

ORDINANCE NO. 190 AMENDED
(ANTI-BLIGHT ORDINANCE)

AN ORDINANCE TO FURTHER THE PUBLIC HEALTH, WELFARE, SAFETY AND ENVIRONMENTAL QUALITY OF THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN AND ITS INHABITANTS BY THE PREVENTION, REDUCTION OR ELIMINATION OF BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: **Purpose** Consistent with the letter and spirit of Public Act 344 of 1945, as amended (MCL 125.71 et seq.), it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the Village of Decatur, Van Buren County, Michigan by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said village.

Section 2: **Causes of Blight or Blighting Factors (Amended from original)** It is hereby determined that the following uses, activities and structures are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance it shall be unlawful for any person, firm, corporation or other entity to maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Village of Decatur, Van Buren County, Michigan owned, leased, rented or occupied by such person, firm, corporation or other entity:

A. Automobiles/Recreational Vehicles: In any area, the storage upon any property of one or more junk automobiles, except in a completely enclosed building. For the purposes of this section, the term “junk” automobile shall include any motor vehicle which is not licensed for use upon the highways of the state, cannot be lawfully driven on public streets pursuant to state statutes, or whether so licensed or not, include any motor vehicle which is inoperable. “Inoperable” means incapable being operated or propelled by its own power by reason of dismantling, disrepair or other cause, for any reason. Recreational vehicles, travel trailers, “fifth wheels” and other similar vehicles that are normally used for travel purposes and that are licensed either annually or during the period of use, which are kept in repair and parked in the driveway, parallel to the side of a residence, or in a back yard, shall be exempt from this subsection. No such vehicle shall be allowed to remain on any property when used for living purposes.

B. Building Materials: In any area, the storage upon any property of building materials, except in a completely enclosed building, unless there is in force a valid building permit issued by the Village for construction upon the property and the materials are intended for use in connection with such construction. Building materials shall include, but not limited to: wood, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, or any other material used in constructing any structure.

C. Trash: In any area, the storage or accumulation of junk, trash, rubbish, or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance. The term “junk” shall include bottles, cans, garbage, rubbish, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

D. Damaged Houses: In any area, the existence of any structure, or part of structure, which because of fire, wind or natural disaster or physical deterioration is no longer habitable as a dwelling, can't legally be occupied, pursuant to Village zoning, building or other Village regulations, nor useful for any other purpose for which it may have been intended.

E. Vacant Buildings: In any area, the existence of any vacant dwelling, garage, or other out-buildings not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto vandals.

F. Unfinished Construction: In any area, the existence of any partially completed structure, unless such structure is in the course of construction, in compliance with a valid building permit issued by the Village and the construction is completed within a reasonable time.

G. Watercrafts: In any area, the storage upon any property of one or more junk watercraft, except in a completely enclosed building. For the purposes of this section, “junk” watercraft shall include any boats, pontoon boats, watercraft or devices designed for water recreational purposes, which are not registered with the state, cannot be lawfully used on any waters of the state pursuant to state statutes, or whether registered or not, any boats, pontoon boats, watercraft or devices designed for water recreational purposes, which are inoperable. “Inoperable” means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause.

H. Semi-Trailers: In any area, the existence of semi-trailers being used for storage, unless they are kept in the ordinary course of business in a district zoned specifically for commercial business.

J. Woodpiles: In any area, the existence of large amounts of lumber and/or timber. An accumulation of this type of material is allowed as a designated wood pile under the following conditions: the woodpile area to be located within the back yard; the wood is to be stacked orderly, with no random piles; the woodpile is to be maintained in such a manner so as not to allow harborage for rodents, snakes or other vermin. Woodpiles must be maintained so as not to endanger the safety of others or tend to depreciate the value of property of others.

K. Snowmobiles and Motorcycles: In any area, the storage upon any property of one or more junk snowmobiles or motorcycles, except in a completely enclosed building. For

the purposes of this section, the “junk” snowmobiles or motorcycles shall include any snowmobiles or motorcycles which are not registered with the state, cannot be lawfully driven where permitted, pursuant to state statutes, or whether so registered or not, any snowmobiles or motorcycles which are inoperable for any reason. “Inoperable” means incapable of being operated or moved under its own power by reason of dismantling, disrepair or other cause.

Section 3: Enforcement and Violations This Ordinance shall be enforced by such person(s) who shall be so designated by the Village Council of the Village of Decatur, Van Buren County, Michigan.

The owner, if possible, or responsible party, 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 ten (10) days after service of the notice upon him/her/them. Such notice may be served personally or by certified mail, return receipt requested, or by leaving the same with an adult person on the premises, or by affixing the same on two prominent places on the premises, in which latter case, a copy of the notice shall be sent to the owner or occupant at his or her last known address by regular mail with proof of mailing. Additional time may be granted by the Enforcement Officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

Failure to comply with such notice within the time allowed by the owner and /or occupant shall constitute a violation of this section.

Owners and occupants with a prior violation under this Ordinance found to have blight on their property are in immediate violation of this Ordinance and may be issued a citation without providing 10 days’ notice.

Section 4: Sanctions A person found to have violated this ordinance by a court of competent jurisdiction shall be penalized as follows:

1st Offense. A civil fine of up to \$100 plus costs of up to \$500

2nd Offense. Where the Defendant has one (1) prior violation, a civil fine of up to \$250 plus costs of up to \$500.

3rd Offense. Where the Defendant has two (2) prior violations, a civil fine of up to \$500 plus costs of up to \$500.

4th Offense. Where the Defendant has three (3) prior violations, a civil fine of up to \$1000 plus costs of up to \$500.

In addition to the above, said Court may issue and enforce any judgment, writ, or order necessary to enforce this ordinance, including but not limited to ordering abatement of the blight or issuing a standing blight removal order permitting the Village of Decatur to remove said blight and seek post order or judgment compensation for the costs of removal, or grant any other relief permitted by MCL 600.8302.

If 31 days after payment is due in the judgment or order of the court, the amount due in said judgment or order (excluding damages) is not paid, and if the legal description is contained in the Judgment itself, the Judgment may be recorded as a lien on the real property containing the blight pursuant to MCL 600.8731(1).

The costs recoverable are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Village of Decatur has incurred

pursuant to MCL 600.8727(3).

The Village Council of the Village of Decatur, Van Buren County, Michigan may further institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said blight or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 5: **Repeal** Ordinance No. 181 and all other Ordinances or parts thereof of the Village of Decatur, Van Buren County, Michigan in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed; provided however that Ordinance No. 181 shall remain in effect for any citations that have been issued pursuant to said ordinance and are presently pending until the matter has been concluded.

Section 6: **Severability.** The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 7. **Effective Date (Amended from Original).** The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 3rd day of January, 2017.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 3rd day of January, 2017.