

# ORDINANCE NUMBER FIFTY-FIVE REVISION II

**REVISION II OF AN ORDINANCE REGARDING PROPERTY MAINTENANCE AND PROHIBITING MAINTAINING, USING, PLACING, DEPOSITING, LEAVING OR PERMITTING OR REMAINING ON ANY PUBLIC OR PRIVATE PROPERTY ANY CONDITION OR ACTIONS WHICH ARE DECLARED TO BE AND CONSTITUTE A NUISANCE AND PERMITTING OF DEMOLITION OF BUILDINGS UNDER CERTAIN CONDITIONS**

**THE CITY OF CARSON CITY ORDAINS:**

## **CHAPTER 55.1**

### **TITLE; AUTHORITY; PURPOSE; AND ENFORCEMENT OF ORDINANCE REVISION II**

- 55.101 **TITLE.** This Revised Ordinance shall be referred to as the *“Carson City Housing and Property Maintenance Ordinance.”*
- 55.102 **AUTHORITY.** Pursuant to the City Charter this Ordinance Revision is reenacted to regulate and control and set ruled and regulations for housing and property maintenance; demolition; and/or nuisances within the City limits of the City of Carson City, Montcalm County, Michigan
- 55.103 **PURPOSE.** The City of Carson City seeks to preserve and protect the integrity of its’ residential neighborhoods. Thus, the intent of this Ordinance Revision is to maintain strong, healthy, residential neighborhoods. Such neighborhoods are generally understood to be defined, continuous, contiguous, unified, coherent, permanent groupings of residential dwellings, each group possessing its own sense of place and community and its own identity—all of which could be lost, to the detriment of the individual neighborhoods and the community as a

laws, ordinances and/or codes in effect at the time of construction and which has been maintained in a reasonable and safe condition shall not be considered a substandard building or structure pursuant to the City's Dangerous Building Ordinance Number Sixty.

55.106 **ALTERATION.** Existing buildings which are altered or enlarged shall conform to the requirements set forth in this Ordinance Revision and all work shall be performed in accordance with the Montcalm County Building Code.

55.107 **RELOCATION.** Existing buildings which are moved or relocated within the City of Carson City shall be restored in accordance with this Ordinance Revision, the City Zoning Ordinance, the Montcalm County Building Code and applicable public health codes.

55.108 **CITY CODE ENFORCEMENT OFFICER (C.E.O.).** The Carson City Code Enforcement Officer herein after referenced as the C.E.O., shall at all times be the City Administrator who also serves as the City Zoning Administrator, unless and until the City Council shall at some time in the future designate another individual to hold that position.

55.109 **MAINTENANCE.** Buildings, structures, equipment, systems, devices and safeguards regulated by this Ordinance Revision, the City Zoning Ordinance, the Montcalm County Building Code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired, shall be maintained at all times in good condition, repair, and working order. The requirements of this Ordinance Revision are not intended to provide the basis for removal or repeal of fire protection and safety systems and devices

such buildings or structures are judged by the C.E.O. to be safe and in the interest of health, safety and public welfare.

55.114 **REQUIRMENTS NOT GOVERNED BY THIS ORDINANCE REVISION.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this herein shall be determined by the City C.E.O.

55.115 **RESPONSIBILITIES OF OWNERS AND/OR OCCUPANTS.** Every Occupant and/or the registered owner remains liable for violations of duties imposed by this Ordinance Revision even though an obligation is also imposed on the occupants of the owner's or registered owner's premises and even though the owner or registered owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Ordinance Revision.

**CHAPTER 55.2**

**PROPERTY MAINTENANCE NUISANCES**

55. 201 **PROPERTY NUISANCES PROHIBITED.** The following conditions are civil infractions and are declared a public nuisance on properties set out in this Chapter:

- 55.2010 Ragweed, poison ivy, poison sumac, poison oak and similar plants;
- 55.2011 Grass, weeds and undergrowth higher than eight inches;
- 55.2012 Bushes obstructing a walkway, driveway or street;
- 55.2013 Stagnant or unsanitary water;
- 55.2014 Burning or keeping of garbage, excrement or other unwholesome, deleterious or offensive thing or substance;

