

VILLAGE OF CALUMET

County of Houghton, State of Michigan

RESTATED ORDINANCE NO. 146

BLIGHT ORDINANCE

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE VILLAGE OF CALUMET, HOUGHTON COUNTY, MICHIGAN; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF; PURSUANT TO THE ENACTING AUTHORITY THEREFORE PROVIDED BY ACT 344 OF THE PUBLIC ACTS OF 1945, AS AMENDED.

THE VILLAGE COUNCIL OF THE VILLAGE OF CALUMET ORDAINS THIS RESTATEMENT OF ORDINANCE NO. 146, ORIGINALLY ADOPTED ON APRIL 25, 2017:

Section 1. PURPOSE

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight and address blighted property in the Village of Calumet by the prevention or elimination of certain environmental causes of blight or blighting factors or correction of conditions that create blight condition which exist or which may in the future exist in the Village.

Section 2. BLIGHTED PROPERTY, CAUSES OF BLIGHT OR BLIGHTING FACTORS

"Blighted property" means property that meets any of the following criteria:

- (i) The property has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
- (ii) The property is an attractive nuisance because of physical condition or use.
- (iii) The property is a fire hazard or is otherwise dangerous to the safety of persons or property.
- (iv) The property has had the utilities, plumbing, heating, or sewerage disconnected, destroyed, removed, or rendered ineffective for a period of 1 year or more so that the property is unfit for its intended use.
- (v) The property is tax reverted property owned by a municipality, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a municipality, a county, or this state shall not result in the loss to the property of eligibility for any project authorized under this act for the rehabilitation of a blighted area, platting authorized under this act, or tax relief or assistance, including financial assistance, authorized under this act or any other act.
- (vi) The property is owned or is under the control of a land bank fast track authority under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774. The sale, lease, or transfer of

the property by a land bank fast track authority shall not result in the loss to the property of eligibility for any project authorized under this act for the rehabilitation of a blighted area, platting authorized under this act, or tax relief or assistance, including financial assistance, authorized under this act or any other act.

(vii) The property is improved real property that has remained vacant for 5 consecutive years and that is not maintained in accordance with applicable local housing or property maintenance codes or ordinances.

(viii) The property has code violations posing a severe and immediate health or safety threat and has not been substantially rehabilitated within 1 year after the receipt of notice to rehabilitate from the appropriate code enforcement agency or final determination of any appeal, whichever is later.

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighting and undesirable neighborhoods. On and after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the Village of Calumet owned, leased, rented or occupied by such person, firm or corporation:

A. The storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include abandoned, discarded, or unused objects; equipment such as boats and recreation vehicles which are unregistered and/or missing parts or disabled or deteriorated or in an obvious state of disrepair; and machinery parts, furniture, appliances, cans, boxes, scrap metal, tires, batteries, remnants of woods, metal or any other material or other cast-off material of any kind, and garbage which are in public view, stored in the open, visible from any public right-of-way or neighboring property at street level, whether or not the same could be put to any reasonable use.

B. The existence of any structure or part of any structure, remnant of structure, or part of any structures which for any reason is no longer habitable if a dwelling, or useful for any other reasonable purpose.

C. The existence of any vacant dwelling, garage or other out-building, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.

D. The existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by Houghton County, and unless such construction is completed within a reasonable time.

E. The storage or accumulation of building materials, unless there is in force a valid building permit issued by a municipality with the power and jurisdiction to do so, for construction with such materials; or where such building materials are part of the stock in trade of a business located on the property where the materials are stored, in which case the materials must be stored in such a manner as not to create a nuisance.

F. The storage of house trailers, mobile homes, campers, or recreational vehicles in disrepair or not in normal use for a period of one (1) year.

G. Decayed, dead, diseased or damage trees constituting a hazard or danger to persons or to public property.

H. Wood on premises for heating which is not stacked and which physically hinders or interferes with the lawful use of abutting premises or blocks or interferes with the use of any public sidewalk, alleyway, street or signage.

I. Grass, weeds, or other vegetation, excluding flowers, fruit, and vegetables, which is allowed to reach and remains at a height of one foot for a period of two weeks (14 days) or longer.

Section 3. ENFORCEMENT AND PENALTIES

This Ordinance shall be enforced by the Village Administrator or other such persons who shall be so designated by the Village Council.

The owner, if possible, 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 10 days after service upon him or her. Such notice shall be served personally or by certified mail, return receipt requested. 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.

Section 4. CIVIL INFRACTION VIOLATION

A violation of this Ordinance is a municipal civil infraction, for which the fines shall be not less than \$50.00 for the first offense, and not less than \$150.00 for the second offense, and not less than \$250.00 for a subsequent repeat offense, in the discretion of the court, and such fines shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

In addition to pursuing a municipal civil infraction proceeding pursuant to this subsection, the Village may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of this Ordinance.

Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

Any person, firm, or entity that assists in, or enables, the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance which states the basic offense for which such aiding and abetting occurred.

The Village Administrator has the authority to issue civil infraction violation notices.

Section 5. INJUNCTIVE RELIEF

A violation of any provision of Section 2 of this Ordinance is determined to be detrimental to the health, safety, and general welfare of the residents, property owners, and other persons within the Village. Any such violation of this Ordinance shall constitute a basis for injunctive relief against the violator or land owner, to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law. The Village may bring an action to enjoin such alleged violation activity.

Section 6. POWERS OF THE VILLAGE WITH RESPECT TO REAL ESTATE

Subject to the provisions of Act 344 of the Public Acts of 1945, the Village may, in the course of acting to rehabilitate blighted areas and to prevent, reduce or eliminate blight, blighting factors, or the causes of blight, do any of the following:

- A. Acquire real property by purchase, gift or exchange;
- B. Acquire blighted property by condemnation; and
- C. Lease, sell, renovate, improve or exchange blighted property or other real property.

Section 7. SEVERABILITY

The various parts, section and clauses of this ordinance are severable. If any part, sentence, paragraph or clause is determined to be unconstitutional by a court, the remainder of the ordinance shall not be affected by such determination.

Section 8. EFFECTIVE DATE AND ADOPTION

This restated Ordinance shall become effective 30 days after its publication, as required by law.

Passed and adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan on the 16th day of October, 2018.

VILLAGE OF CALUMET

By David Geisler
DAVID GEISLER,
Its President

PASSED AND ADOPTED this 16th day of October, 2018.

Attest:

Julie Dahlstrom
JULIE DAHLSTROM,
Village Clerk

Yeas: Virginia Dwyer, Sandra Johnson, Roxanne King, Jeffrey P. Mihelcich, Darice Taylor, and David Geisler

Nays: Peggy Germain

Absent/Abstain: None

I hereby certify that the foregoing is a true and complete copy of restated Ordinance No. 146, duly adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular meeting held on October 16, 2018, and that this meeting was conducted and a public notice of this meeting was given, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes of this meeting were kept and will be or have been made available, as required by said Act.

I further certify that the following members were present at said meeting: Virginia Dwyer, Peggy Germain, Sandra Johnson, Roxanne King, Jeffrey P. Mihelcich, Darice Taylor, and David Geisler (Village President); and that no members were absent.

I further certify that the Ordinance has been recorded in the Ordinance Book of the Village, and that such recording has been authenticated by the signatures of the Village President and the Village Clerk.

JULIE DAHLSTROM
Village Clerk,