

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

**ORDINANCE NO. 83
ANTI-BLIGHT ORDINANCE**

AN ORDINANCE TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, BLIGHTING FACTORS, OR CAUSES OF BLIGHT WITHIN THE VILLAGE OF PORT AUSTIN, HURON COUNTY, STATE OF MICHIGAN; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

THE VILLAGE OF PORT AUSTIN ORDAINS:

Section 1. Purpose.

It is the purpose of this Ordinance to prevent, reduce or eliminate blight, potential blight, blighting factors or causes of blight within the Village of Port Austin by the prevention or elimination of contributing environmental factors and causes of blight which exist or which may in the future exist in the Village of Port Austin.

Section 2. Definitions.

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

BLIGHTED STRUCTURE: Any dwelling, garage, outbuilding, accessory building, factory, shop, store, office building, warehouse, sign or any other structure or part of a structure which:

- a.) 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
- b.) Is partially completed and which is not presently being constructed under an existing valid building permit issued by or under the authority of the Village of Port Austin; or
- c.) Is not structurally sound, weather-tight, waterproof or vermin-proof; or
- d.) Is not covered by a water-resistant paint or other waterproof covering so as to protect and structure from the adverse effects of the elements or from physical deterioration.
- e.) Any structure which could be defined as dangerous under Ordinance No. 82-96 (Dangerous Buildings) of the Village of Port Austin Ordinances.

BUILDING MATERIAL: Any lumber, bricks, concrete, cinder blocks, plumbing materials and fixtures, electrical wiring or equipment, heating/cooling duets or equipment, shingles, mortar, cement, plaster, gypsum board, nails, screws, or other material commonly used in the construction or repair of any building or structures.

ENFORCEMENT OFFICER: The Village of Port Austin building inspector or code official, any Village of Port Austin police officer, or any other person designed by the Village of Port Austin to enforce the provisions of this ordinance.

FIREWOOD: Any timber, split logs, stumps, tree remnants, branches or other material used for the purpose of fueling a wood-burning stove for heating a building or structure.

GARBAGE: The organic (animal and/or vegetable) waste resulting from the handling, preparation, cooking and consumption of food.

HAZARDOUS MATERIALS: Any explosive, acidic or caustic substance, flammable liquid, oil, chemical or any other substance, or residues of same, which is or could be defined as toxic or dangerous by statute of the State of Michigan or the United States; or which could pose danger or potential danger to persons, animals, vegetation or the environment, if spilled or stored in violation of state or federal statute or manufacture's instructions; or where, in the opinion of the enforcement official, is otherwise stored improperly or in inadequate containment facilities or structures.

JUNK: Any abandoned, discarded, unusable or unused objects or equipment including, but not limited to: furniture, household appliances, barrels, tanks, implements, scrap metals, obsolete or inoperative machinery, parts or pieces of motor vehicles, tires, cloth, cartons, crates and papers.

PERSON: Any natural person, firm, association, partnership or corporation.

PREMISES: A lot, plot or parcel of land including the buildings or structures thereon.

RUBBISH: Combustible and noncombustible waste materials, except garbage, including but not limited to: residue from the burning of wood, coals, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, leaves, yard trimmings, cans, metals, mineral matter, glass, crockery, dust and other similar materials.

VACANT BUILDING: Any building or structure which is unoccupied and which is not securely locked, with the windows not glazed or neatly boarded up and protected against the elements and from the entry of vandals, curious children or rodents and/or other animals.

Section 3. Prohibited Conduct.

Except as may otherwise be permitted by the holding of a specific license, permit or by any other Village of Port Austin ordinance, no person in the Village of Port Austin shall:

- a.) Store, accumulate or permit the storage of accumulation of garbage, junk, hazardous materials or rubbish on premises owned, leased, operated rented or occupied by him.

EXCEPTIONS:

- 1.) Materials intended for recycling shall be exempted from this provision, provided that the same shall be stored in a rodent-proof receptacle or other approved container or out of public view so as not to create a public nuisance. Storage of such materials shall not exceed thirty (30) days.
 - 2.) If lawn trimmings, leaves and /or vegetable waste are to be utilized for 'backyard composting' purposes, then such materials shall be placed in an enclosure that does not create a public nuisance.
- b.) Store, accumulate or permit the storage or accumulation of any building materials on property owners, leased, operated rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event to exceed sixty (60) days.

- c.) Maintain or permit the maintenance or existence of any vacant building on property owned, leased, operated, rented or occupied by him.
- d.) Maintain or permit the maintenance or existence of any blight structure on property owned, leased, operated, rented, or occupied by him.
- e.) Store or permit the storage of firewood on property owned, leased, operated, rented or occupied by him except in a neat, orderly stack to a height of no grater than five (5) feet from grade. The storage of firewood shall be restricted to the rear yard or interior side yard of the premises. A stack of firewood shall not be used effectively as a fence so as to circumvent the fence ordinance.

Section 4. Notice and Enforcement.

- a.) Before commencing prosecution under this ordinance, the enforcement officer shall notify the violator(s) of the existence of a violation under Section 3 above. Such notice shall be in writing and served upon the violator(s) either personally or by certified or registered mail, return receipt requested, sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. If the letter is returned with a receipt showing that the letter has not been delivered, notice shall be deemed to have been served by the posting of a copy thereof in a conspicuous place in or about the premises affected by such notice, and a lease one publication of such notice in a local newspaper of general circulation.
- b.) The violator(s) shall be given ten (10) days from the date of the personal service, receipt of the notice, or from the date of publishing, in which to remedy the violation.
- 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. (Amended September 13, 2004)

Persons violating this ordinance shall be responsible for a Grade C (Level 3) civil infraction. Each and every day of noncompliance is a separate violation.

Section 6. Inconsistent Ordinances Repealed.

All other ordinances, or parts of ordinances in conflict herewith are hereby repealed, except those contained in Ordinance No. 82-96 (Dangerous Building Ordinance) of the Village of Port Austin ordinances or those contained in the Village of Port Austin zoning ordinances.

Section 7. Severability.

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

Section 8. Effective Date.

This ordinance shall become effective ten (10) days after publication in a newspaper of general circulation within the Village of Port Austin.

Adopted at the Village of Port Austin board meeting on June 10, 1996, by the following vote:

6 ayes, 0 nays, and 1 absent

Date: June 10, 1996

Kay Gordon, Village of Port Austin Clerk

Adopted: June 10, 1996

Effective: 10 days after publication. Published June 20, 1996

Amended: October 11, 2004

Amendment Effective: November 15, 2004