

STATE OF MICHIGAN
COUNTY OF ARENAC
THE VILLAGE OF STERLING
ORDINANCE NUMBER 32
BLIGHT ORDINANCE

THIS IS AN ORDINANCE TO PRESERVE THE PEACE, WELFARE, ORDER, HEALTH AND SAFETY OF PERSONS AND PROPERTY IN THE VILLAGE OF STERLING, AND TO PRESCRIBE VARIOUS PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. ADDITIONALLY, THIS ORDINANCE SPECIFICALLY IS INTENDED TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, OR BLIGHTING FACTORS, OR CAUSES OF BLIGHT WITHIN THE VILLAGE OF STERLING, ARENAC COUNTY, STATE OF MICHIGAN.

THE VILLAGE OF STERLING DOES HEREBY ORDAIN:

Section 1. **TITLE AND PURPOSE**

This Ordinance shall be known and may be cited as Sterling Village Ordinance Number 32. The purpose of this ordinance is to protect, promote and provide for the health, safety, sanitation, and general welfare of the citizens of the Village of Sterling, and to suppress disease and contamination, including preventing, eliminating, and removing blight and/or blighted conditions within the Village. It shall be the duty of every owner, possessor, occupant, tenant, or user and real or personal property within the Village, whether on public or private property, including but not limited to: public streets and alleys to their centers, to provide for the abatement, elimination, or removal of any and all blight and/or blighted conditions as listed in Section 3.

Section 2. **DEFINITION**

- A. "Blight" may be defined as follows, but is not limited to: Junk automobiles in violation of any ordinance of the Village, any condition that is violative of any ordinance of the Village of Sterling as it relates to the appearance of the property and as it may adversely affect the public health, welfare and safety, including but not limited to the values of surrounding property, the accumulation of any junk, trash, rubbish, or refuse of any kind, unstacked firewood, accumulation of brush, decaying grass materials and leaf piles, except that which can be reasonably anticipated in a properly maintained compost pile for reasonable landscaping purposes of a non-commercial nature, or any other building materials. The existence of any partially completed structure unless same is in the course of construction in

- accordance with valid and subsisting zoning and building permits issued by said Village and/or County of Arenac.
- B. **JUNK:** includes, without limitation, parts of machinery or motor vehicles, unmounted motor vehicle tires, broken 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 furniture, or other material of any kind, whether or not the same could be put to any reasonable use.
- C. **JUNK MOTOR VEHICLE:** includes, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of sixty (60) days and shall include, whether licensed or not, any vehicle which is inoperable for any reason for a period in excess of thirty (30) days. The following are excepted from this term:
- i. Vehicles kept as the stock in trade of a regularly licensed and established new or used automobile or other motorized vehicle dealer.
 - ii. Vehicles may remain upon the premises of a licensed motor vehicle repair garage for a period of sixty (60) days rather than thirty (30) days, with the extension of additional thirty (30) day periods upon presentation of written proof the offending vehicles involved in insurance claim litigation, or a similar matter and additional time is required for settlement before a vehicle can be moved.
 - iii. Recreational vehicles, travel trailers, fifth wheels, and other similar vehicles that are normally used for travel purposes and that are licensed whether 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 backyard.
- D. **INOPERABLE MACHINERY AND EQUIPMENT:** includes an item or piece of machinery or equipment which by reason of dismantling, disrepair or other cause is incapable of functioning or being operated as it was intended to function or be operated.
- E. **BLIGHTED STRUCTURES:** includes without limitation, any dwelling garage, 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 of the purpose for which it may have been intended.
- F. **BUILDING MATERIAL:** includes 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 construction of any structure.
- G. **TRASH or RUBBISH:** includes garbage, household waste and any and all forms of debris not herein otherwise classified.

- H. **OWNERS:** includes all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporate or unincorporated, whether acting by themselves or by a servant, agent, or employee.

Section 3. **STANDARDS OF BLIGHT AND BLIGHTED CONDITIONS**

Structures, properties, uses and activities in violation of the following standards constitute blight and/or blighted conditions. On and after the effective date of this ordinance, no owner, interest holder, possessor, occupant, tenant, or user of any real or personal property shall cause, allow permit, keep, or maintain any such blight or blighted conditions upon any land or premises in the Village owned, possessed, occupied, leased, rented, or used by said owner, possessor, tenant, or user. 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.

