

O R D I N A N C E   N O . 046

An ordinance to prohibit the maintenance of blighting conditions and factors and thus safeguard the public health and welfare, and to provide for its enforcement, and penalties for the violation, thereof.

THE CITY OF PETERSBURG ORDAINS:

SECTION 1:

It is the purpose of this ordinance to protect and promote the public health, sanitation, safety and general welfare in the city, to suppress disease and contamination, to lessen the danger to life, health and property of accidents and other hazards, and to prohibit the creation or continuance of public nuisances, by causing the removal, elimination, repair or rehabilitation of such structures, uses and activities which are of a nature to cause blight or blighting conditions.

SECTION 2:

It is hereby determined that the following structures, uses and activities are causes of blight or are blighting factors. On and after the effective date of this ordinance no person, firm or corporation or any group of any kind may maintain or permit to be maintained any of these blights or blighting conditions upon any land or premises in the City of Petersburg, owned, leased, rented or occupied by such person, firm or corporation or group of any kind.

A. In any area zoned residential by said Zoning Ordinance of the City of Petersburg, Michigan, the existence of any junk motor vehicle, except in a completely enclosed building. For the purpose of this ordinance the term 'junk motor vehicle' shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of ten (10) days and also, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ten (10) days.

B. In any area zoned residential by said Zoning Ordinance, the out of doors storage upon any premises of building materials unless construction work is being done on said premises 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. Provided further, that all construction debris shall be removed from any premises within thirty (30) days after occupancy thereof.

C. In any area zoned residential by said Zoning Ordinance, the storage 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 term "junk" shall include parts of machinery or motor vehicle parts, construction machinery or parts thereof, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff material of any kind whether or not the same could be put to any reasonable use.

D. In any area zoned residential by said Zoning Ordinance, the existence of any vacant dwelling, garage, or other out-building unless the same is kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized person or persons.

E. In any area zoned other than residential by said Zoning Ordinance, the causes of blight or blighting factors hereinbefore prohibited in any area zoned for residential purposes, unless such uses of property are incidental to and necessary for the carrying on of any business or occupation lawfully being conducted upon the premises involved.

F. 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 (i) no longer habitable as a dwelling; (ii) an attractive nuisance to children; (iii) a harbor for vagrants, criminals or immoral persons; or (iv) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

G. 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 of Petersburg and unless exterior construction is completed within one year after issuance thereof.

H. In any area the owner, leasee, tenant or occupier of any premises shall keep adjoining public property, including, but not limited to, sidewalks in their entirety and public streets and alleys to their centers, free of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse of any kind, at all times.

### SECTION 3: Enforcement and Penalties

A. This Ordinance shall be enforced by the Building Official of the City of Petersburg, Michigan, except that Section 2(H) shall be enforced by the Administrator of Public Services.

B. 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 2 hereof is found to exist shall be notified in writing to remove or eliminate the same from such property within

ten days after the service of such notice upon him, except that in the case of violations of Section 2(H) of this Ordinance the owner, if possible, and the occupant shall be notified in writing to remove or eliminate the blighting factor from such property immediately. (i) Such notice shall be posted upon or on the immediate vicinity of the blighting factor in substantially the following form:

"NOTICE TO THE OWNER AND ALL PERSONS  
INTERESTED IN THE ATTACHED PROPERTY":

This property, to-wit: (setting forth a brief description) located at (setting forth a brief description of the location) is being maintained in violation of Section \_\_\_\_\_ of the City of Petersburg Ordinance No. 046, in that (setting forth a brief description of the blighting condition). Within ten (10) days, if this condition is not remedied so as to conform with the aforementioned ordinance, or a hearing has not been requested in writing at the City of Petersburg Building Department upon the applicability of the above Ordinance to this property, the City of Petersburg shall order such remedy and assess costs against the premises. Dated (setting forth date of posting of notice). Signed (setting forth name, title, business address and telephone number of the enforcement officer)."

(ii) Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officers shall either personally serve or mail by first-class mail a copy of the notice to the owner or owners of the real property upon which the blighting condition exists, as shown by the records of the City Assessor on or before the date of posting or junk, if the owner can reasonably be ascertained and if the owner is different than the owner of the real property.

C. If at the end of ten (10) days after posting such notice the owner or any person interested in the property has not remedied the blighting condition and thus complied with the Ordinance provision cited in the notice or requested a hearing on the applicability of this Ordinance provision to the property in question, the enforcement officer shall inform the Administrator of Public Services, who shall cause the blighting condition to be remedied by any necessary means, including, but not limited to, the removal, destruction or disposal of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse. (i) Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

D. If a hearing is requested within ten (10) days of the posting of such notice by the owner of the private premises or a person claiming an interest in personal property thereon, the Mayor shall appoint a hearing officer to conduct a public hearing in order for the person requesting the hearing to show cause why

he should not remedy the blighting condition in question or why the City of Petersburg should not itself remedy such condition. (i) The hearing procedures shall be those provided for in the Dangerous Buildings Ordinance, No. 74-006, as it now exists and as it may be hereinafter amended.

E. Failure to comply with such notice within the time allowed the Owner and/or occupant or, in the case of violations of Section 2(H), to remove or eliminate the blighting factor immediately, shall constitute a violation of this Ordinance. Each day that there is such failure to comply shall a separate offense.

F. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine of not less than Twenty-five Dollars (\$25.00) and not exceeding Five Hundred Dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 4: Removal of blighting condition by the City and  
and assessment therefor

A. The Administrator of Public Services and his authorized representatives are hereby empowered to enter upon any premises in the City for the purpose of removing, destroying or disposing of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse thereon, when the real property owner or persons having any interest in the personal property thereon have not, within the ten (10) day notice period, remedied the blighting condition or requested a hearing, as provided for above. No person shall molest or interfere with the Administrator of Public Services or his authorized representatives while they are engaged in carrying out the provisions of this Ordinance.

B. The Administrator of Public Services may abate any such public nuisance without giving notice if the public health or safety requires immediate attention.

C. The Administrator of Public Services shall keep an accurate account of the expenses incurred by his Department with respect to each parcel of land in carrying out the provisions of the Ordinance and shall make a sworn statement of such account and present the same to the City Controller. The City Controller shall immediately prepare and send an invoice to the last known owner as reflected by the current tax roll for the cost of such work and improvements to said property in accordance with the statement of the Administrator of Public Services. The Controller shall add to the cost as reported by the Administrator of Public Services, the 10% penalty which is provided for by the City Charter, to cover the cost of supervision and billing expenses. In the event that said invoice is not paid forthwith by the owner of

record, the cost of such payment shall be charged against the premises, be reported to the City Assessor and be levied by him as a special tax or assessment upon the lot or premises. The special assessment shall be subject to review, after proper notice is given as in all other cases of special assessment provided for by the Charter. When such tax is confirmed it shall be lien upon the premises and the same shall be collected in the same manner as other City taxes, or in the alternative the City may file suit to collect the same.

SECTION 5: Enactment

A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

B. Any Ordinance or parts of Ordinance in conflict with this Ordinance are hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days after its final passage, which will be September 5, 1984.

I, hereby certify that the above ordinance was passed at a regular meeting of the City Council of the City of Petersburg, Monroe County, Michigan, held on the above date of September 5, 1984.

W. Perry  
W. Edward Perry, City Clerk

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C/R Village Ord. 14-19-45  
City Ord. 014-032