

ORDINANCE NO. 116

AN ORDINANCE TO SECURE AND PROMOTE THE PUBLIC HEALTH, WELFARE AND SAFETY OF THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF PERRINTON, COUNTY OF GRATIOT AND STATE OF MICHIGAN, TO PROVIDE FOR THE REGULATION, PREVENTION, REDUCTION, ELIMINATION OF BLIGHT AND THOSE FACTORS WHICH CAUSE OR MAY CAUSE BLIGHT, TO DECLARE THE EXISTENCE OF BLIGHT AS A PUBLIC NUISANCE AND TO PROVIDE FOR THE ABATEMENT THEREOF, AND TO PROVIDE FOR THE APPROPRIATE ENFORCEMENT THEREOF:

THE VILLAGE OF PERRINTON ORDAINS:

Section 1. NAME. This ordinance shall be known and cited as the Perrinton Anti-Blight Ordinance.

Section 2. PURPOSE. The purpose of this Ordinance is to promote the general health, safety and welfare of the residents and property owners of the Village of Perrinton by the regulation, prevention, reduction or elimination of blight in the Village through the prevention or elimination of certain causes of blight or factors which contribute to blight which exist or which may in the future exist within the Village.

Section 3. CAUSES OF BLIGHT OR BLIGHTING FACTORS. On and after the effective date of this ordinance, no person, firm corporation or entity of any kind shall maintain or allow to be maintained upon any property in the Village owned, leased, rented or occupied or possessed by such person, firm, corporation or entity, any of the following uses, structures, conditions or impurities which are hereby determined to be causes of blight or blighting factors, which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods and threaten the public health, safety and welfare:

A. Any parking, storage or accumulation of inoperable motor vehicles outside of a completely enclosed building and any area

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zoned single family residential or multiple family residential, for a period in excess of 30 days.

An inoperable motor vehicle is defined as a motor vehicle not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being Act Number 300 of the Public Acts of 1949 as amended. These requirements include, but are not limited to an engine that runs, four wheels and four tires capable of holding air, current license plates, current insurance, and a working battery.

B. Any tree, shrub or plant overhanging the sidewalks, streets or highways within the Village leaving less than a clear space of 12 feet above the surface of the sidewalk, street or highway.

C. Any bush, shrub or plant located on any corner lot within the Village with a height in excess of three feet above the surface of the roadway, or in any way impeding or obstructing the view of a driver of a vehicle approaching at such intersection.

D. Any dead, diseased or dangerous trees or broken or decayed limbs of trees or other trees, shrubs or plants which endanger the public property or the health or safety of the public, or which constitute a menace to the safety of the public.

E. Noxious weeds, including, but not limited to, ragweed, canada thistles, milk weed, wild carrot, oxeye daisies, poison ivy, dodders, mustard bindweed, perennial saw thistles, and hoary alyssum, located upon any private property, or upon that portion of the public right of way abutting such property and bounded by the established curb or gutter line.

F. The storage or accumulation of cast off items, including junk, trash, rubbish, refuse of any kind, cast off or surplus building materials, appliances, home furnishings, or any scrap or waste material of any kind, including any parts of the foregoing.

G. Any structure or building, whether intended to be used as a dwelling or not, which has become so dilapidated, decayed, damaged, faulty, unsanitary or unfit, for any reason, including damage by fire, wind or other natural disaster, such as to pose a hazard to the public by creating an attractive nuisance, by providing harbor for vermin, or by endangering the public through collapse or further deterioration.

H. Any structure or building intended for use as a dwelling which for any reason does not comply with all applicable housing regulations, health, safety or building codes.

Section 3. PUBLIC NUISANCE. Each and every of the foregoing conditions, which shall exist upon the effective date of this Ordinance, or exist at any time thereafter, is hereby declared to be a public nuisance.

Section 4. ABATEMENT OF NUISANCE.

A. NOTICE. Upon occurrence or existence of any of the conditions identified above, the Village President, or his designee, shall give notice in writing to the owner, lessee, and/or occupant of the premises which notice shall specify:

1. The condition which exists in violation of the Ordinance.
2. The address of the premises at which the condition exists.
3. Advise such owner, lessee or occupant that the condition must be repaired, demolished or eliminated, as the case may be, and set forth the time period within which such abatement shall occur.
4. Such notice shall be given by certified mail, return receipt requested.

B. POSTING A SIGN. With respect to any dangerous building or structure, if the Village President, or his designee, shall determine that the same poses immediate threat to the public

health, safety or welfare, he or she shall post a sign on each entrance to read:

"DO NOT ENTER, UNSAFE TO OCCUPY."

C. FAILURE TO COMPLY WITH NOTICE-ABATEMENT BY VILLAGE. Upon refusal or neglect of the person, firm or entity served with notice under this Ordinance to comply by abatement of the condition, the Village may take such steps as necessary to abate such nuisance, including the removal of vehicles, the removal of trash or rubbish, the trimming or removal of trees and shrubs; provided, however, that the Village shall not repair or demolish a structure, except as hereinafter set forth.

Alternatively, the Village may commence an action in the Circuit Court for the County of Gratiot to compel compliance with the notice issued pursuant to this Ordinance and recover any and all costs incurred by the Village in compelling compliance, including all costs of such litigation, including reasonable, actual attorney fees.

