

## ARTICLE II. BLIGHT PREVENTION

### Sec. 46-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Brush* means cut or broken branches.

*Building materials* includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, structural or miscellaneous steel, nails, or any other materials used in construction.

*Junk* includes parts of machinery or motor vehicles; unused stoves, refrigerators or other appliances stored in the open; remnants of wood; metal; or any other material or castoff material of any kind, whether or not such could be put to any reasonable use at some future time.

*Junk automobile* includes any motor vehicle that is kept, parked or stored, other than in a completely enclosed building, and is not in operating condition, is not properly licensed or is incapable of performing the transportation function for which it was manufactured. The term "junk vehicle" does not include a motor vehicle ordinarily used, but temporarily out of running condition.

(Code 1976, § 8-04.02; Ord. No. 404, § 1(8-04.02), 12-18-1996)

**Cross references:** Definitions generally, § 1-2.

### Sec. 46-27. Purpose.

Blight, potential blight, certain environmental causes of blight, or blighting factors that exist or that may exist shall be prevented, reduced, or eliminated, consistent with the letter and spirit of Public Act No. 344 of 1945 (MCL 125.71 et seq., MSA 5.3501 et seq.).

(Code 1976, § 8-04.01; Ord. No. 404, § 1(8-04.01), 12-18-1996)

**State law references:** Rehabilitation of blighted areas, MCL 125.71 et seq., MSA 5.3501 et seq.

### Sec. 46-28. Enforcement authority.

This article shall be enforced by such person as may be designated by the mayor.

(Code 1976, § 8-04.05; Ord. No. 404, § 1(8-04.05), 12-18-1996)

### Sec. 46-29. Notice of violation.

(a) *First offense.* The owner, if possible, or the occupant of any property upon which any of the causes of blight or blighting factors set forth in this article is found to exist shall, upon the first offense, be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within seven days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested.

(b) *Subsequent violations.* For subsequent or repeat violations by the same person, such written notice shall not be required.

(c) *Granting of additional time.* 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 a state of progress deemed satisfactory to the enforcement officer.

(Code 1976, §§ 8-04.06.01, 8-04.06.02; Ord. No. 427, §§ 1(8-04.06.01), 1(8-04.06.02), 11-19-1997)

### **Sec. 46-30. Failure to comply; municipal civil infraction.**

Failure to comply with the notice provided in section 46-29 by the owner and/or occupant within the time allowed shall constitute a violation of this article. A person who violates this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 66-37. Repeat offenses under this article shall be subject to increased fines as set forth in section 66-37.

(Code 1976, § 8-04.06.03; Ord. No. 427, §§ 1(8-04.06.03), 1(8-04.06.04), 11-19-1997)

### **Sec. 46-31. Causes of blight or blighting factors.**

It is 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:

(1) *Junk automobiles.* In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building.

(2) *Building materials.* In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the city for construction upon the property and the materials are intended for use in connection with such construction.

(3) *Junk.* In any area zoned for residential purposes, the storage or accumulation of junk, trash, rubbish, or refuse of any kind, except for domestic refuse stored in a covered metal container for a period not to exceed 30 days; firewood that is neatly stacked so as not to provide harborage for rodents and vermin; and yard waste compost piles that are properly maintained to prevent odor, rodent, vermin or insect nuisances.

(4) *Uninhabitable structures.*

a. *Due to disaster.* In any area, the existence of any structure or part of a structure which, because of fire, wind, or other disaster, is no longer habitable as a dwelling or is not useful for any other purpose for which it may have been intended and is left in that condition for a period of more than six months.

b. *Due to physical deterioration.* In any area, the existence of any structure or part of a structure which, because of physical deterioration, is no longer habitable as a dwelling or is not useful for any other purpose for which it may have been intended.

(5) *Vacant buildings.* In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuilding unless such building is kept securely locked and the windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals or trespassers.

(6) *Partially completed structures.* In any area, 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 city and unless such construction is completed within the life of the building permit or a valid extension thereof.

(7) *Public roads and utility rights-of-way.* In any area, allowing any of the causes of blight or blighting factors in subsections (1) through (6) of this section to exist on any public road right-of-way located between private or corporate property and an existing or dedicated street, alley, road or highway or upon any public utility easement or right-of-way located adjacent to such property.

(Code 1976, § 8-04.03; Ord. No. 404, § 1(8-04.03), 12-18-1996)

### **Sec. 46-32. Responsibilities of property owners, tenants and occupants.**

- (a) *Property owners.* No property owner shall maintain or permit to be maintained any of the causes of blight or blighting factors set forth in section 46-31 upon any property in the city owned by such person.
- (b) *Tenants or occupants.* Any tenant or occupant of property in the city shall also be responsible for any of the causes of blight or blighting factors set forth in section 46-31 that he creates or permits on the property leased or occupied by him.

(Code 1976, §§ 8-04.04.01, 8-04.04.02)

### **Sec. 46-33. Applicability to areas other than residential.**

- (a) *Generally.* The causes of blight or blighting factors set forth in section 46-31 as applicable to areas zoned for residential purposes are also determined to be causes of blight or blighting factors and subject to the prohibitions of this article if located in areas zoned for other than residential purposes, unless such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question.
- (b) *Considerations.* For purposes of this article, such business or occupation shall be considered lawful only when being carried out in a manner as prescribed by chapter 138 pertaining to zoning and any other applicable provisions, laws, or regulations of the city, county, state or federal governments. The proof that such use is incidental to and necessary for the carrying out of such business shall rest with the owner or user of the property, and such use shall not, in any case, constitute a hazard to the health or welfare of the citizens of the city.

(Code 1976, § 8-04.04.03)

Secs. 46-34--46-60. Reserved.