

CITY OF PARCHMENT

KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ADOPTION - ORDINANCE NO. 192

At a regular meeting of the City Commission of the City of Parchment held on Monday, August 4, 2008 the following ordinance designated as Ordinance No. 192 upon motion of Commissioner Britigan and second from Commissioner Banner was presented for adoption:

AN ORDINANCE TO AMEND THE PARCHMENT CITY CODE OF ORDINANCES; TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PARCHMENT BY REGULATING, PREVENTING, REDUCING OR ELIMINATING BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE CITY OF PARCHMENT; TO PROVIDE FOR THE ENFORCEMENT THEREOF; TO MAKE VIOLATION THEREOF A MUNICIPAL CIVIL INFRACTION; TO REPEAL ALL OTHER ORDINANCES OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CITY OF PARCHMENT ORDAINS:

ARTICLE I

Chapter 30, Sections 30-35 through 30-50, are hereby reserved.

ARTICLE II

Chapter 30, Article V, Blight, is hereby added and shall now read:

Sec. 30-51. Definitions.

Junk Automobile shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all its main component parts attached.

Building Materials shall include lumber, bricks, concrete, 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.

Junk, Trash, Rubbish, or Refuse of Any Kind shall include without limitations, motorized or unmotorized vehicles, metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, mobile homes not meeting the minimum standards for inhabitation by humans, unusable trailers, pick-up truck caps/covers, televisions, furniture, or any other scrap or waste material of any kind, including parts of any of the above, but not including domestic refuse stored in such a manner as not to create a nuisance for a period not exceeding thirty (30) days, and not including firewood stored in an orderly fashion.

Sec. 30-52. Prohibition Against Public Nuisances.

No person, firm or corporation owning, occupying or in control of any real property, public or private, within the City of Parchment shall allow, permit or suffer a public nuisance as hereinafter declared, to arise or remain on its real property.

Sec. 30-53. Nuisance Declared.

The following are declared to be public nuisances:

- a. The parking or storage of junk automobiles and unlicensed trailers and similar items outside a wholly enclosed building for a period in excess of ten (10) days within any calendar year. This Subsection shall not apply to any property having a valid junkyard/salvage yard permit issued by the City or the State of Michigan.
- b. The keeping or storage of "building materials" outside a wholly enclosed building for a period of in excess of thirty (30) days within any calendar year. This Subsection shall not apply to open air businesses permitted by the Parchment City Zoning Ordinance or a site under construction for which a valid building permit has been issued where said materials are intended for use in the building being constructed.
- c. The keeping or storage of "junk, trash, rubbish or refuse of any kind" outside a wholly enclosed building for a period in excess of thirty (30) days within any calendar year. This Subsection shall not apply to any property having a valid junkyard/salvage yard permit issued by the City or the State of Michigan.
- d. Any occupied or unoccupied structure which has been destroyed, damaged or deteriorated that is no longer habitable as a dwelling or is not in compliance with Parchment City Ordinances or State law.

- e. Any unfilled basements, excavations or holes that may be attractive and dangerous to children unless the property is completely fenced or otherwise protected against entry.
- f. Unused, inoperable or abandoned recreational vehicles, equipment, machinery or appliances outside a wholly enclosed building.
- g. The keeping or storage of furniture designed for indoor use outside, including on a porch that is not completely enclosed. This Subsection shall not apply to furniture designed for outdoor use provided it is complete and usable as such.

Sec. 30-54. Enforcement.

Except in the case of an emergency as determined by the City Commission, or in the case of grass or vegetation in excess of 12 inches high, before a citation for violation of this Ordinance is issued, the owner or occupant of the property in violation of this Ordinance shall be given written notice of the violation and the opportunity to abate the nuisance within thirty (30) days of the date of the notice. In the case of grass or vegetation in excess of 12 inches high, the owner or occupant shall be given 48 hours to abate the nuisance. Notice may be served in person or by first-class mail.

Sec. 30-55. Violation as Municipal Civil Infraction.

A person who violates any of the provisions of this Article shall be deemed guilty of a municipal civil infraction punishable in accordance with Section 30-54.

ARTICLE III

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE IV

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE V

This Ordinance shall take force and effect on September 1, 2008.

CERTIFICATE

I, Curtis E. Flowers, City Clerk of the City of Parchment do hereby certify that the foregoing City of Parchment Ordinance Number 192 was adopted by the City Commission at a regular meeting held on August 4, 2008, and that the following is a record of the vote of the members of said City Commission on said Ordinance:

AYES: Banner, Britigan, Hageman, Heasley, Tanis
NAYS: None
ABSENT: Fleckenstein, Sell
ABSTAIN: None



Curtis E. Flowers, City Clerk

1st reading 07/21/2008
2nd reading 08/04/2008
Adoption 08/04/2008
Publication 08/18/2008
Effective 09/01/2008