

ORDINANCE NO. 4

(Enacted June 17, 1981)

AN ORDINANCE TO REGULATE JUNK, JUNK CARS, BLIGHTED
AND VACANT STRUCTURES AND UNSAFE BUILDINGS AND TO
PROVIDE FOR THEIR REMOVAL AND PENALTIES FOR THE
VIOLATION HEREOF

The Village of Dansville ordains:

SECTION 1. The following words or terms when used herein shall be deemed to have the meanings set forth below:

(a) The term "Junk" shall include, without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal, or any other castoff material of any kind, whether or not the same could be put to any reasonable use.

(b) The term "Junk Automobiles" shall include, without limitation, 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 shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ten (10) days; provided, that there is excepted from this definition, unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.

(c) The term "Abandoned Vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours, or more, after the consent of the owner or occupant has been revoked, or for a period of forty-eight (48) continuous hours on any public street, alley, sidewalk, right-of-way or parking lot.

(d) The term "Blighted Structure" shall include, without limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, warehouse, or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

(e) The term "Building Materials" shall include, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws or any other materials used in constructing any structure.

(f) The term "Person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, leasee, agent, servant, or employee shall, except as herein otherwise provided, be equally liable as principals.

(g) The term "Unsafe Buildings" shall include all buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in existing use are a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment.

SECTION 2. It is hereby determined that the storage or accumulation of junk, junk automobiles, abandoned vehicles, building materials, and the maintenance of blighted structures or unsafe buildings upon or about any private property within the Village of Dansville tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, is hazardous to persons and property and is contrary to the public peace, health, safety and general welfare of the community, and constitutes a public nuisance.

SECTION 3. It shall be unlawful for any person to store, or to permit the storage or accumulation of junk, junk automobiles, or abandoned vehicles on any private property in the Village except within a completely enclosed building or upon the premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk gatherer.

SECTION 4. It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, except in a completely enclosed building, or upon the premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods, or junk gatherer.

SECTION 5. It shall be unlawful for any person to keep or maintain any unsafe structure or any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the Village of Dansville and unless such construction is completed within a reasonable time.

SECTION 6. It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Village of Dansville, and unless such construction is completed within a reasonable time.

SECTION 7. The Village President may remove or cause to be removed any junk, junk automobile or abandoned vehicle, or parts or either, and any building materials stored or accumulated in violation thereof, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of his intention to do so at least forty-eight (48) hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either, shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the Village shall not excuse or relieve any person of the obligation imposed by this Ordinance to keep his property free from storage or accumulation of junk, junk automobiles, building materials or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

SECTION 8. The Village President shall inspect, or cause to be inspected, any building or structure that is reported unsafe or blighted as defined in this Ordinance, and if such building or structure is found to be unsafe or blighted, a notice shall be given to the owner thereof stating the defects of such building. This notice may require the owner or person in charge of the building or premises, within ten (10) days, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days of notice, unless otherwise stipulated by the President or his designee. If necessary, such notice also shall require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed and inspected in accordance with any Building Code in effect in the Village.

Proper service of such notice shall be by personal service upon the owner of record, if he shall be found within the Village limits. If he is not found within the Village limits such service may be made upon said owner by registered mail or certified mail, provided, that if such service is by registered or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the President or his designee shall begin as of the date he received such notice.

SECTION 9. The Village President shall cause to be posted at each entrance to any blighted structure or unsafe building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY, VILLAGE OF DANSVILLE." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the President or his designee and no person shall enter the building except for the purpose of making the required repairs or of demolishing the same.

SECTION 10. In case the owner shall fail, neglect or refuse to comply with the notice to repair, or to demolish and remove any unsafe building or blighted structure or portion thereof, the owner thereof may be prosecuted as a violator of the provisions of this Ordinance, and the Village Council may cause the same to be done or order the President to cause such work to be done.

SECTION 11. All costs and expenses incurred under Sections 7 and 10 of this Ordinance shall be paid out of the Village treasury and charged to the owner or upon such lot or premises and collected as a special assessment thereon, or such costs and expenses may be recovered by the Village in a suit at law against the owner or occupant of any such lot or premises.

SECTION 12. Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, and costs of prosecution, or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court, and when such fine and costs are imposed the Court may provide, that, in default of payment thereof, the offender shall be imprisoned for a period not to exceed ninety (90) days unless such fine and costs shall sooner be paid. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense, punishable upon conviction in the manner prescribed in this section, provided no person shall be imprisoned for a single but continuing violation of this Ordinance for a period longer than ninety (90) days.

SECTION 13. This Ordinance, and the various parts, sections and clauses thereof, are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase or word is judged unconstitutional, or invalid, by any court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 14. This Ordinance shall take effect twenty (20) days after its approval by the Village Council.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 4 duly adopted by the Council of the Village of Dansville, Ingham County, Michigan on June 17, 1981 and that the same was published in accordance with Section 4 of Act 3, P.A. 1895 in The Ingham County News on June 25, 1981.

Wilmot S. Bohnet
Wilmot S. Bohnet
Village Clerk

Clayton Johnson, Jr.
Clayton Johnson, Jr.
Village President