

VILLAGE OF DIMONDALE
EATON COUNTY, MICHIGAN

ORDINANCE 2020-02

AN ORDINANCE AMENDING CHAPTER 660 – SAFETY, SANITATION AND HEALTH – TO REPEAL, REPLACE, RE-ORDER AND RE-NUMBER CERTAIN SECTIONS; AND TO ADD CHAPTER 662 – BLIGHT.

WHEREAS; The Village desires to remain a place for families to live and businesses to thrive, it is important to maintain real property in a way that will enable and attract new residents, and development. Blighted properties are detrimental to thriving neighborhoods and deter business investment. This ordinance’s purpose is to maintain the Village’s character as a desirable place to live and do business and also to provide remedy for properties that fall below a standard of maintenance that would otherwise harm the Village’s character, property values, or general health, safety and welfare.

THE VILLAGE OF DIMONDALE ORDAINS:

SECTION I. The Code of Ordinances Chapter 660 is hereby amended to read as follows:

CHAPTER 660 – SAFETY AND GENERAL WELFARE

660.01 PURPOSE

The purpose of this chapter is to maintain the safety and general welfare of Village residents, commuters, visitors and all other permanent and/or transient individuals from conditions that threaten the safety and welfare of all people.

660.02 – OBSTRUCTING STREETS, SIDEWALKS, ETC. (Formerly 660.05)

It shall be unlawful for any person or persons to obstruct any of the streets, alleys, sidewalks and/or crosswalks of the Village in any manner unless authorized by the Village Council.

(Ord. 67. Passed 3-13-62; Ord. 2014-2. Passed 1-12-15.)

660.03 – (RESERVED)

660.04 – REMOVAL OF SNOW AND ICE FROM SIDEWALK (Formerly 660.06)

(a) No person shall permit any snow or ice to remain on any sidewalk, in front of any house, building or lot, occupied by him or her, or on the sidewalk in front of any unoccupied house, building or lot owned by him or her, for a longer period than 24 hours after the same has fallen or formed.

(b) It shall be unlawful for any person, firm or corporation to place or cause to be placed ice or snow upon a public right of way so as to impair vehicular or pedestrian traffic.

(c) Notice to Abate. If the owner or occupant fails to clear such sidewalk as required in subsection (a) or places or causes to be placed ice or snow upon a right of way as prohibited in subsection (b) the Village shall post a notice to the abutting property. Said notice shall contain the following:

(1) A statement that the snow or ice must be removed from a public sidewalk as stated in subsection (a);

(2) Causing ice or snow to be placed upon a right-of-way so as to impair vehicular or pedestrian traffic is prohibited as stated in subsection (b);

(3) That 24 hours after posting, the Village may remove or cause to be removed the snow or ice and the property owner will be assessed the Village's removal cost, and;

(4) The date and time the posting was placed on the property.

(d) Abatement Authorized. In addition to the penalty provided in Section 660.99, if the owner or occupant fails to comply with any notice issued pursuant to Subsection (c), the Village may, 24 hours after posting pursuant to Subsection (c), remove or cause to be removed the conditions as described in said notice and assess the property owner with the actual costs of abatement.

(e) Upon abatement of any condition by the Village pursuant to the provisions of this chapter, the enforcement official shall file a statement of actual costs incurred by affidavit with the Clerk. Upon receipt of such affidavit of costs, the Clerk shall place the same on file and serve a copy thereof upon the owner as appears on the Village tax assessment records. Said notice shall be served by delivering a written copy of the same to the owner, by first class mail. The notice shall state that if payment in full of the costs contained therein is not made within 60 calendar days of the date of the notice, which notice shall be dated as of the date of personal service or the date of mailing, the Clerk shall certify the costs as delinquent and submit said costs to the Treasurer, setting forth the name of the owners of the property, if known, and a description of the property where the blighted condition was remedied. The Treasurer shall place the costs upon the assessment roll charged to the property described and the costs shall be collected in the same manner as provided by the statutes for the collection of Village taxes. Such tax or assessment shall be in addition to the penalty provided in Section 660.99.

(Ord. Unno. Passed 6-13-77.)

660.05 – (RESERVED)

660.06 – OPEN BURNING (Formerly 660.07) (No changes made to language)

(a) Intent and Purpose. This section is intended to control and regulate the burning of man-made and naturally occurring combustible substances in the Village. It defines violations of this chapter and authorizes the Fire Marshal or his or her designee to take action in reference to said violations.

