

Blight

By authority granted to the City by Act 344 of the Public Acts of 1945, as amended; and by the authority granted to the City of Caspian, at Section 5.12 of its charter.

The City of Caspian ordains:

SECTION 1

Purpose of Ordinance:

Consistent with the spirit, purposes and definitions of Act 244 of the Public Acts of 1945, as amended, of the State of Michigan, it is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in the city by the prevention or elimination of certain causes of blight or blighting factors which exist or which may in the future exist in the city.

SECTION 2

Enforcement of Ordinance:

This article shall be enforced by the city manager and such agents as said official may from time to time designate.

SECTION 3

Enumerated and prohibited:

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 blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by such person:

- **Storage of building materials in residential areas: In any area zoned for residential purposes, the outdoor storage upon any property of building materials, unless there is in force a valid building permit issued by the city, or its designated agent, for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include, but shall not be limited to, lumber, bricks, 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 constructing any structure.**
- **Storage of junk, refuse, etc., in residential areas: In any area zoned for residential purposes, the outdoor 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 for a period not to exceed thirty (30) days. The terms "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

- **Uninhabitable or useless structure:** In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable, as a dwelling, nor useful for any other purpose for which it may have been intended.
- **Dwelling out of repair:** In any area, a dwelling or the parts thereof that are not kept in good repair, including plumbing, heating, ventilating and electrical wiring. The roof shall be so maintained as not to leak, so as to avoid dampness in the walls and ceilings and unsanitary conditions.
- **Partially completed structures:** In any are, 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 the proper authority and unless such construction is completed within a reasonable period of time.
- **Unprotected vacant buildings in residential areas:** In any area zoned for residential purposes, the existence of any vacant dwelling, garage or other building, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

SECTION 4

Notice to remove or eliminate:

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 3 hereof are 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. Such notice may be served personally or by registered mail, return receipt requested. Additional time maybe 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 article.

SECTION 5

Enforcement. Violation of any provisions of this Ordinance by a person, corporation, partnership, or other entity of any sort, is a misdemeanor, and shall be punished by a fine of not more than \$500.00, imprisonment in the Iron County Jail for not more than thirty (30) days, or both such fine and imprisonment, plus all costs of prosecution.

SECTION 6

Procedure when owner or occupant fails to repair dwelling.

- **Whenever any person has been found guilty of violating any of the provisions of Section 3 of this article, in connection with any dwelling in which the person is not**

residing, and the person has failed to correct the violation within ninety (90) days after having been found guilty, and after final determination of guilt, the city commission may correct or cause to be corrected any violation upon which the person has been found guilty and the costs of such repairs shall be paid by such person within ninety (90) days or such repair, or costs shall become a lien upon the real property.

- Whenever any persons have been found guilty of violating any of the provisions of Section 3 (4) of this article, and the dwelling is one in which the person has not resided for a period of six (6) months and there has been no other occupancy for such period, the city council shall hold a public hearing wherein the owner shall be given an opportunity to show cause why his dwelling should not be repaired or demolished. Prior to the hearing, the city commission shall give notice to the owner of such hearing, by personal service or by certified mail sent to the last known address, return receipt requested. The failure of any owner to receive notice duly mailed shall not affect in any manner the validity of the proceedings taken hereunder. A copy of the notice shall be posted in a conspicuous place on the dwelling at least seven (7) days before the hearing. After the public hearing, the city commission shall render its decision, either closing the proceedings or ordering the dwelling to be repaired or demolished. No action shall be taken to repair or demolish said dwelling until thirty (30) days after such decision. The cost of such removal or repair shall be paid by such person within thirty (30) days of such removal or repair or such costs shall become a lien upon the real property.
- Notwithstanding any other provision in the article the term, "dwelling," for purpose of this section and Section 3 (4) is defined as residential real property.
- The liens provided for in this Section shall be enforced in the manner prescribed in the Charter, Section 8.6, or by the laws of this state provided for the enforcement of tax liens or by an ordinance passed the City of Caspian. An owner aggrieved by the decision or order of the city commission may appeal the decision or order to the circuit court, by filing a petition for an order superintending control within twenty (20) days from the date of the decision.

SECTION 7

Effective date:

This Ordinance will become effective on the 6th day of September, 1994.