

## **ARTICLE III**

### **JUNK AND TRASH ACCUMULATION AND MAINTENANCE OF UNSAFE OR BLIGHTED STRUCTURES**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE UNDER THE AUTHORITY OF PUBLIC ACTS 359 OF 1947, AS AMENDED, AND PURSUANT TO THE STATUTES AND LAWS OF THE STATE OF MICHIGAN; TO PROVIDE FOR THE ELIMINATION, REDUCTION OR PREVENTION OF BLIGHT, PUBLIC NUISANCES AND DANGEROUS BUILDINGS OR STRUCTURES WITHIN THE VILLAGE OF LYONS, MICHIGAN, IONIA COUNTY; TO PROVIDE FOR ENFORCEMENT THEREFOR; AND TO ESTABLISH A PENALTY FOR VIOLATION.

#### **Sec. 8-46 DEFINITIONS:**

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

“Owner” means a person who holds legal title to a vehicle or property or right of possession.

#### **Sec. 8-47 BLIGHTED PROPERTY**

##### **1. PURPOSE OF SECTION**

- (a) The purpose of this section is to protect, promote and provide for the health, safety, sanitation and general welfare of the citizens of the Village of Lyons and to suppress disease and contamination by preventing, eliminating and removing blight and/or blighted conditions within the Village of Lyons.
- (b) It shall be the duty of every owner, possessor, occupant, tenant or user of any real or personal property within the Village of Lyons, whether on public or private property, including but not limited to sidewalks, public streets and alley, to provide for the abatement, elimination or removal of any and all blight and/or blighted conditions as listed in Sec. 8.47 of the code of the Village of Lyons. It is a violation of this Ordinance for any owner or owner's agent to keep or maintain any dwelling or structure or part of a dwelling or structure or property surrounding the dwelling or structure which is a blighted property as defined in Section 2 of this Ordinance.

## 2. DEFINITION OF BLIGHTED PROPERTY

For purposes of this ordinance a Blighted Property 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 and/or physical deterioration is no longer habitable, if a dwelling, or used for any other purpose for which it is intended, other than a dwelling, and/or which involves or has any one of the following characteristics to the structure itself or within the property limits where the structure is located:

### A. Structure or items on the property exhibiting deterioration or deteriorated condition:

Means the status of the structure or item(s) located on the property are in the process of decay or degeneration, which has progressed to the point where it has resulted in or will soon result in making the structure, object, or mechanism unsafe, unsanitary, inoperable or unsuited for its intended use, including but not limited to, the advanced stage of rot, rust, mold, vermin, ingestion, dilapidation, infestation, and/or destruction.

### B. Vacant Structure:

This shall mean any building or structure which is unoccupied and which is not securely protected against the elements and/or from vandals, rodents and other animals or otherwise maintained in accordance with all of the Village ordinances.

### C. Unused building materials located on the property:

This shall mean and include lumber, brick, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, motor, concrete or cement, windows, doors, nails, screws or any other materials used in constructing and building or structure sitting unused on the property not being utilized in a building or construction project.

### D. Junk or litter located on the property:

This shall mean the storage or accumulation of any trash, garbage, rubbish, scrap, waste or refuse of any kind; or any abandoned, discarded, unusable or unused objects or any sort of inoperable equipment kept outdoors and shall include any and all forms of debris not herein otherwise classified. The term "junk" shall include, but not limited to, broken or unusable furniture, mattresses, stoves, refrigerators, freezers, or other appliances stored in the open; cans, implements, parts of motor vehicles, machinery, un-mounted vehicle tires, cloth, rubber, bottles, any metal boxes, cartons or crates, remnants of wood, metal or any other material, broken toys and bicycles, broken lawn furniture, inoperable lawn mowers and other cast off material of any kind whether or not the same could be put to any reasonable use.