(b) Prohibited Fires.

(1) Applicability. Fires include all fires started or maintained on or in any public street, right of way, easement, alley or other public ground, and fires started or maintained on any private land.

(2) Rubbish fires. No person shall start or maintain any fire to burn rubbish, garbage or other refuse.

(3) Leaf and natural refuse fires. No person shall start or maintain any fire to dispose of leaves or other natural refuse by burning.

(4) Construction materials. No person shall start or maintain any fire to burn construction materials.

(5) Other fires. No person shall start or maintain any fire which creates enough smoke or other combustion related nuisance to cause respiratory or skin irritation.

(c) Exceptions.

(1) Fires for outdoor cooking. Fires which cook food are permitted, provided that an irritating amount of smoke is not created, and the fire is confined to one cooking site and does not create any other nuisance.

(2) Backyard campfires. Backyard campfires on residential property are permitted, provided that an irritating amount of smoke is not created, the material to be burned has been properly placed in a fire pit not to exceed four feet across and at least fifteen feet from any property line and buildings, and no other nuisance exists.

(3) Attendance of open fires. All fires shall be attended by a competent person until such fire is extinguished.

(d) Enforcement.

(1) This section shall be enforced by the Fire Marshal or his or her representative.

(2) Notwithstanding any other provisions, all burning must be done safely with consideration given to all atmospheric conditions, including wind and weather, and the person(s) starting such fires shall be held liable for all damage which occurs should the fire escape control, including the cost of extinguishing the fire.

(3) The Fire Marshal or his or her designee may prohibit any or all fires when atmospheric conditions make such fires hazardous or a nuisance.

(Ord. 2009-4. Passed 6-8-09.)

660.07 – (RESERVED)

*****NO CHANGES MADE TO 660.08*****

660.09 – (RESERVED)

660.10 – DEPOSIT OF DEBRIS AND LITTER ON STREETS

(a) The purpose of this section is to eliminate debris from entering the roadway and the municipal separate storm sewer system of the Village. It is hereby declared:

(1) Debris deposited on streets entering the storm water system may:

- A. enter waters of the State;
- B. cause pollution to waters of the State;
- C. result in a violation of National Pollutant Discharge Elimination System permit as a result of entering said waters of the State;

- (2) Grass clippings and other yard wastes can contain herbicides, pesticides, and other chemicals that are potentially damaging to riparian habitats;
- (3) Grass clippings deposited on the roadway cause a hazard to passing two-wheeled motorists and bicyclists.

(b) A person shall not deposit, place, dump, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, any material, rubbish, refuse, waste material, garbage, offal, paper, glass, bottles, trash, grass clippings, yard waste, or other debris not specified herein, on any street within the Village.

(c) Any debris immediately adjoining or abutting a parcel shall be prima facie evidence of a municipal **civil** infraction, subject to payment of civil fines as set forth in section 212.08. Continued and repeat offenses shall be subject to increased fines as set forth in section 212.08.

660.99 – PENALTY

(a) In lieu of or in addition to any action undertaken in accordance with this chapter, any violation of this Chapter is a municipal civil infraction punishable as specified in Chapter 202 of the Codified Ordinances of the Village of Dimondale.

(b) In addition to the penalties provided by this section, the district court shall have equitable jurisdiction and authority to order and/or enforce any judgment, writ, or order necessary to enforce any provision contained herein, the violation of which is a municipal civil infraction, including, but not limited to injunctive relief, **abatement** and/or ordering the owner and/or occupant of the property to pay the costs of abatement.

SECTION II. The Code of Ordinances Chapter 662 is hereby created to read as follows:

CHAPTER 662 – BLIGHT

662.01 – PURPOSE.

It is the purpose of this Chapter to provide for the safety and welfare of citizens of the Village of Dimondale and to prevent, reduce or eliminate blight in the Village by the prevention or elimination of contributing factors and causes of blight and safety hazards which exist or which may in the future exist in the Village of Dimondale. No person, firm or corporation shall maintain or permit to be maintained any of these causes of blight upon any property owned, leased, rented, possessed, controlled, or occupied by such person, firm or corporation in the Village of Dimondale.

