

Chapter 650 Anti-Blight

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CROSS REFERENCES
Safety, Sanitation and Health - see Gen Off. Ch. 674
Abatement of dangerous, unsightly or unsanitary conditions - see CHTR. Ch. 13, Sec. 13-2; B&H. 1454.01 et seq.
Dangerous, unsightly or unsanitary conditions - see B. & H. Ch. 1454
Property Maintenance Code - see B. & H. Ch. 1480
Rental Properties - see B.& H. Ch. 1482
Michigan Building Code - see B.& H. Ch. 1420

650.01 PURPOSE

It is the purpose of this Ordinance to prevent, reduce or eliminate blight in the City of Manistee 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 Manistee. (Ord. No. 04-03, Adopted 9-21-04)

650.02 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 other structure or part of a structure which:
1. Because of fire, wind, other natural disaster, or physical deterioration, cannot be occupied as a dwelling, does not have adequate heating, plumbing or electrical systems, or cannot be used for its intended purpose; or (Ord. No. 11-05, Adopted 5-4-11)
 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 Manistee or construction is not completed within a reasonable time; or (Ord. No. 21-08, Adopted 3-2-21)
 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; or
 5. Constitutes blight under the provisions of the Michigan Blighted Area Rehabilitation Act, MCL 125.71 et seq. (Ord. No. 21-08, Adopted 3-2-21)
- 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 Manistee City Building Inspector, any Manistee City Police Officer, or any other person designated by the Manistee City Council to enforce the provisions of this Ordinance.
- D. **Junk.** Any abandoned, discarded, unusable, unsightly, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, metals, boxes, cartons, tarps, plastics, crates or similar materials or items. (Ord. No. 11-05, Adopted 5-4-11)
- E. **Open Storage.** “Open storage” as used in this chapter shall mean storage or accumulation, including when covered by a tarp or similar type covering, of building materials or junk which is visible from any public street, sidewalk, or from any adjoining property. (Ord. No. 11-05, Adopted 5-4-11)
- F. **Person.** Any natural person, firm, association, partnership or corporation.
- G. **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 animals. (Ord. No. 21-018, Adopted 3-2-21)
(Ord. No. 04-03, Adopted 9-21-04)

650.03 PROHIBITED CONDUCT

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

- A. Maintain or permit the open storage of junk on premises owned, leased, rented, or occupied by him. (Ord. No. 11-05, Adopted 5-4-11)
- B. Maintain or permit the open storage 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. (Ord. No. 11-05, Adopted 5-4-11)
- C. Maintain or permit the maintenance or existence of any vacant building on property owned, leased, or rented by him. (Ord. No. 11-05, Adopted 5-4-11)
- D. Maintain or permit the maintenance or existence of any blighted structure on property owned, leased, rented or occupied by him.
- E. Maintain 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. (Ord. No. 04-03, Adopted 9-21-04)

650.04 ENFORCEMENT

A. Each day that a violation under this Ordinance continues to exist may be considered a separate violation subject to the penalties hereinafter set forth.

(Ord. No. 04-03, Adopted 9-21-04) (Ord. No. 21-08, Adopted 3-2-21)

B. Costs of prosecution and/or enforcement and/or repair, alteration or razing may be assessed to anyone, jointly and severally, in violation of this Section. Said costs may be added to the tax roll for the property where the violation occurred as a special assessment or a lien against the property as may otherwise be provided in law. In addition to all other penalties, the City of Manistee may bring an action for costs of enforcement and prosecution expense upon any person(s), corporation(s) and/or firm(s) that have violated this Ordinance. The cost of enforcement and prosecution shall be the actual amount of attorney fees and out-of pocket expense for enforcement of the ordinance. An itemized list of fees and costs shall be given under oath and shall be prima facie evidence of the fees and costs. (Ord. No. 11-05, Adopted 5-4-11) (Ord. No. 21-08, Adopted 3-2-21)

650.05 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. (Ord. No. 04-03, Adopted 9-21-04)

650.99 PENALTY

Whoever violates any provisions of this Chapter is responsible for a municipal civil infraction in accordance with Chapter 203 and subject to fines and penalties as provided therein, including the ability of the City of Manistee to seek equitable remedies available in addition to all other sanctions provided in Chapter 203. (Ord. No. 04-03, Adopted 9-21-04) (Ord. No. 11-05, Adopted 5-4-11)(Ord. No. 21-08, Adopted 3-2-21)