such construction or the storage is directly related to a lawful commercial or industrial enterprise. “Building materials” shall include, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, windows, doors, nails, screws or any other materials used in constructing any building or structure.

D. “Junk”: This shall mean the storage or accumulation of any junk, trash, garbage, rubbish, or refuse of any kind, or any abandoned, discarded, unusable, or unused objects or equipment of any kind outdoors for more than thirty (30) days. The term “junk” shall include, but is not limited to, broken or unusable furniture, stoves, refrigerators, freezers, or other appliances stored in the open; cans, implements, parts of motor vehicles, machinery, un-mounted motor vehicle tires, cloth, rubber, bottles, any metals, boxes, cartons, or crates, remnants of wood, metal, or any other materials, broken toys and bicycles, broken lawn furniture, and other castoff material of any kind whether or not the same could be put to any reasonable use.

E. “Litter”: This shall include, without limitation, debris, tin cans, waste paper, wastes, rubbish, garbage, filth, refuse, vermin, decaying or dead matter, or deteriorated signs. “Trash,” “rubbish,” and/or “garbage” shall include any and all forms of debris not herein otherwise classified.

F. Motor Vehicle: This shall mean and include cars, trucks, tractors, automobiles, motorcycles, vans, boats, snowmobiles, ATVs, motorhomes, and other similar items.

G. “Tall Weeds and Grass”: This shall include Canada thistle (*Circium arvense*), Dodders (any species of *Cuscuta*), Mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), Bindweed (*Convolvulus arvensis*), Perennial Sowthistle (*Sonchus arvensis*), Hoary Alyssum (*Berteroia incana*), Poison Ivy (*rhus toxicodendron*), Poison Sumac (*toxicodendron vernix*) Ragweed (*ambrosia elatior*), Poison Ivy, Milkweed, Bitterdock, Burdock, Goldenrod, Wild Carrots (*Daucus carota*), and all other noxious

weeds, and grasses or other similar vegetation of a height/length of one (1) foot or more. Such weeds and grasses are hereby determined and declared to be noxious, dangerous, and unhealthy, tending to cause and promote disease and allergies, and to thereby constitute a public nuisance.

H. "Code Enforcement Officer": This shall mean any person designated by the Village Council of the Village of Edmore to enforce any of the provisions of this Ordinance.

I. Person": This shall mean any natural person, firm, association, partnership, entity, limited liability company, trust, or corporation. All persons who violate any of the provisions of this Chapter, whether as owner, occupant, lessee, agent, or employee shall, except as herein otherwise expressly provided, be equally and jointly liable as principals and perpetrators.

## **SECTION 5-Regulations**

It shall be unlawful for any of the following to occur and/or to be allowed to occur, and such is hereby declared to be a public nuisance and may be addressed under Ordinance 2014-1 "Dangerous Buildings" if necessary or when deemed by the appointed Village Code Enforcement Officer.

- A. It shall be unlawful to keep, own, or possess any structure or part of any structure which, because of disrepair; fire, wind, or other natural disaster; physical deterioration; vandalism; unfinished demolition; or equity stripping is no longer habitable, if a dwelling; or useful for any other purpose for which it is intended.
- B. It shall be unlawful to keep, own, or possess a structure whenever any portion, member, or appurtenance is likely to fall or to become detached or dislodged, or to collapse, and thereby injure persons or damage property.
- C. It shall be unlawful whenever a structure used or intended to be used for dwelling purposes is unfit for human habitation because of dilapidation, decay, damage, faulty construction, act of God, or otherwise, or is in a condition that is likely to cause sickness, disease, or physical harm when so determined by the Health Department or appropriate building official.
- D. It shall be unlawful to own, keep, possess, or maintain any blighted or vacant structure, building, dwelling, garage, outbuilding, factory, shop, store, or warehouse, unless such structure is in the course of construction in accordance with a valid building permit, issued by Montcalm County, and unless such construction is completed within the required time limits of the Village of Edmore and/or building permit.
- E. It shall be unlawful when any building or part thereof, either before or after the effective date of this Chapter, is not completed in accordance with any permit(s) issued pursuant to the Village of Edmore zoning or other code. If not so completed, the property owner shall immediately put the property back in a safe condition ("safe condition" shall be at the discretion of the Village Code Enforcement Officer) or alternately, it shall be torn down and removed from the property and returned to the grade level that existed before excavation.