It is hereby found that:

- (a) Areas of the Village are, or may become, blighted with the resulting impairment of taxable values upon which operating revenues to the Village of Dimondale and other local units of government depend;
- (b) Such blighted areas are detrimental to the health, safety, and general welfare of the citizens, property owners, and economic welfare of the community;
- (c) In order to improve and maintain the general character of the Village, it is necessary to rehabilitate such blighted areas;

(d) The purpose of this chapter is to rehab such areas by eliminating blight and the factors that contribute to blight for the protection of the health, safety, and general welfare of the Village of Dimondale; to preserve existing property values, and to ensure the Village remains aesthetically desirable for residential and commercial development.

662.02 – DEFINITIONS

The following words or terms, when used in this section, shall be deemed to have the meanings set forth hereinafter:

“Abandoned vehicle” shall include, without limitation, any vehicle which has remained on public or private property for a period of forty-eight continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of forty-eight continuous hours or more after the consent of the owner or occupant of the property has been revoked.

“Blight” or “Blighted” means property located within the Village or any building, structure or dwelling located thereon, marked by a pattern of physical deterioration, substandard maintenance, unsafe and/or unsanitary conditions.

“Blighted Structure” means any dwelling, garage, building, outbuilding, accessory building, swimming pool, pond, or structure of any nature or part of any building or structure which, because of disrepair, fire, wind, or other natural disaster or physical deterioration is no longer habitable, if a dwelling; or useful for any other purpose for which it is intended of other than a dwelling, and/or which involves or has any one of the following characteristics:

1. Deteriorated or showing significant signs of deterioration
2. Partially completed and not presently being constructed under an existing valid zoning transmittal and/or building permit issued by the Village or Eaton County

“Building materials” shall include, without limitation, 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.

“Deterioration” or “Deteriorated” means the status of an item, process of decay, or degeneration has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, or unusable or unsuitable for its intended use, including but not limited to, the advanced stage of rot, rust, mold, vermin, ingestion, dilapidation, infestation, or destruction.

“Enforcement official” means the Village Manager or any Village employees, officers, agents or contractors who the Village Manager delegates such responsibility to.

“Junk” means any dismantled, partially dismantled, broken, and/or inoperable object, machinery or equipment, and/or any object or equipment unused for its originally intended purpose, including, but not limited to, furniture intended for indoor use which is placed outdoors, stoves, refrigerators, freezers, cans, barrels, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates, whether or not the same could be put to any reasonable use.

“Junk/Wrecked Motor Vehicle” means any vehicle which cannot be operated under its own power or cannot function as it was intended and designed to function, whether or not a valid registration exists, or any vehicle without a valid registration that is located on a premises for more than 14 days.

“Motor Vehicle” means cars, trucks, tractors, automobiles, motorcycles, vans, boats, snowmobiles, ATVs, motorhomes, and other similar items.

“Occupant” means any person, other than a legal or equitable title holder, occupying or possessing all or part of a building, structure, dwelling or property.

“Owner” means any person having a legal or equitable interest in all or part of a building, structure, dwelling or property.

“Person” shall include all natural persons, firms, copartnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by an agent or employee.

“Trash” and “Rubbish” shall include any and all forms of debris not otherwise classified in this section, including, but not limited to, combustible and non-combustible waste, kitchen waste, ashes, empty cartons, bottles, boxes, wrapping materials, newspapers, discarded clothing and household items, leaves, grass and other yard waste.

“Vacant” shall mean any building or structure which is unoccupied and which is not securely locked, with the windows glazed, or otherwise protected against the elements and/or from vandals, rodents and other animals or otherwise maintained in accordance with all of the Village’s ordinances.

“Weeds” means all grasses, annual plants and vegetation other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

662.03 – GENERAL

- (a) It shall be unlawful for any owner or occupant to keep or maintain any blighted property, blighted condition, or any blighted building, structure or dwelling.
- (b) All persons who violate any of the provisions of this chapter, whether as owner, occupant, lessee, agent, operator or employee shall, except as otherwise provided herein, be jointly and severally liable.

