

## CHAPTER 38

### ANTI-BLIGHT ORDINANCE

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

#### **THE CITY OF LAPEER ORDAINS:**

#### **38.01 PURPOSE**

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

#### **38.02 DEFINITIONS**

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

##### **A. BLIGHTED STRUCTURE**

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 issued by or under the authority of the City of Lapeer; or
3. Is not structurally sound, weather-tight, waterproof or vermin-proof; or
4. Is not covered by a water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration.

EFFECTIVE DATE OF AMENDED SECTION A: March 30, 1988.

**B. BUILDING MATERIAL**

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**

Enforcement Officer means the Lapeer City Building Inspector, any Lapeer City Police Officer, or any other person designated by the Lapeer City Commission to enforce the provisions of this Ordinance.

**D. JUNK**

Any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates.

**E. PERSON**

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

**F. VACANT BUILDINGS**

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.

**38.03 PROHIBITED CONDUCT**

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

**A.** Store, accumulate, or permit the storage or accumulation of junk 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.

EFFECTIVE DATE OF AMENDMENT: December 28, 1988

**38.04 ENFORCEMENT**

- A. Before commencing prosecution under this Ordinance, for the first violation, the enforcement officer shall notify the violator(s) of the existence of a violation under Section 38.03 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 be given five days from the date of personal service or seven days from the date of mailing the notice in which to remedy the violation.
- B. Prosecution may be commenced against a violator(s), without prior notice, in any instance where a violation notice had previously been sent, within the previous 12 months, relating to the same address.
- 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.

EFFECTIVE DATE OF AMENDMENT: January 10, 1996

**38.05 PENALTY**

Failure to comply with the notice given by the enforcement officer within the time allowed shall be punishable, upon conviction, by a fine of not more than \$500 or by imprisonment of not more than ninety days or by both such fine and imprisonment in the discretion of the

court.

**38.06 APPEAL**

Where the enforcement of any part of this Ordinance constitutes a hardship, and upon appeal by the proprietor, the City Commission may waive any such part of this Ordinance as it deems necessary.

**38.07 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.  
EFFECTIVE DATE OF ADOPTION OF CHAPTER 38: June 29, 1983.