

ORDINANCE NUMBER 782

AN ORDINANCE TO AMEND SECTIONS 22-123 and 22-124 OF THE ORDINANCES OF THE CITY OF ALMA TO REQUIRE ABATEMENT OF NUISANCES RELATED TO GRASS AND WEEDS

THE CITY OF ALMA ORDAINS:

Section 1. Section 22-123 of Chapter 22 of the Ordinances of the City of Alma is amended to read as follows:

Sec. 22-123 - Causes of blight or blighting factors; offenses designation.

On and after the effective date of this article, no person, firm, corporation or entity of any kind shall maintain or allow to be maintained upon any property in the City of Alma, owned, leased, rented or occupied or possessed by such person, firm, corporation or entity, including that portion of the public right of way lying between the property line and the curb or gutter line, any of the following uses, structures or impurities which are hereby determined to be causes of blight or blighting factors, which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods and threaten the public health, safety and welfare:

- (1) Any parking, storage, or accumulation of inoperable vehicles contrary to Section 54-59 of the Ordinances of the City of Alma.
- (2) The storage of "building materials" outside of a completely enclosed building in any area within the city for a period in excess of 30 days. The outdoor storage of building materials is permitted at any retail or wholesale building supply establishment properly located in any other district. The outside storage of these materials is permitted in all zoning districts when for the purpose of construction for which a valid building permit has been issued by the appropriate county or city building official, and where said materials are intended for use in connection with such construction.

For the purpose of this article, the term "building materials" is defined to include lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other material used in constructing any structure.

- (3) The storage or accumulation of junk, trash, rubbish, or refuse of any kind outside of a completely enclosed building in any area, exclusive of any establishment for which a valid junk or salvage yard permit is issued and in effect, for a period in excess of 30 days.

For the purpose of this article, the term "junk, trash, rubbish or refuse of any kind" shall include, without limitation, inoperable vehicles as hereinabove defined, metal, iron, steel, copper, brass, zinc, tin, lead, rope, leather, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes which do not meet minimum standards for habitation by humans, inoperable trailers, home furnishings, or any scrap of waste material of any kind, including any parts of the foregoing, but not including domestic refuse stored in such manner as not to create a nuisance for a period not to exceed 30 days, and not including fire wood stored in an orderly manner.

- (4) Any structure or part thereof which because of fire, wind or other natural disaster, or merely by virtue of physical deterioration, is no longer habitable as a dwelling or useful for any other purpose for which it may originally have been intended, for a period of 30 days.
- (5) Any grass, weeds or similar vegetation exceeding ten inches in height. If the vegetation is not cut, trimmed or removed within 5 days of the date of notice to do so by the city; the city may, in addition to issuing a municipal civil infraction citation as set forth below, enter upon the premises and cut, trim or remove such vegetation. Only one such notice need be given during any growing season; and the city may proceed with enforcement as set forth herein without further notice in the event of recurrent violations. The cost of such abatement may be assessed or collected as set forth in subsection 22-124(b), below. The City Commission may establish a standard cost of abatement by resolution from time to time adopted. Such cost shall be in addition to any civil fine imposed in the event of the issuance of a municipal civil infraction notice or citation. This prohibition shall not apply to landscaping plantings including flowers, shrubs or decorative grasses.

Section 2. Section 22-124 is of Chapter 22 of the Ordinances of the City of Alma is amended to read as follows:

Sec. 22-124. - Penalties and enforcement.

- (a) Violation. Any person who shall violate the provisions of this article shall be deemed to be responsible for a municipal civil infraction. Each day that such violation continues shall constitute a separate municipal civil infraction. A person found responsible shall be subject to a civil fine in the amount of \$100.00 for the first offense; \$200.00 for the second offense; and \$250.00 for all subsequent offenses.
- (b) Any violation of this article shall constitute a nuisance per se which, at the option of the city manager or his/her designee, may be abated by the city, as set forth in Section 22-123(5), above, or by action in the appropriate court. In the event of a court order which orders the abatement of any such nuisance the city may, if the defendant fails to obey such order, take such measures as necessary or as directed by the court to abate such nuisance. The entire cost of any abatement, whether pursuant to court order or abatement by the city, including all costs and attorney fees shall become a lien against the premises upon which the nuisance was located and shall be added to the tax rolls. Alternatively, the city may recover a judgment for all costs of abatement from the owner and/or the occupant of the premises upon which such nuisance exists.
- (c) This article shall be enforced by the city manager or his/her designee.

Section 3. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the City Charter.

We, the undersigned, Mayor and Clerk of the City of Alma, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 782 of the City of Alma, Michigan, was introduced at a regular meeting of the City Commission, held on November 10, 2015, and was thereafter passed at a regular meeting on December 8, 2015, at least two weeks elapsing between the introduction and the enactment.

Dated at Alma, Michigan, this 8th day of December 2015.

Melvin A. Nyman, Mayor

Barbara A. Gager, City Clerk

I, the undersigned, City Clerk, DO HEREBY CERTIFY that the foregoing and above Ordinance No. 782 of the City of Alma, Michigan, is a true and compared copy of the original ordinance, now on file in my office, and of the whole thereof; that the same was published within 10 days from its adoption in the Morning Sun, a newspaper printed, published and circulated in the City of Alma, Michigan, on December 11, 2015 and that the Affidavit of Publication thereof is now on file in my office and is a part of the original records pertaining to the adoption of the aforesaid ordinance.

I FURTHER CERTIFY that in accordance with the provisions of Section 5.3 and 5.5 of Chapter V of the Charter of Alma, Michigan, the foregoing ordinance shall take effect 15 days after its enactment as aforesaid.

Dated December 11, 2015 at Alma, Michigan

Barbara A. Gager, City Clerk