

ORDINANCE NO. 158

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within the Village of Carleton, Monroe County Michigan; and to provide penalties for the violation thereof, under the authority granted to the Village by Act 344 of the Public Acts of 1945, as amended; to repeal Ordinance Number 70; Ordinance Number 117; Ordinance Number 127; and Ordinance Number 141.

THE VILLAGE OF CARLETON ORDAINS:

SECTION 1. PURPOSE

Consistent with the letter and spirit of Act 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight of potential blight in the Village of Carleton by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exists in said Village.

SECTION 2. CAUSES OF BLIGHT OF 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. On and after the effective date of this Ordinance no person, firm or corporation of any kind shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any premises in the Village of Carleton, owned, leased, rented or occupied by such person, firm or corporation.

(A) In any area zoned residential by the Zoning Ordinance of the Village of Carleton, the storage upon any premises of any junk automobile, except in a completely enclosed building. For the purpose of this Ordinance the term "junk automobile" prima facie shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and also, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days.

(B) In any area zoned residential by said Zoning Ordinance, the outdoor storage upon any premises of building materials unless a valid building permit has been issued by the Village of Carleton not more than one year previously for construction upon said premises, and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, 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. Provided, that outdoor storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if said materials are kept out of view of the public and abutting premises. Provided further, that all construction debris shall be removed from any premises within thirty (30) days after occupancy thereof.

(C)) In any area zoned residential by said Zoning Ordinance, 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, boats or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not same could be put to any reasonable use.

(D)) In any area zoned residential by said Zoning Ordinance, the existence of any vacant dwelling, garage, or other outbuilding unless the same is kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals.

(E)) In any area the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

(F) In any area the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the Village of Carleton and unless exterior construction is completed within one year after issuance thereof.

SECTION 3. AREAS ZONED OTHER THAN RESIDENTIAL

(A) In any area zoned other than residential by said Village of Carleton Zoning Ordinance, the causes of blight or blighting factors prohibited within the Village of Carleton and specified herein shall be applicable unless the conditions thereon that would normally be characterized as blight under this Ordinance, are incidental to, and necessary for the carrying on of the business or occupation lawfully being conducted upon such premises.

(B) The burden of proof to establish such exceptions shall be the obligation of the occupant and/or owner of said property.

SECTION 4. ENFORCEMENT AND PENALTIES

(A) This Ordinance shall be enforced by such persons who shall be so designated by the Village Council.

(B) 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 2 and Section 3 hereof 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 days after service of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(C) Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance. Each day that there is such failure to comply shall constitute a separate offense.

(D) Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed \$100.00 or by imprisonment not exceeding 90 days in jail or both such fine and imprisonment in the discretion of the Court.

SECTION 5. VALIDITY OR ORDINANCE NO. 70,117,127,141

Ordinance No. 70, 117, 127, and 141 of the Village of Carleton are hereby repealed.

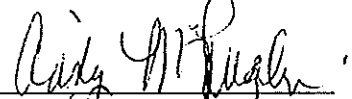
SECTION 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its final passage and publication.

This Ordinance shall be published in the Monroe Evening News, a newspaper circulating within said Village, within one (1) week after passage.

Further, a copy of this Ordinance shall be posted in three (3) of the most public places within the Village of Carleton by being posted therein by the Village Clerk or a Deputy Clerk who shall make a proof of said posting.

The undersigned hereby certified that the above Ordinance was adopted by the Village Council, at a regular meeting held on the 22 day of January, 1996.


Cindy McLaughlin, Clerk

ATTEST:


Glenn Goodnight, President

CERTIFICATION

This is to certify that the foregoing Ordinance was duly published in the Monroe Evening News a newspaper of general circulation which is circulating in the Village of Carleton by publication on the _____ day of _____, 1996. And further, a copy of this Ordinance was posted at the Village office, 1230 Monroe Street, Carleton, MI; the U>S> Post Office, 1050 Monroe Street, Carleton, MI; and Comerica Bank, 1106 Monroe Street, Carleton, MI, these being three (3) of the most public places, all located within the Village of Carleton. Such posting was done by the undersigned Clerk, Cindy McLaughlin, on the ____ day of _____, 1996.


Cindy McLaughlin, Clerk