## CHAPTER 55.3

### UNOCCUPIED STRUCTURE NUISANCES

- 55.301 **UNOCCUPIED STRUCTURE SECURITY.** An unoccupied structure or vacant building, structure or part thereof shall be kept secured by the owner against unauthorized entry and water damage.
- 55.302 **BOARDING OF EXTERIOR OPENINGS.** Boarding shall consist of:
- 55.3020 Only of exterior plywood sheathing at least three-eighth-inch thick, sheet metal, or wood boards at least three—quarters inch thick.
  - 55.3021 The boarding shall either cover the frame or casing or shall be inset in the frame or casing.
  - 55.3022 Number six or number eight nails shall be paced less than ten inches apart.
  - 55.3022 Open holes, overlapping and extensions beyond the frame which allow prying are not permitted.
  - 55.3023 Boarding shall be painted white, gray or a color similar to that of the boarded building.
  - 55.3024 In no event shall windows be boarded, unless the owner otherwise specifies to the C.E.O. in writing reason to do so and the C.E.O. waives this or any other restriction set forth in this Chapter.

## CHAPTER 55.4

### ABANDONED REFRIGERATOR NUISANCES

- 55.401 **RELEASE OF LOCK FROM WITHIN.** It shall be unlawful for any person, firm or corporation to leave in a place accessible to children any abandoned, unattended or discarded ice box (freezer) or refrigerator which has an airtight door or lock which may not be released for opening from the inside of said ice box (freezer) or refrigerator.

- c. Creates a fire hazard, or
- d. Constitutes an attractive nuisance as being a hazard to the health and safety of children, or
- e. Tends to be a refuge for disease-spreading insects and vermin, or
- f. Promotes and contributes to blight and deterioration.

55.503 **UNAUTHORIZED USE OF RESIDENTIAL DISTRICTS.** It shall be unlawful for any land owner or occupant who is licensed or unlicensed to use and maintain a commercial garage or body shop in any residential district. Usage of residential garages restricted to personal family non-commercial repairs or body work, shall not be conducted after 10:00 p.m. or before 7:00 a.m.

55.504 **PROHIBITED IN COMMERCIAL DISTRICTS.** It shall be unlawful for a land owner or occupant to use and maintain a commercial garage or body shop in a D-1, B-1 or B-2 zoned district, unless said land owner or occupant possesses all the necessary and appropriate licenses required to operate such businesses, within the State of Michigan and the City of Carson City.

55.505 **PROHIBITED IN RESIDENTIAL DISTRICTS.** Disabled motor vehicles whether licensed or unlicensed shall not be permitted to be located on the premises in a residential district for a period in excess of seven (7) days, unless such vehicle is completely within a closed building.

55.506 **MOTOR VEHICLES.** The collection or storage of numbers of undriven motor vehicles on property located in a residential zone district is also declared a nuisance for the reasons stated in Section 55.501. Not more than one motor vehicle may be parked or stored outdoors on a residentially zoned property (R R-66, A-1, and A for more than seven (7) days without displaying a current valid license plate. All such licensed vehicles must be owned and currently registered to a resident of the property.

prescribed for such violation. As an additional remedy, upon application by the City to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation enjoined.

## CHAPTER 55.6

### DEMOLITION

#### 55.601 DEFINITIONS:

- 55.6010 Building means and includes homes, stores, warehouses, garages, and any other physical structure that requires a building permit to construct under the current City Zoning Ordinance Number Thirty-three (33).
- 55.6011 Demolition means the deconstruction of a structure which is located on a lot and complete removal of the debris from the property, or the moving of a structure off of a lot. It includes and refers to buildings destroyed by fire which is also governed by the City Fire Protection Ordinance Number Fifty-four (54); and the removal of dangerous building governed by Ordinance Number Sixty (60).
- 55.6012 Interested party to a demolition means the City of Carson City and also any person or entity to whom a notice of demolition hearing is required to be sent such as owners, occupants and anyone who may have a recorded lien on the premises.
- 55.6013 Licensed Contractor means an insured individual or an insured company whose employees are certified by the Michigan Department of Licensing and Regulatory Affairs (LARA) as licensed contractors pursuant to the Michigan Occupation Code under MCL 339. 2401 – 339. 2412.
- 55.6014 Residential *group*, for purposes of this Chapter, means two or more single-family or multi-family dwelling and adjacent units which have the following characteristics:
- a. The dwelling units are on property which is zoned for residential use;

55.603 **PROHIBITION.** No resident structures and appurtenant structures may be demolished without application to and approval from the planning commission and approval from the C.E.O. Unless the applicant is a licensed and insured contractor, the applicant will not be able to demolish or tear down the structure.

