

VILLAGE OF NORTH BRANCH

BLIGHT CONTROL

ORDINANCE NO. 13.3

An ordinance to provide for regulation and control of the storage, accumulation, and disposition of junk, trash, abandoned vehicles, wrecked, dismantled, or unusable vehicles and building materials, and the maintenance of blighted structures and other blighting factors or causes of blight and deterioration of blighted structures, and to provide penalties.

THE VILLAGE OF NORTH BRANCH, LAPEER COUNTY, MICHIGAN, ORDAINS:

SECTION 1. The following words or terms when used in this ordinance shall be deemed to have the meanings set forth below:

- (a) The term "junk" shall include parts of machinery or motor vehicles, old tires, broken or unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal, or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- (b) The term "junk motor vehicles" shall include any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 15 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 15 days.
- (c) The term "abandoned vehicle" shall include any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.
- (d) The term "blighted structure" shall include any structure or part of the structure which, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was designed to serve.
- (e) The term "building materials" shall include lumber, brick, 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.
- (f) The term "person" shall include all natural persons, firms, partnerships, corporations, and all associations whether acting by themselves or by an agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, or employee, shall, except as herin otherwise provided, be equally liable.

(g) The term "trash" and "rubbish" shall include any and all forms of debris not herein otherwise classified.

SECTION 2. It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk motor vehicles, abandoned vehicles, building materials, and maintenance of blighted structures upon any private property within the Village of North Branch, tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and therefore is contrary to the public peace, health, safety, and general welfare of the community.

SECTION 3. It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk, junk motor vehicles, or abandoned vehicles on any private property in the Village except within a completely enclosed building or upon the premises of a properly zoned and legally operating business which fully complies with all village ordinances.

SECTION 4. Wood intended for use in wood burning stoves or fireplaces located on the premises is permitted, provided the wood is stacked in neat cords.

SECTION 5. It shall be unlawful for any person to keep or maintain any blighted or vacant structure unless the same is kept securely locked, the windows kept glazed, and otherwise protected to prevent entrance thereto by unauthorized persons. This section does not apply to structures in the course of construction in accordance with a valid building permit, providing such construction is completed within a reasonable time.

SECTION 6. It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property except in a completely enclosed building. This section shall not apply where such building materials are part of the stock in trade of a business located on said property or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit, provided such construction is completed within a reasonable time.

SECTION 7. If, upon inspection, the Building Inspector, or Police Chief shall find that any property within the Village is being used in violation of the above sections of this ordinance, the owner and/or occupant shall be notified of such violation which may be given by regular mail to the owner as he appears on the real property tax rolls of the Village or by service upon the occupant personally by any official or agent of the Village.

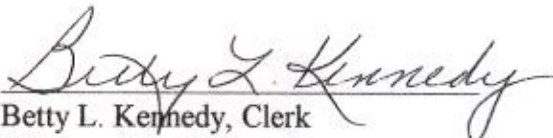
SECTION 8. If the owner and/or occupant of such premises shall not cause such material in violation of the ordinance to be eliminated or removed within ten (10) days after notice, the Village Council may remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such materials to be eliminated or removed the total expense incurred by the Village shall be a lien upon the property and may be placed on the tax roll and collected the same as other taxes.

SECTION 9. Any person, firm, or corporation who violates any provision of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty and no/100 (\$50.00) Dollars, plus costs and other sanctions as set forth in Ordinance No 34 for each infraction. Repeat offenses under this ordinance shall be subject to increased fines and other sanctions as provided by Ordinance No. 34.

SECTION 10. Any Ordinance Enforcement Officer for the Village of North Branch and any offices of the Village Police Department are hereby designated as the authorized Village officials to issue municipal civil infraction citations as provided by this ordinance.

SECTION 11. The former Ordinance No.13 adopted March 16, 1980, is hereby repealed in its entirety.

The undersigned clerk of the Village of North Branch hereby certifies that this ordinance was adopted by the North Branch Village Council at a meeting held on the 4TH day of November, 1999 and was published in The County Press on the 10th day of November, 1999. This ordinance becomes effective twenty (20) days after said date of adoption.


Betty L. Kennedy, Clerk
Village of North Branch

VILLAGE OF NORTH BRANCH
BLIGHT CONTROL ORDINANCE AMENDMENT

Ordinance No. 13.4

An amendment to the Village of North Branch Blight Control Ordinance No. 13.3 shall provide the Village of North Branch to seek an alternative remedy for injunctive relief from the Lapeer County Circuit Court to require any persons who are in violation of the Blight Control Ordinance to bring their property into compliance with Ordinance No. 13.3.

THE VILLAGE OF NORTH BRANCH ORDAINS:

The following sections are added to Ordinance 13.3 as follows:

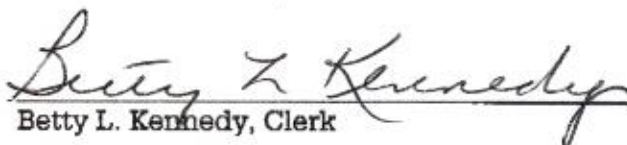
SECTION 12. In the alternative, North Branch Village may seek a preliminary and permanent injunction against any person or persons, it determines is in violation of Blight Ordinance No. 13.3.

SECTION 13. Any violation of the Village of North Branch Blight Control Ordinance No. 13.3 is hereby determined to be a nuisance "per se".

The undersigned President and Clerk of the Village of North Branch hereby certify that this Ordinance Amendment was adopted by the Village Council at a meeting duly held on the 2nd day of February, 2006 and was published in The County Press on the 8th day of February, 2006. This Ordinance Amendment becomes effective twenty (20) days after the date of adoption.



Kelly Martin, President



Betty L. Kennedy, Clerk