F. It shall be unlawful when any building, structure or uninhabited dwelling, whether now existing or hereafter erected, shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage by fire, collapse, or act of God, or by virtue of any other cause. Any such building or structure shall be forthwith repaired or rehabilitated; and the dangerous or hazardous condition removed by the owner or occupant thereof, or in the alternative, torn down and removed, and any open excavation shall be immediately filled to grade level. Such repairs and rehabilitation shall comply in all respects with the provisions of the zoning, building, plumbing, mechanical, and electrical codes governing such buildings. If a building or structure is left in such disrepair, any excavation or repair done to the property will be at the cost of the property owner.

G. Every lot and parcel of land within the Village shall at all times be kept clean and free from the following:

- Refuse and household trash
- Junk
- Commercial or industrial waste
- Unfinished excavations
- Unfinished alteration, construction or demolition of structures
- Used building materials including, but not limited to; lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, and other materials.

H. It shall be unlawful when the exterior of any structure used or intended to be used for single-family residential habitation is not maintained in a condition such that there are no broken windows. All openings for windows and doors shall be maintained and kept in sound working condition. Likewise, exterior surfaces are required to be maintained and kept free from chipping or peeling paint, grime, dirt, or mold.

I. It shall be unlawful for the outdoor display or use of upholstered or other furniture, including vehicle seats, which were not designed and/or manufactured or intended for outdoor use.

J. It shall be unlawful when any graffiti is allowed remain on any structure, fence, sign, vehicle, or other outdoor surface. It shall be the responsibility of the property owner to remove graffiti.

K. It shall be unlawful to utilize plywood, blankets, newspaper, flags, banners, signs or other building materials not intended or designed as window treatments as permanent window coverings for more than thirty (30) days. All interior window coverings, hardware and mechanisms shall be maintained in good repair and working order.

L. Every lot or parcel of land within the Village shall at all times be kept free and clear of junk, wrecked or abandoned motor vehicles. The storing or parking of any motor vehicle, or body or chassis of a motor vehicle, not bearing a currently valid license and registration is prohibited in any Residential District unless such motor vehicle, body or chassis is enclosed in a structure or other enclosure so as not to be visible from any adjoining property or public right-of-way.

M. No motor vehicle in a Residential District, licensed or otherwise, shall at any time be in any state of major disassembly, disrepair or in the process of being stripped or dismantled, unless such vehicle is enclosed in a building or other enclosure so as not to be visible from any adjoining property or public right-of-way. No person shall permit the storage or parking of unlicensed vehicles or vehicles in disrepair or disassembly as set forth above, and the owner or occupant of any property upon which such activities exist shall be deemed to have permitted the same.

N. The Village Manager is hereby appointed to serve as the commissioner of noxious weeds. The commissioner of noxious weeds is hereby empowered to enforce the following provisions:

1. It shall be unlawful when any parcel or lot with a structure is not kept free and clear of all noxious weeds as well as all tall weeds and grass that exceed one (1) foot tall. Any such plants or weeds exceeding such height are hereby declared to be a nuisance. It is the responsibility of the property owner to have the parcel or lot properly maintained and cared for at all times. The property owner will be responsible for the cost of the removal of all tall weeds and grass and all noxious weeds.
2. The commissioner of noxious weeds shall send the owner of any parcel or lot found to be in violation of this Ordinance notice, via first class mail, of any such violation and informing them that they must bring the parcel or lot into compliance with this Ordinance.

O. It shall be unlawful when a person knowingly dumps, deposits, places, throws, leaves, or permits the dumping, depositing, placing, throwing or leaving of litter, garbage, or household trash on any public or private property or waters, other than property lawfully designated and set aside for such purposes.

P. It shall be unlawful for any person to maintain or permit to be maintained an unclean building, yard or premise. All manure and excreta shall be lawfully removed and disposed of in such a manner so as to prevent the breeding or harboring of insects or vermin.

Q. It shall be unlawful when a yard or area where animals are kept is not well drained, maintained in a sanitary condition, and treated so as to effectively prevent the breeding or harboring of flies, mosquitoes or rodents.

