

CITY OF CRYSTAL FALLS
ORDINANCE NO. 2.18
(As amended)

AN ORDINANCE TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT, WITHIN THE CITY OF CRYSTAL FALLS, IRON COUNTY, MICHIGAN; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALITIES FOR THE VIOLATION HEREOF.

THE CITY OF CRYSTAL FALLS HEREBY ORDAINS:

Section 1. Purpose.

It is the purpose of this ordinance to prevent, reduce or eliminate blight in the City of Crystal Falls by the prevention or elimination of contributing factors and causes of blight which exist or which may in the future exist in the City of Crystal Falls. This Ordinance replaces Section 7 of Ordinance No. 2, an ordinance designating certain actions to be public nuisances.

Section 2. Definitions.

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

- A. Blighted Structure – any dwelling, garage, accessory or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which:
 - 1. Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended; or
 - 2. Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the City of Crystal Falls and if the construction is not completed within 12 months; or
 - 3. Is not structurally sound, weather-tight, waterproof or vermin-proof.
- B. Building Material – Any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.
- C. Enforcement Officer – A Crystal Falls City Police Officer.

- D. Junk– Any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, furniture, stove, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates.
- E. Garbage – All refuse of animal, fruit, or vegetable matter that attends the preparation, use, cooking, dealing in, transportation or storing of meat, fish, fowl, fruit, vegetable; also dead animals under six pounds in weight and killed for food or in which the process of decay has commenced or is about to commence; also waste generated by household pets; also discarded bottles, jugs, cans, or other food and beverage containers not specifically banned from Michigan landfills by State Statute.
- F. Person – Any natural person, firm, association, partnership, limited liability company or corporation.
- G. Unsecured Vacant Building – Any building which is unoccupied and which is not securely locked, the windows glazed or of which is not securely boarded up and protected against the elements, from vandals, and from rodents and/or other animals.

Section 3. Prohibited Conduct.

Except as may otherwise be permitted by the holding of a specific business license or by other ordinances of the City of Crystal Falls or state or federal law, no person in the City of Crystal Falls shall:

- A. Store, accumulate, or permit the storage or accumulation of junk or garbage on premises owned, leased, rented, or occupied by him/her unless such junk or garbage is stored or accumulated for the purposes of collection and disposal, in which case such junk or garbage shall be stored or accumulated in a closed container, if possible, or in a closed structure. If it is impossible to store or accumulate such junk or garbage in a closed container or closed structure, such junk or garbage shall be covered in a manner sufficient to prevent such materials from causing dust and debris to be blown about or spread to other areas. Junk or garbage may be stored or accumulated in such manner only for the minimum period necessary to provide for collection and disposal of same and at no time shall that period exceed ten (10) days.
- B. Store, accumulate, or permit the storage or accumulation of any building materials on property owned, leased, rented or occupied by him/her for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.

- C. Keep or permit the existence of any unsecured vacant building on property owned, leased, rented or occupied by him/her.
- D. Keep or permit the existence of any blighted structure on property owned, leased, rented or occupied by him/her.

Section 4. Enforcement.

- A. Before commencing prosecution under this ordinance, the enforcement officer shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a municipal civil infraction citation.
- B. Prosecution may be commenced against a violator(s), without prior notice, in any instance where a violation notice had previously been sent, within the previous 12 months, relating to the same address.
- C. Each day that a violation under this ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

Section 5. Penalty.

Failure to comply with the requirements of this ordinance shall constitute a Municipal Civil Infraction which shall be processed in accordance with MCLA 600.8701. The assessment and collection of fines and costs shall be in accordance with MCLA 600.8701 et seq.

- A. Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.
- B. Any repeat offense shall be subject to increased fines as follows:
 - 1. First repeated offense shall be no less than \$150.00 plus costs.
 - 2. A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250.00 plus costs.

- C. In addition to ordering that the person found in violation of this Ordinance must pay civil fines and costs the District Court Judge or District Court Magistrate may issue any writ or order necessary to enforce the Ordinance including but not limited to the authority to order the person found in violation of this Ordinance to correct the blight condition giving rise to the civil infraction within 30 days or be subject to the contempt powers of the District Court as authorized and provided for by applicable Michigan Statutes.

Section 6. Severability.

The sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

EFFECTIVE DATE

This ordinance shall become effective in the City of Crystal Falls following the adoption by the City Council and upon publication.

Original Passed: November 8, 1999

Amended: March 10, 2008

Amendments Published: March 26, 2008

Amendments Effective: March 26, 2008