- A. **FENCES:** All fences shall be maintained in good repair and shall be erected in compliance with all applicable codes and ordinances.
- B. **FRONT YARDS:**
- i. Front yards shall comply with the Village zoning and ordinance requirements and shall not be used for parking purposes, except as permitted by valid ordinance or code.
 - ii. Front yards shall be maintained with trimmed grass or other trimmed ground cover and free of debris and significant accumulations of leaves. This section shall not prohibit the use of incidental and ornamental decorative landscaping materials.
 - iii. Recreational equipment, including but not limited to bicycles and toys shall not be placed or located in any front yard for a period longer than two consecutive days. Household furniture that has been designed for interior use shall not be placed on front porches or in front yards. This section shall not prohibit the incidental use of lawn or porch furniture on front porches or in front yards.
- C. **PAINTING:** No dwelling, building, or structure shall be maintained with defective exterior wall coverings. Defective exterior wall covering includes but is not limited to lack of paint or weathering due to lack of paint or any other approved protective coverings, if such adversely affects surrounding property values.
- D. **WINDOWS:** Shall be maintained free of defective, deteriorated, broken, rotted or split frames and sills. All broken windows shall be replaced or temporarily sealed or boarded up for a period not to exceed thirty (30) days.
- E. **WINDOWS AND WALL COVERINGS:** Visqueen or other exterior window and wall coverings shall be maintained in good condition, free from tears, and securely fasten to the building. Visqueen may be used as a temporary wall covering where required for protection due to construction, fire, accident, or act of God.
- F. **TRIMMING OF BUSHES, TREES, ETC.:** All landscaping material on corner lots, terraces, or lots adjacent to alleys and street intersections shall be maintained to allow

clear vision for pedestrians and motorists and shall be removed from private property shall they be diseased or dead.

- G. **STORAGE:** Trash, garbage, junk, waste materials, and deteriorated furniture and appliances shall be prohibited on open front porches and in front and side yards. Such materials may be temporarily stored in a rear yard if such storage complies with the Village ordinances, and not stored for longer than seven (7) continuous days. 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.
- H. **HANGING CLOTHES:** Clothes shall not be hung on open front porches, trees, or fences. This section shall not prohibit the hanging of clothing on clotheslines erected in the rear yard.
- I. **FIREWOOD:** All firewood shall be orderly stacked with no random piles, so it does not create a safety hazard. Firewood shall be stacked in such a manner so as to not allow harborage for rodents, snakes, or other vermin. For purposes of this section, stacked wood shall be considered an accessory structure per the Zoning Codes.
- J. **DETERIORATED VERTICAL MEMBERS:** No dwelling, building, or other structure shall be maintained in such a condition that it will create deteriorated, crumbling, loose, rotten, split, or buckled walls, partitions, parapets, or vertical supports. Fireplaces or chimneys which list buckle or settle due to defective materials or deterioration shall be prohibited.
- K. **STORAGE OF BUILDING MATERIALS:** In any area zoned residential by the Zoning Code, the out-of-doors storage upon any premises of building materials is prohibited, unless construction work is being done on said premises and the material are intended for the use in connection with such construction, and except materials which are stock or trade of an established retail outlet for such material. Building materials include but are not limited to lumber, brick concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction any structure. All construction debris shall be removed from any premises within fifteen (15) days after the permit has been finalized.
- L. **JUNK, RUBBISH, GARBAGE AND REFUSE:** The accumulation of junk, rubbish, garbage, or refuse, out-of-doors on public or private property or in yards or easements, is prohibited.
- M. **GENERAL BUILDING MAINTENANCE:** All dwellings, buildings, and structures shall be maintained so as to not constitute a blighted structure, and also to prevent:
 - i. Peeling paint
 - ii. Broken steps and porches