E. Inoperative or scrap vehicles located on the property:

1. This shall mean and include cars, trucks, tractors, motorcycles, vans, boats, snowmobiles, ATVs, trailers, motor homes, or any other similar items. Junk vehicles shall include any of the above whether so licensed or not, which is inoperative.
2. Scrap vehicles shall include any unlicensed vehicle that is unable to be moved under its own power. If said vehicle has been setting for 30 days in this condition, it will be considered scrap unless there is a verifiable order for parts to repair it. If the vehicle sets for a period in excess of 30 days, it shall be kept in a fully enclosed building.
3. All car(s) for sale, including scrap vehicles, must be registered with the Village. Any vehicle for sale must not be on the Right of Way.

F. Unsecured Dwelling or Structure:

All dwellings, building structures shall be kept securely locked and the windows thereof shall be kept in good repair. This section prohibits the existence of any building or structure or any part of a building or structure or building or structure which because of fire, wind, or other natural disaster, neglect, physical deterioration, or dilapidation, is:

- (1) No longer habitable as a dwelling;
- (2) Abandoned, vacant, not occupied or utilized;
- (3) An attractive nuisance to children; or
- (4) A potential harbor to vagrants, criminals or immoral persons.

**3. PENALTIES AND CIVIL FINES/COST**

- A. The building inspector or code enforcement officer shall enforce this article and shall periodically inspect the Village for causes of blight and blighting factors within the Village.
- B. The owner, if possible, and/or the occupant of any property within the Village which any of the causes of blight enumerated above, shall be notified in writing to remove or eliminate such causes of blight or blighting factors within fourteen (14) days after service of such notice. Such notice may be served personally or by registered mail, return receipt requested. If diligent efforts to serve the occupant and/or owner personally or by registered mail return receipt requested, are unsuccessful, it shall be deemed to be sufficient notice if the written notice of blight or blighted conditions is mailed by first class mail to the occupant and/or owner, and if a copy of said written notice is posted in a conspicuous location on the property containing said blighted condition. In addition, once the written notice described herein has been given, it shall be deemed sufficient notice for as long as the causes of blight described in the written notice remain uncorrected. Additional time remove and/or remedy the cause

of blight or blighting factors and/or conditions may be granted by the code enforcement officer where bona fide efforts or arrangement have been made to remove and/or remedy the causes of blight or blighting factors are in progress.

- C. Failure to comply with such written notice by the owner and/or occupant by the removal and/or remedy of blight or blighting factors within the time allow shall constitute a violation of this Ordinance. Any person, firm or corporation found violating the provisions of this Ordinance, is responsible for a Municipal Civil Infraction as defined by Michigan Law and subject to a civil fine determined in accordance with the following schedule: Each day that a violation shall continue, it shall constitute a separate offense. The fine starts the day after the deadline date for remedy, removal and/or repair stated on the written notice.

First Violation after 30 days..... \$25.00 per day

Second Violation after 60 days..... \$50.00 per day

Third Violation after 90 days ..... \$100.00 per day

Fourth Violation after 120 days .....\$200.00 per day

Additionally, the owner and/or occupant in violation of this Ordinance for nuisance blight or blighting conditions shall pay costs, which may include all direct or indirect expenses to which the village has been put in connection with the violation.

Any violation of this ordinance shall constitute a public nuisance per se which may be abated by injunctive relief and/or any other remedy permitted by law in the district court for the County of Ionia.

- D. Any fine not paid by an owner and/or occupant violator shall be assessed to their Village property taxes for that particular parcel.
- E. In addition to the penalties provided by this section, the district court shall have jurisdiction to enforce any judgment, writ, or order necessary to enforce any provisions, the violation of which is a municipal civil infraction, including, but not limited to abatement of the violating conditions or the granting of any injunctive relief.

#### **4. SEVERABILITY**

If any section, subsection, sentence, regulations, clause or phrase of this ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections, subdivision, sentence, regulation, clauses and phrases of this ordinance or the regulation as an entirety.