55.604 **APPLICATION TO DEMOLISH**

55.6040 An application to demolish a building and or other structure shall be made using an application form obtained from the City office of the C.E.O. All applications to demolish must be accompanied by a copy of a permit first obtained from the Montcalm County Buildings Department, a timetable for demolition not to exceed 90 days, and shall be filed with the C.E.O.'s office. Such application shall also provide that the application and the applicant's demolition will be by licensed contractor, testing results for any contaminants regarding structures to be removed and proof of insurance for any damage or liability which may occur or arise as the result of any demolition. In filing for application, the applicant shall submit a 90 day timetable for demolition and written plan outlining how the demolition is to be completed shall be presented with the application. An applicant shall also disclose in the application whether any explosives shall be used in a demolition, including a description of the type and amount of explosives.

55.6041 An application for a demolition must be submitted at least 30 days prior to the date of a public hearing.

55.6042 At least 15 days prior to the public hearing, a notice of hearing shall be mailed to all property owners and occupants within 300 feet of the proposed demolition property and such notice must also be published in a local newspaper.

55.6072

In addition, for each demolition of a building, the following criteria must also be met:

- a. The demolition must not be contrary to the master plan;
- b. The demolition and the proposed development after the demolition must not be detrimental to adjacent property owners;
- c. The demolition and the proposed development after the demolition must not be detrimental to an adjacent residential zoned group;
- d. The demolition must not violate the integrity of the residential group or be contrary to the characteristics according to which the residential group has developed;
- e. The property for which the demolition is proposed cannot be reasonably used with the existing structure, and the deterioration of the existing structure must not have been caused or have been permitted to occur during the applicant's ownership of the property.
- f. The applicant must insure that upon the commencement of the demolition that there will be adequate barricades and/or fencing around the demolition project.
- g. At all times the applicant must be willing to allow the designated agent of the City to come upon the property to conduct inspections to insure compliance, upon notice of at least 24 hours.

55.6073

If a demolition is approved, the applicant must sign an affidavit acknowledging that as the result of the approval of a demolition:

- a. That the City of Carson City shall not be obligated to rezone the premises on which the structure for which demolition is located inasmuch as an applicant may be creating a self-created hardship.
- b. That the applicant will follow all of the requirements in this Ordinance Revision as well as the City Fire Protection Ordinance Number 54, the Dangerous Building Ordinance Number 60, and the Restated Sidewalk Ordinance Number 64.



involved. The amount of the bond may be established by either the planning commission or by the C.E.O.

55.611 **DEMOLITION PROCESS.** Upon the granting of an application for Demolition the following information will be set forth in the Permit using the identical number utilized in the County permit:

55.6110 An applicant shall be responsible for the fencing or partitioning of the area surrounding the building or structure to be demolished.

55.6111 The general public shall not be permitted to have access to the structure during the demolition process.

55.6112 All demolition and site repair work shall be completed within the time specified in the approved application.

55.6113 All debris and rubble from the demolition must be removed within the time stated in the approved application.

55.6114 All site restoration work must also be completed within the time specified in the demolition application.

55.6115 In addition, an applicant shall comply with all other administrative requirements which may be established by any department of the City of Carson City so as to protect the public safety.

55.6116 All demolition will be completed within 30 days of the authorized date of commencement

55.612 **STANDARDS of DEMOLITION.** The demolition of any structure shall be done in accordance with the following specifications:

55.6121 No structure shall be removed from the premises in a whole or substantially whole condition. All buildings shall be demolished on the premises.

55.6122 The sewer lateral shall be exposed and properly capped at the lot line or at a location designated by the Inspector. Backfilling is to be done only after inspected and approved by the City.

55.613 **SEWER DISCONNECTION.** Before any work on or in connection with moving, dismantling, wrecking or demolishing of a building is started, the applicant shall have the sewer disconnected and blocked off at a place and in a manner as prescribed the Department of Public Works. This provision is not intended to relieve and party from complying with Ordinance No. 29, Revised Ordinance No. 31 and Restated Ordinance Sixty-Four(Streets Sidewalks), should this work be done within any right-of-way of the City.