- iii. Detached gutters and roofing
 - iv. Broken Doors and windows or torn screens
 - v. Sagging roofs
- N. **SECURITY:** All dwellings, buildings, and structures shall be kept securely locked, and the windows thereof shall be kept in good repair. Entrance doors shall be kept serviceable, street side window glazed, other windows and doors can be neatly boarded or otherwise protected to prevent entrance by vandals, rodents, and vermin. The subsections also prohibit the existence of any natural disaster, neglect, physical deterioration, or dilapidation, is:
- i. No longer habitable as a dwelling
 - ii. Abandoned, vacant, not occupied or utilized
 - iii. An attractive nuisance to children
 - iv. A harbor to vagrants, criminals, or immoral persons
- O. **RESIDENTIAL AREA IN NON-RESIDENTIAL DISTRICTS:** In any area zoned other than residential by the Zoning Codes, the causes of blight or blighting factors stated herein apply to any structure that is utilized for residential purposes, unless such uses are incidental to, and necessary for, the carrying on of any business or occupation lawfully being conducted upon the premises involved.
- P. **PARTIALLY COMPLETD STRUCTURES:** In any area the existence of any partially completed structure is prohibited unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the Village and unless exterior construction is completed within one year after insurance thereof.
- Q. **USE OF ADJOINING PUBLIC PROPERTY:** The owner, lessee, tenant, occupant, or user of any premises shall not utilize any adjoining public property for the disposal or storage of junk motor vehicles, dismantled motor vehicles or boats, inoperable machinery and equipment, and inoperable motor vehicles or boats, or building materials or for the accumulation of junk, trash, garbage, rubbish, or refuse of any kind.
- R. **USE OF VACANT OR UNOCCUPIED PROPERTY:** No person shall place, position, use or operate any barbeque grill, turkey fryer, or any other outdoor cooking device, implement or apparatus upon any vacant or unoccupied lot or real property not owned or leased by said person without the permission of the owner or lessee of said property. This subsection shall not apply to public parks that are governed under separate and applicable park rules.

Section 4. **CONFLICTING STANDARDS**

Where a provision of this section is found to be in conflict with the standards or provisions of any zoning, building, fire, safety, or health ordinance or code of the Village, where applicable, existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

Section 5. **ADMINISTRATION**

This ordinance shall be enforced by such a person who shall be designated by the Village Council.

Section 6. **ENFORCEMENT OFFICER INTERFERENCE**

- A. No person shall molest, hinder, or interfere with an enforcement officer while he or she is engaged in carrying out the provisions of this ordinance.

Section 7. **REMOVAL OF OFFENDING CONDITIONS BY VILLAGE; COLLECTION OF COSTS.**

- A. The Village and/or their authorized representatives, at the request and are hereby empowered to enter upon any premises in the Village of Sterling for the purpose of removing, destroying or disposing of any junk motor vehicle, dismantled motor vehicle or boat, inoperable motor vehicle or boat, inoperable machinery and equipment, building materials or accumulation of junk, trash, rubbish, garbage, or refuse thereon, when the real property owner or persons having any interest in personal property thereon have not, within the twenty-one (21) days civil infraction period, remedied the blight condition or requested that the enforcing officer issue a civil infraction citation, as provided in Section 5.
- B. The Village, or their designee, may abate any such public nuisance without giving notice if the public health, safety, or welfare requires immediate attention.
- C. The Village shall keep an accurate account of the expenses incurred with respect to each parcel of land in carrying out the provisions of this chapter and shall make a sworn statement of such account and present the same to the Village Treasurer. The treasurer shall immediately prepare and send an invoice to the last known owner, as reflected by the most current tax roll, for the cost of such work and improvements to said property in accordance with the statement of services rendered. The treasurer shall add to the cost a ten percent penalty to cover the cost of supervision and billing expenses. In the event that said invoice is not paid forthwith by the owner of record, the cost of such payment shall be charged against the premises and reported to the Village Assessor to be levied by him or her as a special tax or assessment upon the lot or premises. The special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessment provided for by the Village Charter. When such a tax is confirmed, it shall be a lien upon the premises and shall be collected in the same.

Section 8. **RIGHT TO APPEAL**

Anyone who is accused on behalf of the Village of violating any of the terms of this ordinance may appeal the decision of the enforcing officer to the Village Council at their next monthly meeting.

