

BENZONIA VILLAGE

Ordinance No. 2017-02

BLIGHT ELIMINATION ORDINANCE

AN ORDINANCE TO DEFINE BLIGHTED PROPERTY; TO PROHIBIT THE OWNERSHIP OR OCCUPATION OF BLIGHTED PROPERTY; TO PROHIBIT THE ALLOWANCE OF BLIGHTED PROPERTY TO EXIST; AND TO PROVIDE FOR PENALTIES AND SANCTIONS FOR VIOLATIONS OF THE ORDINANCE.

BENZONIA VILLAGE HEREBY ORDAINS:

Section 1. Authority.

This ordinance is enacted pursuant to the authority of MCL 41.181 General Law Village Act 3 pf 1995, Chapter 6, as amended, which authorizes a Village to enact ordinances to regulate the public health, safety, and general welfare of persons and property in the Village.

Section 2. Legislative Findings.

The Village Council finds and declares that blight and blighted areas present a threat to the health, safety, morals and general welfare of the citizens in the Village, and impair taxable values upon which, in large part, municipal revenues depend, and thereby threaten the economic welfare of the Village; that in order to improve and maintain the general character of the Village, and protect the public health, safety, morals and general welfare, it is necessary to enact ordinances to define blight, prohibit its accumulation, require its removal, and otherwise enforce regulations to eliminate blight from the Village.

Section 3. Definition of "Blighted Property."

"Blighted property" means property that meets any of the following criteria:

- A. The property has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
- B. The property is an attractive nuisance because of physical condition or use.
- C. The property is a fire hazard or is otherwise dangerous to the safety of persons or property.

- D. The property has had the utilities, plumbing, heating, or sewerage disconnected, destroyed, removed, or rendered ineffective for a period of **one (1)** year or more so that the property is unfit for its intended use.
- E. The property is improved real property that has remained vacant for 5 consecutive years and that is not maintained in accordance with applicable local housing or property maintenance codes or ordinances.
- F. The property has code violations posing a severe and immediate health or safety threat and has not been substantially rehabilitated within 1 year after the receipt of notice to rehabilitate from the appropriate code enforcement agency or final determination of any appeal, whichever is later.
- G. There is placed, located or accumulated on the property any of the following:
 - 1) any machinery, appliance, scrap materials, building materials, product or merchandise, scrap metal, farm materials, industrial drums, furniture, tires, mattresses, or other materials, which are old, rusty, wrecked, damaged, deteriorated or discarded machinery, appliances, scrap metals, or which are not suited for use upon the premises, or the condition of which prevents its use for the purpose for which it was intended; or
 - 2) any motor vehicle which is not in operating condition, properly licensed, and capable of performing the transportation function for which it was manufactured. The purpose of this subsection is to prevent the accumulation of junk motor vehicles, and, therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition and being repaired in a timely manner; or household trash, rubbish, ashes, refuse, garbage except such materials which are placed in a proper enclosed container and set out on the property for regularly scheduled pickup by a trash or garbage hauler or recycler.
- H. Once a person, resident, or owner receives a notice of violation in the form of a letter or citation, compliance with this Ordinance is required within 30 Days of receiving notice.

Section 4. Violation.

It is hereby declared unlawful and a violation of this ordinance for anyone to own or occupy a blighted property or to allow or permit a condition to exist on property so as to render it a blighted property under this ordinance.

Section 5. Enforcement

A violation of this ordinance is a municipal civil infraction and shall be enforced in the manner provided by Chapter 87 of the revised Judicature Act [MCL 600.8701 et seq]. Violations of this ordinance shall be enforced by the Village Zoning Administrator who is authorized to issue municipal civil infraction notices and citations pursuant to the authority of and as provided in applicable state law.

Section 6. Sanctions.

A violation of this ordinance is a municipal civil infraction and any person or firm found responsible for such violation shall be subject to a maximum civil fine of \$500.00 plus costs. Commencing thirty (30) days after receiving notice of a violation, unless said violation is abated, each day the violation continues shall constitute a separate violation of this ordinance.

Section 7. Effective Date.

This Ordinance shall become effective upon publication in accordance with law.

At a regular meeting of the Village Council for Benzonia Village held on the 9TH day of January, 2017, Trustee Misner, moved for adoption of the foregoing ordinance and Trustee Rankin supported the motion.

Voting for: All

Voting against: None

The Village President declared the ordinance adopted.

Timothy Flynn
Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2017- 02, which was enacted by the Village Council for the Benzonia Village at a regular meeting held on January 9, 2017.

Rhonda Nye
Village Clerk