

Village of Morley
Ordinance #01-2017
REDUCTION OR ELIMINATION OF BLIGHT

An Ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within the Village of Morley, Mecosta County, Michigan to provide for the enforcement hereof; and to provide penalties for the violation hereof.

THE VILLAGE OF MORLEY ORDAINS:

Section 1: Purpose

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

Section 2: Definitions

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

- (A) "Blighted structure" shall mean any dwelling, garage, 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; or
 - (3) Is not structurally sound, weather-tight, waterproof or vermin-proof; or
 - (4) Is not covered by water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration.
- (B) "Building Material" shall mean any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other material commonly used in the construction or repair of any buildings or structures.
- (C) "Enforcement Officer" shall mean the any Village of Morley Police Officer, or any other person designated by the Morley Village Council to enforce the provisions of this Ordinance.
- (D) "Junk" means any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, toilets, sinks, bathtubs, plumbing fixtures, cans, implements, non-running motor or recreational vehicles, non-registered motor or recreational vehicles, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates.
- (E) "Garbage" means any household waste or animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(F) "Person" shall mean any natural person, firm, association, partnership, or corporation.

(G) "Proprietor" shall mean the person who has the legal right, title, or ownership to the premises being cited in violation of this ordinance. Proprietor shall not mean lessor, renter, or tenant unless, under the terms of a written lease, the lessor, renter, or tenant is under an obligation to maintain the structure.

(H) "Vacant buildings" shall mean any building which is unoccupied and which is not securely locked, with the windows glazed or neatly boarded up and protected against the elements and from vandals and rodents and other animals.

Section 3: Prohibited Conduct

Except as may otherwise be permitted by the holding of a specific business license or by other Village of Morley Ordinance, no person in the Village of Morley shall:

(A) Store, accumulate, or permit the storage or accumulation of junk or garbage on premises owned, leased, rented, or occupied by him.

(B) Store, accumulate, or permit the storage or accumulation of any building materials on property owned, leased, rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.

(C) Maintain or permit the maintenance or existence of any vacant building on property owned, leased, rented or occupied by him.

(D) Maintain or permit the maintenance or existence of any blighted structure on property owned, leased, rented or occupied by him.

(E) Store or permit the storage of firewood on property owned, leased, rented or occupied by him except in a neat, orderly stack to a height no greater than five (5) feet. The storage of firewood shall be restricted to the rear yard or an interior side-yard of the premises.

Section 4: Other Prohibited Conduct

Except as may otherwise be permitted by the holding of a specific business license or by other Village of Morley Ordinance, no person in the Village of Morley shall:

(A) Graffiti – Allow, cause, or maintain graffiti in any form, including but not limited to words, symbols or drawings on the exterior of any building, fence, wall, pole, sidewalk, tree or other structure.

(B) Solid Waste – Allow, cause, or maintain the accumulation of solid waste such as excessive animal feces or human waste on the property.

(C) Outside Placement of Indoor Furniture – No person shall store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit or allow on any porch, balcony, roof, or in a yard, except in a completely enclosed building or structure, any upholstered furniture, furniture,

mattresses, appliances, materials and other similar products not designed, built, and manufactured for outdoor use unless such is in an enclosed porch or balcony.

(D) Fences, Gates and Walls-It shall be unlawful for any person owning, leasing, occupying or having charge of any property within the Village of Morley to allow any fence, gate, wall or similar structure on the property to sag, lean, or have missing boards or bricks, or to be fallen over or collapsed, or to be otherwise be in an obviously unsafe condition, or to constitute an unsightly appearance, or be left in a state of partial construction or disrepair.

(E) Obstructions in the Right-of-Way - It shall be unlawful for any person owning, leasing, occupying or having charge of any real property within the Village of Morley, or owner of any personal property, to maintain such property in such a manner that any of the following conditions are found to exist thereon:

(a) Sight Obstruction – The accumulation of any material, the placement of any object, or any overgrown vegetation on private property that obstructs the view of drivers on public streets or alleys.