55.614 **WATER SERVICE DISCONNECTION.** Water service to a building(s) proposed for demolition shall have the water service disconnected at the discretion of the Department of Public Works pursuant to the issuance of the appropriate permit(s).

55.615 **MODIFICATIONS.** Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the C.E.O. shall have the authority to grant modifications for individual cases, provided the C.E.O., in consultation with the City Attorney, shall first determine that special individual reason[s] exists making the strict letter of this Ordinance Revision impractical and the modification is in compliance with the intent and purpose of the application and permit and that such modification[s] do not lessen health, life and fire safety requirements.

55.616 **REQUIREMENTS UPON FINAL COMPLETION OF THE DEMOLITION PROJECT.**

Upon completion of the project application must see to it that:

55.6160 Any and all equipment, supplies, material, rubble and/or debris must be removed from the property completely.

55.6161 The land must be restored to a safe and natural status (i.e., all holes must be filled in, and land must be leveled, etc.).

55.702 **VERIFICATION.** All complaints of any perceived violations must be verified by either the Director of Public Works and/or an officer of the Carson City Police Department and/or the C.E.O. in a written report pursuant to Section 77.703.

55.703 **REPORT.** Each verified case shall be followed up by a report, which shall provide:

- 55.7031 The date of the verified report.
- 55.7032 The address (and if possible) the property description of the site of the perceived nuisance.
- 55.7034 Name of the land owner and/or occupant.
- 55.7035 A detailed description of the violation.
- 55.7036 When if possible picture[s] should be taken of the perceived violation.

55.704 **NOTICE TO ABATE.** Upon observing a violation of the provisions of this Ordinance Revision upon any property not under the control or ownership of the City of Carson City or the State of Michigan, the City shall issue a Notice to Abate to the last known address of the owner of record. The Notice shall be sent by certified mail to the last known address according to the tax roll of the City. Failure to receive such notice shall not be a defense to any action by the City to collect abatement costs or impose penalties as authorized by this Ordinance. The Notice to Abate shall inform the owner:

- 55.7041 Of the nature of the violation.
- 55.7042 Of the time within which the violation must be abated, being not less than five (5) days or more than fifteen (15) days from the date of the Notice.
- 55.7043 That the City shall act to abate the violation if it is not abated by the owner.
- 55.7045 That the cost of such action to the City, plus an administrative fee, shall be a personal debt of the owner to the City which may be assessed as a lien against the property until paid.

a citation may be issued by an officer of the Carson City Police Department giving the home owner and/or occupant fifteen (15) days to cure the violation.

55.7091        **REPORTS TO THE CITY ATTORNEY.** If the nuisance has not been abated within (15) days after of the preliminary notice to cease and desist, the C.E.O. shall forward to the City Attorney copies of all reports and a request to proceed to Notice of Abatement to Cease and Desist

55.7092        **NOTICE OF ABATEMENT.** Upon receipt of such a request, the City Attorney shall issue a fifteen (15 day) Notice of Abatement to Cease and Desist to the party in violation of this Ordinance.

55.7093        **FAILURE TO ABATE.** In the event that the nuisance or other violation is not abated after the prescribed period of time in the set forth in notice, the C.E.O. request the City Attorney to file a complaint and warrant with the District Court or request that the City Police issue an appearance ticket.

55.7094        **COMMENCEMENT OF CIVIL ACTION.** Under extraordinary circumstances the City Attorney may commence civil action in circuit court with the advice and consent of the City Council pursuant to Chapter 55.9, of this Ordinance Revision.

## CHAPTER 55.8

### PENALTIES

55.801        **MISDEMEANOR VIOLATIONS.** Any person who shall be convicted of a violation of any of the provisions of this Ordinance Revision under Chapters 55.2 and 55.55.6 shall be punished by a fine of not more than \$500.00 or by a jail term for not more than 90 days or both such fine and imprisonment with costs per violation, except those portions that may be declared to be a civil infraction.

grounds adjoining the building or structure, by first class mail at the address shown on the Council records.

