

Ordinance No 2020-01

Village of Mesick Blight Prevention Ordinance

An ordinance to prevent, reduce or eliminate blight or potential blight, to secure the public health, safety and general welfare, to maintain property values and to maintain and improve the aesthetic appearance of the community by prohibiting or eliminating blight or potential blight within the Village of Mesick and for the establishment for enforcement procedures and penalties for violation of this Ordinance.

THE VILLAGE OF MESICK ORDAINS:

Section 1. Name.

This ordinance shall be cited as the Village of Mesick Blight Prevention Ordinance.

Section 2. Purpose.

The purpose of this ordinance to establish a Village control program designed to reduce or eliminate blight or potential blight, reduce unregulated junk, and eliminate dangerous structures within Village limits to the extent permissible by State law.

Section 3. Definitions.

“Junk” means any of the following:

- (a) Old scrap ferris or non-ferris material, rubber, cloth, paper, rubbish, refuse, litter, batteries;
- (b) Materials from demolition, waste building materials;
- (c) Junk abandoned, scrap dismantled or wrecked (including parts or several items held for salvaging parts), automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

“Junk Vehicles” means any unlicensed vehicle required to be licensed by the State or any wrecked, junked or dismantled vehicle which is not capable of performing the functions for which it was manufactured.

“Person” means an individual, firm, corporation, association, partnership, limited liability company or trusts.

“Private Premises” means any lot or parcel of land owned or occupied by any person whether or not improved with any house, dwelling, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant.

“Dangerous Structure” means any structure which is unsafe or which is a menace to the health, morals or safety of the public.

Section 4. Regulation.

No person shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Village of Mesick owned, leased or rented or occupied by such person.

1. The storage or accumulation on Private Premises any Junk or Junk Vehicles unless the following apply:

(a) The Junk or Junk Vehicles are wholly contained within a fully enclosed building or completely enwalled enclosure.

(b) No more than one (1) modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for purpose other than for which it was manufactured, provided no building or garage is located upon the Premises in which said vehicle could be parked or stored.

(c) Junk Vehicles within a salvage yard surrounded by a solid seven (7) foot high fence with screens, which screens all stored materials from outside view.

(d) Junk Vehicles stored on the premises of a commercial repair establishment for not more than thirty (30) days.

2. The storage upon any property of building materials unless there is in force a valid building permit issued for construction upon said property and said building materials are intended for use in connection with such construction.

3. The storage of ashes, household or yard rubbish or trash, except for such reasonable periods of time as such await regular, systematic removal and disposal in accordance with law. Such materials while awaiting removal and disposal shall be temporarily stored in a completely enclosed building, with the exception of yard rubbish and trash which may be temporarily stored either in an enclosed building or at a location on the property where it is as much concealed from public view as practicable.

4. The existence of any structure or damaged part of a structure which, because of fire, wind or other natural causes or physical deterioration, is no longer habitable nor useful for any other purpose for which it was intended.

5. The existence of any vacant building, garage or outbuilding unless such buildings are kept secured or neatly boarded up and protected to prevent any entrance by vandals.

6. The existence of any incomplete structure unless that structure is in the course of construction in accordance with a valid building permit.

7. The existence of any Dangerous Structure.

Section 5. Nuisance, Abatement and Costs.

The existence or maintenance of the aforementioned cause of blight or blight factors in violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined, abated or removed pursuant to the governing law or for which the violator may be subjected to a suit for civil damages. Furthermore, the Village shall be entitled to recover the legal and any other costs incurred as a result of efforts to abate any blight or blighting factors found in violation of this Ordinance and such costs shall be assessed against the property and shall be a lien against the Property.

Section 6. Enforcement and Penalties.

This Ordinance shall be enforced by the Ordinance Enforcement Officer, acting under the authority of the Village Council, or by any other official 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 above is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 30 days after service of the notice upon such owner or occupant. Such notice may be delivered personally or be posted on the land or attached to the building or structure. A copy of the notice shall also be sent by first class mail to the owner's last known address. Additional time may be granted by the Ordinance Enforcement Officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

If the owner or occupant fails to comply with the notice to eliminate the offending blight within the times set forth above, the Ordinance Enforcement Officer may thereafter authorize issuance of a citation for violation of this Ordinance.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be established in a specific schedule of fines adopted by the Village Council, as amended from time to time, in addition to all other costs, damages, expenses, and other fees and remedies provided or allowed by law. Each day that a violation occurs shall be considered a separate violation.

The issuance of a citation for a municipal civil infraction shall not in any way limit the Village from seeking enforcement of this Ordinance pursuant to Section 5.

Section 7. Repeal.

All ordinances or parts of ordinances in conflict herewith, including Ordinance 2001-01, are hereby repealed.

Section 8. Saving Clause.

Provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in full force and effect.

Section 9. Effective Date.

This ordinance shall take effect upon publication in accordance with law.

CERTIFICATE OF VILLAGE CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Mesick, County of Wexford, State of Michigan, at a regular meeting held on 10-14-20, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended.

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

Dated: 10-14, 2020



Deborah E. Stanton
Village Clerk