(b) Physical Obstruction – The placement of any object in the public right-of-way including, but not limited to the following:

(1) Portable recreation equipment such as basketball hoops, hockey nets and skateboard ramps;

(2) Abandoned, discarded or dilapidated objects, such as broken or neglected equipment, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, salvage materials, firewood, plant cuttings, scrap materials or similar materials;

(3) News racks, newsstands, mailboxes of any kind, or benches, or any other object in the public right-of-way in such a manner as to impede vehicular, bicycle, or pedestrian traffic.

(F) Tents, Shelters, Canopies and Tarps - Portable tents, shelters, canopies and tarps made of any material are not permitted on any property if used in the front yard and street side yard for permanent use. Temporary use of these types of structures and covers is allowed. Temporary use is considered thirty (30) calendar days or less. In addition, tarps shall not be used as a permanent shield or patio cover.

Section 5: Enforcement

(A) Before commenting 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 first class mail sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. The violator(s) shall have thirty (30) days from the date of personal service or forty-five (45) days from the date of mailing the notice in which to remedy the violation.

(B) Each day that a violation under this Ordinance continues to exist shall be considered a separate violation subject to the penalties hereafter set forth.

Section 6: Penalty

(A) The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 dollars and not more than \$500, plus costs. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.

(B) The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

(C) Additionally the violator shall pay costs of not more than \$500.00, a justice system assessment as provided by Michigan Statute, and all other damages and expenses, whether direct or indirect, which the Village of Morley, Mecosta County, Michigan has incurred in connection with the violation, including all expenses that the Village of Morley incurs in removing the blight. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under MCL 600.8302 (4).

(D) In the event the Defendant does not pay the civil fine, costs, justice system assessment, and all other direct or indirect damages and expenses incurred by the Village of Morley, Mecosta County, Michigan within thirty days after payment is due, the village may obtain a lien against the offending real estate for any violation involving the use or occupation of land or any building or other structure located thereon.

(E) Each day a violation of this Ordinance continues to exist constitutes a separate violation.

(F) The Village Council of the Village of Morley, Mecosta County, Michigan may further institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, -abate or remove any blight or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 7: Appeal

Notwithstanding the provisions of Section 5, upon a showing of unusual hardship, the Village Council for the Village of Morley may extend the time to remedy a violation for up to 60 days for a proprietor. An application for an extension of time must be filed within ten (10) days of the date of notice of violation, if notice is by personal service or within twelve (12) days of the date of notice of violation if notice is by mail. All applications must be filed in the Village Office and be accompanied by a \$25.00 application fee. All applications will be acted upon during the next regularly scheduled Village Council meeting. A proprietor whose application is denied shall have fifteen (15) days from the date of denial to remedy the violation. All applications must be in writing setting forth:

- (A) The address of the premises and name and address of the proprietor;
- (B) The reason or reasons why an extension of the cleanup period is needed; and;
- (C) The amount of time requested to comply with this Ordinance not to exceed 60 days.

Section 8: 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.

Section 9: Effective Date

The Village of Morley establishes a six (6) month educational period from the adoption of this Ordinance #01-2017, during which only notices of violations will be issued with material outlining the provisions of this Ordinance. Health and safety violations are exempt from this provision.

Section 10: Notice to be published

The village clerk shall publish this ordinance in the manner required by law.

THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS AFTER PUBLICATION. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT ARE HEREBY REPEALED.

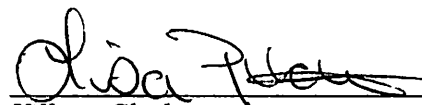
I hereby certify to the adoption of this ordinance at the May 8, 2017 Regular Council meeting and cause the same to be published as required by law.

Yeas 5 Nays 0

Ordinance declared: Adopted

Published: 20 June 2017

Effective Date: 10 Jul 2017



Village Clerk



Village President