55.904 **LIEN FOR UNPAID COSTS.** If the owner or an interested party fails to pay the Costs within 30 days after mailing by the Comptroller's Office of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Council shall have a lien for the costs incurred by the Council to bring the property into conformance with this Ordinance Revision. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, et seq.).

55.905 **COURT JUDGMENTS AND UNPAID COSTS.** In addition to other remedies under this Ordinance Revision, pursuant to Section 4.12 of the City Charter of Carson City, the City Council may authorize the City Attorney and/or special counsel to bring an action against the owner of any property of building or structure for any violation of this Ordinance Revision, to include the full cost including attorney fees for enforcement and for the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, and the Council shall have a lien on the property for the amount of a judgment obtained pursuant to this section. The lien provided for in this section shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

55.1003 **DAILY OR CUMULATIVE VIOLATIONS.** Each day a violation of this Revised Ordinance continues to exist constitutes a separate violation.

**CHAPTER 55.11**

**SEPARABILITY**

If any section, subsection, paragraph, clause, phrase or portion of this Revised Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**CHAPTER 55.12**

**CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED**

Any City Ordinances and/or Amendments and or prior revisions thereto that are in conflict with this Ordinance Revision are hereby superseded on the date of the enactment of this Revised Ordinance.

**CHAPTER 55.13**

**EFFECTIVE DATE**

The Revised Ordinance to prohibit the maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any condition or actions which are declared to be and constitute a nuisance in the City of Carson City, shall become effective immediately upon its publication.

**PUBLICATION SUMMARY**  
**ORDINANCE NUMBER FIFTY-FIVE REVISION II**

On November 19, 2019, the City Council of Carson City adopted Ordinance Number Fifty-Five Revision II entitled the "*Carson City Housing and Property Maintenance Ordinance*" this Ordinance provides for:

CHAPTER 55.1 TITLE; AUTHORITY; PURPOSE; AND ENFORCEMENT OF ORDINANCE REVISION II  
CHAPTER 55.2 PROPERTY MAINTENANCE NUISANCES  
CHAPTER 55.3 UNOCCUPIED STRUCTURE NUISANCES  
CHAPTER 55.4 ABANDONED REFRIGERATOR NUISANCES  
CHAPTER 55.5 MOTOR VEHICLE NUISANCES  
CHAPTER 55.6 DEMOLITION  
CHAPTER 55.7 INITIAL IDENTIFICATION, VERIFICATION AND ADMINISTRATIVE ENFORCMENT.  
CHAPTER 55.8 PENALTIES  
CHAPTER 55.9 IMPLEMENTATION AND CIVIL ENFORCEMENT OF REMEDY  
CHAPTER 55.10 SANCTIONS FOR NONCONFORMANCE WITH ORDER  
CHAPTER 55.11 SEPARABILITY  
CHAPTER 55.12 CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED  
CHAPTER 55.13 EFFECTIVE DATE  
CHAPTER 55.14 PUBLICATION NOTICE

As City Comptroller of the City of Carson City, County of Montcalm, State of Michigan, I certify that the this summary is authorized pursuant to Section 7.4(b) of the Charter of the City of Carson City which provides that in any case where an ordinance is over five hundred (500) words in length that a summary may be published of any ordinance, amendment or revision which is duly adopted by the City of Carson City, after the original is recorded in the Book of Ordinances of the City of Carson City, and that printed copies are made available for inspection by, and distribution to the public at the office of the City Comptroller located at 123 E. Main Street, Carson City, Michigan.

I further certify that the summary of this Ordinance, after the passage thereof, shall be published in the Carson City Gazette, a newspaper circulating within the City of Carson City, pursuant to Section 17.4 of the Charter of the City of Carson City.

Dated: 11-19, 2019

  
Cindy L. Schafer, City Comptroller

**PROOF OF PUBLICATION**

STATE OF MICHIGAN )

COUNTY OF MONTCALM)

Leah Lupercio, being first duly sworn, deposes and says that he/she is the Agent of the Carson City Gazette, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and which is circulated within the City of Carson City, County of Montcalm, State of Michigan, and that annexed hereto is a printed Summary of the Ordinance taken from said newspaper, in which the same was published on NOV 30, 2019

A copy of said Ordinance Fifty-Five Revision II is available at the Carson City Comptroller's Office during regular business hours at City Hall located at 123 E. Main Street, Carson City, Michigan 48811.