

CHAPTER 682
Blight Prevention

- 682.01 Purpose**
- 682.02 Cause of Blight or Blighting Factors**
- 682.03 Enforcement and Penalties**

CROSS REFERENCES

682.01 Purpose.

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Chapter to prevent, reduce or eliminate blight or potential blight in the City of Ewart by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said City.

682.02 Cause of Blight or Blighting Factors.

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City of Ewart, owned, leased or rented or occupied by such person.

(1) The storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this Chapter the term "junk automobiles" shall include any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days; provided, that any inoperative vehicle shall not include a vehicle which is not in operation for lack of a license unless the vehicle has been unlicensed for at least six (6) months.

(2) The storage upon any property of building materials unless there is in force a valid building permit issued by the City for construction upon said property and said

building materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

(3) The storage or 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 vehicles, 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.

(4) The existence of any structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable if a dwelling, nor useful for any other purpose for which it may have been intended.

(5) The existence of any vacant building, garage or other out building unless such buildings are kept securely locked, windows kept glued or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

(6) The existence of any incomplete structures unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the City and unless such construction is completed within a reasonable time.

682.99 Enforcement and Penalties.

(1) Sections 682.01 and 682.02 shall be enforced by the Superintendent of Public Works and the Police Department, or their designee.

(2) 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 682.02 is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of this notice upon him. Such notice shall be served, by first class mail, at the last known address of the occupant or owner.

(3) Failure to comply with such notice within the time allowed said owner and /or occupant shall constitute a violation of this Chapter.

(4) Violation of this Chapter shall be punishable as follows:

(a) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.

(b) **Second Offense** – The second violation, within a 3-year period, of the above rules, shall be a civil infraction, punishable by a fine not to exceed \$200.00 plus costs.

(c) **Third Offense** – The third or more violations, within a 3-year period, of the above rules, shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.

(d) **Nuisance and abatement** – In addition to the other remedies provided above, the violation of the terms of this section shall constitute a public nuisance per se and:

(1) If the owner or occupant does not abate the nuisance within ten days, the ordinance enforcement officer or his designee may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by the owner or occupant of the premises.

(2) The City DPW personnel shall have the duty to remove or abate storage or accumulation of junk vehicles or abandoned vehicles, trash, rubbish, junk, or building materials, or parts thereof, under this section, unless they are unavailable, in which case, a contracted trash hauler, or towing company shall be hired to remove or abate such junk vehicles or abandoned vehicles, trash, rubbish, junk, or building materials, or parts thereof. All expenses of the abatement shall be charged to, and paid by, the owner or occupant of the premises.

(e) **Lien**

- (1) Charges for removal of junk vehicles or abandoned vehicles, trash, rubbish, junk, or building materials, or parts thereof, shall be a lien upon the premises from which such junk vehicle(s) or abandoned vehicle(s), trash, rubbish, junk, or building materials, or parts thereof was or were removed. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the City clerk may file with the register of deeds of the county a statement of lien claim. The statement shall contain a legal description of the premises, the expenses and costs incurred, the date the junk vehicles or abandoned vehicles, trash, rubbish, junk, or building materials, or parts thereof, were removed and a notice that the City claims a lien for such amount. Notice of such lien claim shall be mailed to the owner of the premises if his address is known; provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the township's right to collect for such charges as provided.
- (2) Any such charges which have been assessed but not paid when due, shall constitute a lien upon the subject real property. Such a lien shall be of the same character and effect as the lien created by state statute for general law City real property and shall include accrued interest and penalties. The City treasurer shall verify on March 1 of each year, and certify to the City assessor, the fact that such charges are delinquent and unpaid. The City assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.