

VILLAGE OF ROSCOMMON

ORDINANCE #69

An ordinance to prevent and eliminate blight within the Village of Roscommon:

Section 1. Purpose: The purpose of this ordinance is to prevent, reduce or eliminate blight or potential blight within the Village of Roscommon by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Village.

Section 2. Definitions: For the purpose of this ordinance, the following terms are defined as follows:

(1) The term "junk" shall include, without limitation, parts of machinery or motor vehicles, unmounted motor vehicle tires, broken and unusable furniture, unusable stoves, refrigerators or other appliances stored in the open, remnants of wood, metal, cast off household items and fixtures, broken toys and bicycles, broken lawn furniture, or other material of any kind, whether or not the same could be put to any reasonable use.

(2) The term "junk motor vehicle" shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days and shall also include, whether licensed or not, any vehicle which is inoperable for any reason for a period in excess of 30 days. The following are excepted from this term:

- a. vehicles kept as the stock in trade of a regularly licensed and established new or used automobile or other motorized vehicle dealer;
- b. vehicles may remain upon the premises of a licensed motor vehicle repair garage for a period of 60 days rather than 30 days, with extension of additional 30 day periods upon presentation of written proof the offending vehicle is involved in insurance claim litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.
- c. Vans and trailers kept as stock in trade of a licensed canoe livery which are registered for the business season and stored for the remainder of the year.
- d. 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 or parallel to the side of a residence or in the back yard.

(3) The term "blighted structure" shall include, without limitation, any dwelling, garage, or outbuilding, or any 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 no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

(4) The term "building materials" shall include, without limitation, plywood, press board, siding of any type, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, cement, nails, screws or any other materials used in constructing any structure.

(5) The terms "trash" and "rubbish" shall include garbage, household waste and any and all forms of debris not herein otherwise classified.

(6) The term "owner" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, servant, or employee, shall be equally liable as principals.

Section 3. Causing, maintaining prohibited: It shall be unlawful for any person to cause, permit, maintain, or allow creation or maintenance of blight or blighting factors within the limits of the Village of Roscommon.

Section 4. Illustrative enumeration: The maintaining, using, placing, depositing, leaving or permitting to be let or remain on any public or private property of any of the following items; conditions or actions is hereby declared to be and constituted blight or blighting factors; provided, however, this enumeration shall not be deemed nor construed to be conclusive, limiting or restrictive:

(1) Noxious weeds or overgrown vegetation; for the purpose of this ordinance; overgrown vegetation is determined to be plants or grass over 8 inches in height within an established yard in a developed lot, unless part of a flower/vegetable garden. Wild flower gardens are limited to an area not to exceed 25% of open area within a developed lot. Owners of undeveloped property within the Village of Roscommon shall be required to maintain, destroy, control, or remove noxious weeds or overgrown vegetation from all portions of the lot which border roadways, for a distance of 30 feet from the roadways, so as to allow for clear line of sight;

(2) Storage upon any property of building materials unless there is in force a valid building permit issued by the Village for construction upon such property and the building materials are intended for use in connection with such construction. Exceptions to this section shall be:

building materials stored within an enclosed structure, building materials that are the stock and trade of an established retail outlet for such material;

(3) Storage upon any property of junk vehicles unless stored in a completely enclosed building, or stored enclosed by a properly constructed wooden privacy fence at least 8 feet high but of such height as to completely obstruct view of the vehicles;

(4) Storage or accumulations of junk, trash, rubbish, or refuse of any kind, except domestic refuse stored in such a manner so as not to create a nuisance;

(5) Existence of any blighted structure;

(6) Existence of any vacant building, garage, or other out-building unless such buildings are kept securely locked, entrance doors kept serviceable, streetside windows glazed, other windows and doors can be neatly boarded or otherwise protected to prevent entrance by vandals, rodents, and vermin;

(7) Existence of any incomplete structure unless the structure is in the course of construction in accordance with a valid building permit issued by the Village and unless such construction is completed within a reasonable time;

(8) 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:

- a. Woodpile area to be located within the back yard.
- b. Wood to be stacked orderly, with no random piles.
- c. 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 the property of others.

(9) Any condition which provides harborage for rats, mice, snakes, and other vermin.

Section 5. Outdoor merchandise: The outdoor or open storage of any salable material, equipment, or merchandise on any property, where such open storage is permitted, shall be placed, stored or stacked in such a manner that it is not dangerous to human life or otherwise hazardous to the general public safety or welfare. If such hazardous conditions exist, they are hereby deemed to be blight.

Section 6. Enforcement: Whenever a complaint is received and investigation reveals that a blight or potential blight condition exists within the Village, the Village Manager is charged with the enforcement of this ordinance. When any property is in violation of this ordinance, the enforcing officer, or his authorized representative, shall notify the owner, person in control, or occupant of such private premises to correct the violation within ten (10) days after being put on notice of said violation. Such notice shall be served in one of the following manners:

- a. by delivering the notice to the owner and/or person in control personally or by leaving the same at his residence, office, or place of business with some person of suitable age and discretion, or
- b. by mailing said notice by certified or registered mail to such owner and/or person in control at his last known address, or
- c. if the owner is unknown, by posting said notice in some conspicuous place on the premises at least ten (10) days before the act or action concerning which the notice is given is required or is to occur.

If the owner, person in charge, or occupant of any premises notified to abate a nuisance resulting from a violation of the provisions of this Ordinance shall fail to abate the same within the ten (10) days from being on notice of a violation, the enforcing officer, or his authorized representative, is hereby authorized to enter upon such private premises and abate said nuisance by correcting the violation. The cost of abating said nuisance plus an additional fifteen percent (15%) for overhead and other expenses, shall constitute a lien against the private premises and shall be charged to the occupant or owner thereof, or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such assessment against said premises in the manner provided by charter, or in any other manner authorized for collection of debts owned the Village.

Should the Village elect to remove or abate a nuisance in the manner aforesaid, said action, on the part of the Village, does not preclude enforcement of this Ordinance by the issuance of a municipal civil infraction.

Any person violating any provisions of this Ordinance shall be responsible for a civil infraction. The penalty for the first offense shall be \$50 and for the first repeat offense, \$150. Repeat offense shall be defined as an violation of said ordinance which has been ticketed for within the past 30 days. For any second or subsequent repeat offense, the fine shall be no more than \$500. It shall be the duty of the Village Manager of the Village of Roscommon, or authorized representative, to enforce the provisions of this Ordinance. If, after investigation, the Village Manager, or authorized representative, determines that a violation of this Ordinance exists, he shall be authorized to issue a municipal civil infraction citation to any person, firm, or corporation that is responsible for violating the provisions of this Ordinance. Service of said civil infraction citation or civil infraction notice shall be made in accordance with MCL 600.8707, Public Act 12 of 1994.

Permitting a violation of the Ordinance on private premises is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the Court may order the nuisance abated and/or the violation restrained and enjoined. The enforcement of the Ordinance by abatement of any nuisance by the enforcing officer or by application to any court of competent jurisdiction for abatement by judicial decree or writ shall not preclude enforcement of the Ordinance by the issuance of a municipal civil infraction and the imposition of fine and costs. Complaint for violation of this Ordinance and the imposition of fine or imprisonment as herein provided.

Section 7. Repealer: All ordinances or parts of ordinance in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. Severability: Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 9. EFFECTIVE DATE: This Ordinance shall become effective in the Village of Roscommon following adoption by the Village Council and two weeks after publication.

ADOPTED: April 10, 1997

PUBLISHED: April 20, 1997

EFFECTIVE: May 5, 1997

AMENDED: JUNE 29, 2008