Section 9. ISSUANCE OF MUNICIPAL INFRACTION NOTICES AND CITATIONS; WAIVER OF FINE UPON ABATEMENT OF FIRST VIOLATION; ADJUDICATION BY DISTRICT COURT, VIOLATIONS AND PENALTIES

- A. Any person who commits blight as further described herein, shall be given twenty-one (21) days to correct any claimed violations of this ordinance, and for failure to do so, said particular individual, shall be guilty of a misdemeanor, punishable upon conviction by a fine, as follows or by imprisonment in the Arenac County Jail for a period not to exceed ninety (90) days, or both, such fine and imprisonment shall be at the discretion of the Judge imposing sentence, plus costs of prosecution and any court costs.
- B. The fine for a first violation municipal civil information notice shall be waived if the owner, possessor, lessee, occupant, tenant, or user of any real or personal property admits responsibility of the municipal civil infraction and abates the violation with twenty-one (21) days of the issuance of the notice, or other time as allotted by the enforcement officer, and has the abatement verified by an enforcement officer. This waiver provision shall only apply to the fine for a first violation municipal civil infraction notice.
- C. Any person notified of a violation has the right to appeal said notification to the Council at the next meeting scheduled after violation is served.
- D. Whoever violates the provisions contained in Section 7 shall be responsible for municipal civil infraction, and subject to the payment of a civil fine in the amount of \$500.
- E. Each day that a violation of the standards established under Section 3 exists, occurs, or continues after the first twenty-one (21) days constitutes a separate offense and shall be subject to penalties or sanctions provided herein as a separate offense.
- F. Whoever violates this chapter shall be subject to such additional sanctions, remedies, and judicial orders as are authorized and provided for under Michigan Law.
- G. Permitting a violation of this Ordinance on private premises is hereby declared to constitute nuisance per se. Upon application to any courts 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 upon application to any courts 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 fines plus any costs, damages, expenses, and other sanctions as authorized by law.
- H. Furthermore, the VILLAGE OF STERLING may enforce this ordinance by way of civil infraction, being Ordinance Number 32, or any amendment thereto, as well as any action as allowed by law, including but not limited to a Restraining Order in either District and/or Circuit Court of the County of Arenac, State of Michigan, and/or in the appropriate court of federal jurisdiction, all as the circumstances may warrant.
- I. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Village against the Village tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.

Section 10. **REPEALED.**

All ordinances or parts of an ordinance in conflict with this ordinance are repealed only to the extent necessary to give this Blight Ordinance full effect.

Section 11. **ELECTION OF REMEDIES.** If the Village pursues one remedy in regard to the enforcement of this ordinance, the Village may also pursue other remedies until the violation is completely remedied.

Section 12. **SEVERABILITY.**

Should any section, subdivision, clause, or phrase of this Blight 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 13. **EFFECTIVE DATE**

This Blight Ordinance shall become effective in the Village following adoption by the Village Board and publication being effective June 3, 2024. Any condition which constitutes a violation of this ordinance is not excused or permitted by the fact that the condition may have existed prior to the adoption of this ordinance.

Voting for: Janice Yenior, Jeannine Coughlin, Cindy Chidley, Leann Grandchamp, J.

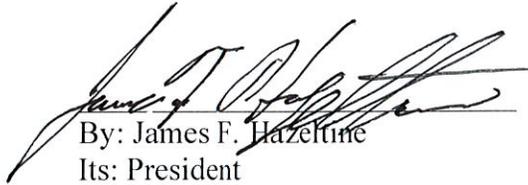
Austin Hazeltine

Voting against: None

Absent: Elijah Burkhardt

The President declared the Ordinance enacted.

Dated: May 14, 2024

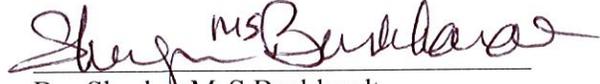

By: James F. Hazeltine
Its: President

Dated: May 14, 2024


By: Sherlyn M-S Burkhardt
Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 32, which was enacted by the STERLING VILLAGE Board at a regular meeting on the 14th day of May 2024.

A handwritten signature in dark ink, appearing to read "Sherlyn M-S Burkhardt", written over a horizontal line.

By: Sherlyn M-S Burkhardt
Its: Clerk