662.04 – WEEDS

- (a) Every lot or parcel of land within the Village shall be kept free from weeds in excess of ten inches for a minimum distance of 100 feet back from the street line and for the entire width of the lot or parcel. Lots greater than five acres shall be kept free from weeds in excess of ten inches for a minimum distance equal to the road right of way measured from the street line, and for the entire width of the lot. It shall be the duty of any person owning, leasing, occupying or otherwise controlling any plot of ground in the Village to prevent the excessive growth of weeds thereon.
- (b) It shall be the responsibility of the occupant and the owner of every premises within the Village to cut and remove or destroy by lawful means all such weeds as often as may be necessary to comply with the provisions of this section.
- (c) Failure to comply with the requirements of this section shall constitute a blighted condition in violation of this section.

662.05 – (RESERVED)

662.06 – MAINTENANCE OF EXTERIOR PROPERTY AREAS

(a) All property owners and occupants shall be responsible for maintaining all exterior property areas in compliance with the following minimum requirements:

- (1) Except for temporary accumulation for no more than 7 consecutive days in appropriate containers prior to periodic collection for proper disposal, all exterior property areas shall be properly maintained in a clean and sanitary condition, free from trash, rubbish, junk, physical hazards, rodent or insect harborage and infestation.
- (2) All stored firewood shall be in neat, orderly stacks, unless screened from view from all adjoining properties and piled off the ground so as to not become a suitable environment for rodents or similar vermin.
- (3) The storage and accumulation of any building material shall only be for a period that is reasonably necessary for the immediate use of such materials, but in no event longer than 60 calendar days. Building materials must be piled off the ground so as not to become a suitable environment for rodents or similar vermin.
- (4) Every lot or parcel of land within the Village shall at all times be kept free and clear of unregistered, junk, wrecked, or abandoned motor vehicles. The storing or parking for a period in excess of 14 calendar days, of any motor vehicle, or body or chassis of a motor vehicle, not bearing a currently valid registration is prohibited unless such motor vehicle, body or chassis is in a fully enclosed structure or other enclosure so as not to be visible from any adjoining property or public right-of-way. This section shall not apply to the storage of motor vehicles in a wholly enclosed garage or other wholly enclosed structure or to any storage which shall be a conforming use under the Village Zoning Ordinance or a variance permit issued under the zoning ordinance.
- (5) It shall be unlawful for the outdoor display or use of upholstered or other furniture, including vehicle seats, which were not designed and/or manufactured or intended for outdoor use.
- (6) Means of ingress/egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(b) Failure to maintain all exterior property areas in compliance with the requirements of this section shall constitute a blighted condition in violation of this article.

(c) Buildings, structures or dwellings under construction with valid permits issued by Eaton County shall not be in violation of this section unless the condition in violation is not under repair or not expected to be under repair with said permit.

662.07 – (RESERVED)

662.08 – BUILDINGS, STRUCTURES OR DWELLINGS

(a) All structures and exterior surfaces shall be maintained in good repair and condition, structurally sound and sanitary. It shall be unlawful for any owner or occupant to keep or maintain any building, structure or dwelling, whether occupied or vacant, in any of the following conditions:

- (1) With exterior walls or surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, soffits, facia, balconies and decks, or roof coverings that have become deteriorated to the extent they do not provide adequate weather protection,

are peeling, flaking, rusting and/or chipped, or that show evidence of the presence of termite infestation or dry rot.

- (2) With peeling, flaking, chipped, deteriorating or damaged or missing exterior siding or roofing materials.
- (3) With broken or missing windows or doors.
- (4) With exterior walls, fences or retaining walls damaged or deteriorated to the extent that the disrepair is visible from any public right-of-way.
- (5) With roof or structural deterioration, damage or faulty construction.
- (6) With cracked or broken foundation or chimney.
- (7) Partially completed and not presently under construction pursuant to a valid permit issued by the Eaton County building official.
- (8) Vacant and unsecured so as to allow access by persons, animals or the elements.
- (9) With utilities disconnected, destroyed, removed or rendered ineffective for a period of six months or more for any occupied building.

(b) It shall be unlawful to utilize plywood or other building materials not intended or designed as window treatments as permanent window coverings for more than 60 calendar days.

(c) Buildings, structures or dwellings under construction with valid permits issued by Eaton County shall not be in violation of this section, unless the condition in violation is not under repair or not expected to be under repair with said permit.

(d) Failure to maintain all buildings, structures or dwellings in compliance with the requirements of this section shall constitute a blighted condition in violation of this article.

