

CITY OF ROSE CITY BLIGHT ORDINANCE
Ordinance # 19-04-16-2

An ordinance to secure public health, safety, and general welfare of the residents and property owners of the City of Rose City, Ogemaw County, Michigan; by regulating, preventing, reducing, or eliminating blight, blighting factors, or causes of blight; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL 125.71, et seq.).

CITY OF ROSE CITY OF OGEMAW COUNTY, MICHIGAN ORDAINS:

Section 1: This ordinance shall be known and cited as the City of Rose City Blight Ordinance.

Section 2: Purpose

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Rose City by the prevention or elimination of certain environmental causes of blight or blighting factors which exist now or in the future.

Section 3: Definitions for this Ordinance

A. The phrase "junk, trash, rubbish, litter, or refuse of any kind" shall include, without limitation, metal, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, scrap vehicles, mobile homes not meeting the minimum standards for habitation by humans, unusable machinery, unusable trailers, furniture, or any other scrap, waste, or cast-off material of any kind, including parts of any of the above. Not including: domestic refuse and yard clippings used for composting if stored in such a manner as not to create a nuisance; fire wood stored in an orderly manner.

B. The phrase "building materials" shall include 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.

C. The phrase "domestic refuse and yard clippings" shall include yard clippings include leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush and tree trimmings.

D. The phrase "scrap vehicles" shall include any unlicensed vehicle that is unable to be moved under its own power. If the said vehicle has been sitting for over 6 months in this condition, it will be considered scrap unless there is a verifiable order for parts to repair it.

Section 4: 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 allow to exist upon any property in Rose City any of the following causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, and threaten the public health, safety, and welfare of the residents of the City of Rose City.

- A. The storage or accumulation of garbage or material that will putrefy, outside of a completely enclosed building, for a period in excess of fourteen (14) days.
- B. The storage or accumulation of junk, trash, rubbish, litter, or refuse of any kind, for a period in excess of fourteen (14) days shall be kept in a fully enclosed building or in an area out of sight from the public right-of-way, and the neighboring property. A properly constructed privacy fence may be used in the back or side yards of the residence.
- C. No person shall throw, deposit or cause to be deposited, litter on any property within the City, whether owned by such person or not. The owner or person in control of any private property shall, at all times, maintain the premises free of litter.
- D. Any structure or part of structure, including mobile or manufactured homes, which because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling.
- E. In any area zoned for residential purposes, building materials intended for use in connection with construction may be stored where convenient for the duration of the project; but not to exceed six (6) months. After which time, the materials shall be moved and stored in an orderly fashion, out of view of the public and neighboring property.
- F. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- G. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

Section 5: Enforcement and Penalties

A. If possible, the owner and/or 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 from such property within fourteen (14) days after service of the notice. Such notice may 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.

C. If the violation has not been resolved within fourteen(14) days a fine of one hundred and fifty dollars (\$150.00) will be issued to the owner of the property in violation. The fine will continue to occur every fourteen (14) days or until the violation has been resolved. The City of Rose City will have a lien on said property, fines shall be added to the real estate tax assessment rolls for such land if not paid.

Section 6: Public Nuisance

The imposition of the penalties and remedies herein prescribed shall not preclude the City of Rose City from instituting any legal action to restrain, correct or abate a violation, or to prevent or stop an illegal act, conduct, business, or utilization of a building, structure, or premises.

Any finding or plea of "responsible" or "responsible with explanation" to a violation of this Ordinance shall constitute a finding that the premises is a public nuisance per se and a danger to the public health, safety, and general welfare of the residents and property owners of the City of Rose City.

Section 7: Nuisance Abatement

If any property has been found to be a per se public nuisance under this Ordinance, through a plea or finding of "responsible" or "responsible with explanation" to an infraction under this Ordinance, and said per se nuisance has not been corrected within fourteen (14) days of said fining or plea, the Rose City Chief of Police, shall have the right of entry onto such property to abate said nuisance and may physically abate such nuisance.

Any costs incurred by the City of Rose City in abating such nuisance may be charged against the real property and shall constitute a lien on the real property for said amount. Any such costs may also be collected by any other legal means.

Section 8: Validity

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9: Supersede

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

A motion made by Mr. Hinkley and seconded by Mr. Card to adopt the City of Rose City Blight Ordinance # 19-04-16-2

Yeas: Mr. Card, Ms. Bentley, Ms. Danforth, Ms. Killackey, Mr. Hinkley, Mr. Wiltse

Nays: None

Absent: None

The Mayor and the Council declared the Ordinance adopted on April 16, 2019
This Ordinance takes effect May 7, 2019.

CERTIFICATION

I, Cindy Rosebrugh, City Clerk for the City of Rose City, County of Ogemaw, State of Michigan, do hereby certify that the attached is a full, true, and correct copy of an Ordinance duly made, passed and adopted by the Mayor and City Council of the City of Rose City, Michigan, at a regular meeting of the Council held on the 16th day of April 2019.

Cindy Rosebrugh, City Clerk