With respect to the repair or demolition of an unsafe or dangerous building or structure, the Village may bring an action in Circuit Court for the County of Gratiot to compel the repair or demolition of building or structure, or, in the alternative, to permit the repair or demolition thereof by the Village. In such event, the Village may also pray for damages in an amount equal to the entire cost of enforcing compliance, including reasonable, actual attorney fees, all costs of demolition, repair or restoration, as the case may be.

Section 5. VIOLATION-PENALTY. Any person, firm or entity violating any provision of this Ordinance shall be deemed responsible for a civil infraction and liable for a civil fine not to exceed \$500.00. Each day during which the condition continues to exist shall constitute a separate offense.

Section 6. COST OF ABATEMENT-SPECIAL ASSESSMENT.

A. In addition to, and as an alternative to the remedies set forth above, the Village may levy the costs incurred to compel compliance with this Ordinance, including all costs of removal, restoration, repair, demolition, including reasonable, actual attorney fees and all other costs and expenses incurred by the Village, as a special assessment upon the premises upon which the condition in violation of this Ordinance exists.

B. Such special assessment shall be established by resolution of the Village Council after taking into consideration the entire cost incurred by the Village to abate the nuisance. Such resolution shall direct the Village Assessor to make a special assessment roll of the costs to be born by the premises benefitted as a result of the nuisance abatement and the cost to the Village and to report the same to the Village Council.

C. When the special assessment roll has been reported to the Village Council, it shall order the same filed in the office of the Village Clerk for public examination, and shall fix a date, time and place when the council shall meet and review said special assessment roll. The Village Clerk shall give notice of the meeting of the council to review said special assessment roll by first class mail to each property owner, and a special assessment roll as shown by the current assessment rolls of the Village, at least 10 days prior to the time of said hearing. The notice shall be mailed to the address as shown on the current assessment rolls with the Village.

D. The Village Council shall meet and review the special assessment roll at the time and place appointed for an adjourned meeting thereof, and shall consider any objections thereto. The Village Council may correct the roll as to any assessment of any parcel or other errors appearing therein. The changes made in the

roll shall be noted in the council's minutes. After the hearing and review, the council may confirm its special assessment roll and the corrections made, if any, or may refer it back to the Village Assessor for revision, or may annul it or any proceedings in connection therewith. The roll shall be, upon confirmation, final and conclusive. All special assessment contained in the special assessment roll shall, from the date of the confirmation of the roll, constitute a lien upon the respective premises assessed and until paid, shall be a charge against the respective owners of the premises of the same character and effect as any lien or unpaid real and personal property taxes.

E. When the special assessment roll shall be confirmed and be payable, the Village Council shall direct the Village Clerk to transmit the assessment roll to the Village Treasurer for collection. The Village Treasurer shall mail statements of the several assessments to the respective owners of the several parcels of land assessed, as indicated by the records of the Village Assessor, stating the amount of the assessment and the manner in which it may be paid; provided, however, that failure to mail in the statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

F. The whole or any part of any such assessment may be paid at any time after the confirmation of the special assessment roll until the 10th day of January in the next succeeding year. After the special assessment has been billed, it shall be collected by the Village Treasurer, with the same rights and remedies as provided by statute for the collection of taxes. On the 10th day of the next succeeding year, the Village Treasurer shall add to all assessments paid on such day and thereafter, a collection fee of 4% of the amount of the assessment or installment, and on the first day of each succeeding month, he shall add an additional 1/2 of 1%

as a collection fee. All collection fees shall belong to the Village and be collectible in the same manner as the collection fees for Village taxes.

Section 7. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

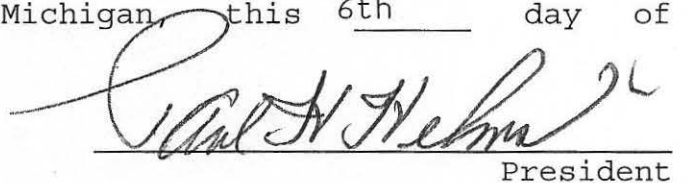
Section 8. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

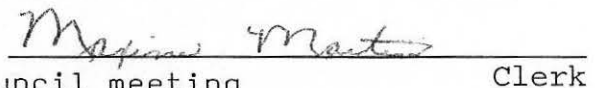
Section 9. Effective Date. This ordinance shall take effect and be in force 15 days from and after its enactment as provided by the Village Council

Passed and approved by the Village Council of the Village of Perrinton, Michigan, at a regular meeting held on the 5th day of October, 1998.

We, the undersigned, President and Clerk of the Village of Perrinton, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 116 of the Village of Perrinton, Michigan, was introduced at a regular meeting of the Village Council, held on Aug 3rd, 1998, and was thereafter passed as a regular meeting on Oct. 5th, 1998, at least two weeks elapsing between the introduction and the enactment.

Dated at Perrinton, Michigan, this 6th day of October, 1998.

  
President

  
Clerk

4/5/04 It was made clear at this council meeting that any replacements for current trailers must must meet the regulations of ordinance # ~~116~~.

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