662.09 – (RESERVED)

662.10 – ENFORCEMENT

(a) Before commencing prosecution under this ordinance, the enforcement official shall give notice to the person charged with violating this ordinance. The enforcement official shall notify either the owner or occupant of the premises, in writing, that conditions on the premises are unlawful. The notice shall specify that failure to remedy the violation within 10 calendar days of the date that the notice is posted on the premises or 12 calendar days from the date of mailing shall result in the issuance of a municipal civil infraction citation.

(b) Notice to Abate. The notice to abate a blighted condition, blighted property, building, structure or dwelling issued under the provisions of this article shall:

- (1) Include the location of the blighted property, building, structure or dwelling;
- (2) Describe what conditions constitute a violation of this article;
- (3) Include a statement of acts necessary to abate the violation of this article along with a date by which compliance must be achieved.

- (4) Shall be in writing, and shall be served by posting a copy of the notice on the premises or attaching a copy of the notice to the building or structure and by first class mail to the owner of the land, building, or structure at the owner's last known address.

662.11 – ABATEMENT

(a) Abatement Authorized. In addition to the penalty provided in Section 662.99, if the owner or occupant fails to comply with any notice issued pursuant to Section 662.10, the enforcement official or his or her designee may remove or cause to be removed the conditions resulting in blight as described in a notice issued under Section 662.10 as follows:

- (1) General blight. If the owner and/or occupant of the property, building, or dwelling fails, neglects, or refuses to comply with the notice to abate, the enforcement official or his or her designee shall take all necessary action to enforce the notice, including seeking an order from a court, authorizing the Village to retain all necessary labor and materials to perform any removal, demolition, abatement, repairs, maintenance or other required work as expeditiously as possible. Actual costs for such abatement shall be assessed the property owner as set forth in this chapter.
- (2) Weeds specifically. If the owner or occupant of the property, building or dwelling fails, neglects, or refuses to comply with the notice to abate after the time specified in the notice to abate the violation, the Village may cut or, cause all weeds to be cut or destroyed upon lands of the person not complying with the provisions of this section without notice subsequent to the time specified in the first notice to abate issued pursuant to section 662.10. All costs for said abatement shall be assessed to the property owner as set forth in this Chapter.

662.12 – VILLAGE'S COST

(a) Upon abatement of any blighted condition, by an authorized enforcement official of the Village pursuant to the provisions of this chapter, the enforcement official shall file a statement of actual costs incurred by affidavit with the Clerk. Upon receipt of such affidavit of actual costs, the Clerk shall place the same on file and serve a copy thereof upon the owner as appears on the Village tax assessment records. Said notice shall be served by delivering a written copy of the same to the owner by first class mail. The notice shall state that if payment in full of the costs contained therein is not made within 60 calendar days of the date of the notice, which notice shall be dated as of the date of personal service or the date of mailing, the Clerk shall certify the costs as delinquent and submit said costs to the Treasurer, setting forth the name of the owners of the property, if known, and a description of the property where the blighted condition was remedied. The Treasurer shall place the costs upon the assessment roll charged to the property described and the costs shall be collected in the same manner as provided by the statutes for the collection of Village taxes.

(b) The failure to receive the notice as provided for in Section 662.10 is not a defense to any action brought by a member of the public for injury or by the Village to collect the costs of abatement or impose penalties or other fees or proceedings as authorized by this Chapter.

662.13 – 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

662.99 – PENALTY

(a) In lieu of or in addition to any abatement action undertaken in accordance with this chapter, any violation of this Chapter is deemed a municipal civil infraction for each day that the violation occurs and punishable as specified in Chapter 202 of the Codified Ordinances of the Village of Dimondale.

(b) In addition to the penalties provided by this section, the district court shall have equitable jurisdiction and authority to order and/or enforce any judgment, writ, or order necessary to enforce any provision contained herein, the violation of which is a municipal civil infraction, including, but not limited to injunctive relief, abatement and/or ordering the owner and/or occupant of the property to pay the costs of abatement.

SECTION III. Effective Date.

This ordinance shall not take effect before the twentieth day after its passage or before the date of its publication, whichever occurs first.

President

Clerk

I, James P. Gallagher, Clerk of the Village of Dimondale, Eaton County, Michigan, do hereby certify that the foregoing ordinance is a true and complete copy of an ordinance adopted by the Village Council on the 11th of January, 2021.

Clerk

Adopted by action of the legislative body on 01/11/2021.