- R. It is unlawful to store firewood except in a neat, orderly stack to a height no greater than five (5) feet. The storage of firewood shall be restricted to the rear yard or any side yard of the premises.
- S. It shall be unlawful in any residential district to keep or maintain any compost pile consisting of materials other than grass, leaves, or other organic plant materials. In residential districts all compost piles shall be located inside a structure or bin.
- T. The stockpiling and non-removal of cut or fallen trees, shrubbery, and brush on any parcel or lot with a structure, building, or dwelling is hereby deemed to be a public nuisance and unlawful as it is a threat to the public health and safety and as such is hereby prohibited. The removal and lawful disposal of any and all cut or fallen trees, tree-limbs, tree-branches, shrubbery or brush shall be done within thirty days (30) from the date of the incident.

## **SECTION 6 Violations**

- A. A violation of this ordinance constitutes a municipal civil infractions. Any persons, corporations, members of a partnership whether tenant or manager of a private property who violates or aids another in violation of this ordinance, shall be responsible for a civil infraction violation. The fine for municipal civil infraction shall not be less than \$100.00, in addition to all other cost, damages and remedies provided by law. Increased civil fines may be imposed for subsequent violations. The fine for any offense which is a first repeat offense shall not be less than \$200.00, plus costs. For purposes of this section, "subsequent offense" means a violations of the provision of the ordinance (or substantially similar ordinance) committed by the same persons, corporations, member or partnerships within 12 months of a previous violation. Each day during which any violation continues will be deemed a separate offense. The village shall have the option of pursuing both civil infraction ticketing proceeding and or relief in a court with jurisdiction.
- B. In addition to any other penalties or remedies available, the Village is authorized and empowered to order the property owner to remove or otherwise abate the nuisance. If such notice is given, it shall be in writing, addressed to the property owner as it appears on the latest ad valorem property tax assessment roll, or current owner if such is different and known to the Village, and be mailed via first class mail or posted at the property in violation, and shall inform the property owner of the following:
  - 1. The nature of the violation/nuisance.
  - 2. The time in which the violation/nuisance must be abated.

- C. Upon the failure, neglect, or refusal of any property owner to fully comply with the provisions of this Ordinance, the Village or its authorized contractor, or other designee, is authorized and empowered to enter the property in violation to abate the nuisance, or to provide and to make payment for the abatement of the nuisance.
- D. When the Village abates a nuisance as provided herein, the cost of any abatement, including legal expenses and any authorized administrative fees, will be billed to the property owner. Such costs and fees will be a debt of the property owner to the Village, which may be assessed as a single lot special assessment in accordance with codified ordinances of the Village of Edmore, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.
- E. The failure to receive the notice as provided for in subsection (2) is not a defense to any action brought by a member of the public for injury or by the Village to collect the costs of abatement or impose penalties or other fees or proceedings as authorized by this Ordinance.

#### **SECTION 7 Request for Variance**

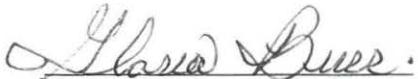
- A. Should the owner or occupant of such land within the Village of Edmore, before or after receiving any notice as referenced within this ordinance, desire to seek a variance from any of the requirements of this ordinance, such person shall have the right to seek a variance from any or all of the requirements contained within this ordinance, pursuant to the manner and method of filing for a variance as provided for by the Edmore Zoning Board of Appeals. The same standards shall apply as if a nonuse variance were involved.
- B. The filing of a proper application for a variance, together with the payment of any required fees the for same, shall temporarily suspend the obligation to comply with any noticed violation, until a decision on any such variance application has been rendered by the Village.
- C. Any person who files such an application for a variance, which is later denied, shall have five days after notice of said denial, in which to comply with all the provisions of this Ordinance.

#### **SECTION 8 -Effective Date and Adoption**

- A. This Ordinance shall become effective thirty (30) days after its publication in a local newspaper.
- B. This Ordinance was adopted by the Village Council of the Village of Edmore, Montcalm County, Michigan at a regular meeting thereof held on the 14<sup>th</sup> day of April of the Year 2014.



Chet Guild- Village President



Gloria Burr –Village Clerk