

**AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE “CODE OF ORDINANCES, CITY OF IRONWOOD, MICHIGAN, CHAPTER 17 ENTITLED (NUISANCES).**

**NOW THEREFORE, THE CITY OF IRONWOOD ORDAINS:**

Section 1. The Code entitled “Code of Ordinances, City of Ironwood, Michigan”. Chapter 17 Nuisances is hereby amended as follows:

1. Revise Sec. 17-1 as follows:

Sec. 17-1. Defined and prohibited.

- (a) Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream or in any way renders the public insecure in life or property is hereby **found to create a condition which reduces the value of private property, invites plundering, creates fire hazards, attracts vermin, and constitutes an attractive nuisance creating a hazard to the health and safety of the public.** Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this chapter.

2. Revise Sec. 17-2 as follows:

Sec. 17-2 Enumerated.

- (4) The emission of noxious fumes, gas **or smoke** in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities;
- **The burning of unnatural items, including but not limited to tires, shingles and painted or treated lumber is strictly prohibited.**
- (5) Any vehicle used for any illegal purpose **as determined by the Blight Enforcement Agent and/or law enforcement;**
- (6) **Illegal** betting and bookmaking and all apparatus used in such occupations;
- (7) **Illegal** gambling devises;
- (8) All houses kept for the purpose of **illegal narcotics manufacturing, use and/or distribution,** prostitution, **illegal** gambling houses. **(removed houses of ill fame and bawdy houses)**
- (10) Any use of the public streets or sidewalks **without a permit or official permission** that causes large crowds to gather, obstructing the free use of the streets or sidewalks.
- (11) All buildings, walls and other structures which have been damaged by fire, decay or otherwise and all excavations remaining unfilled or uncovered for a period of **thirty (30) days** or longer and which are so situated as to endanger the safety of the public. **Structures destroyed by fire must be removed within thirty (30) days. Extensions may be granted by the Building Inspector if documentation can be produced justifying the cause for delay;**

(12) All dangerous, unguarded excavations, **machinery or appliances et al** in any public place or so situated, left or operated on private property as to attract the public;

3. Revise Sec. 17-3 as follows:

Sec. 17-3. Abatement.

- (a) When any lot, building or structure within the city, because of any condition or happening, becomes, in the opinion of the city commission, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the city or those residing or habitually going near such lot, building or structure, the city commission may, by resolution, after investigation, determine that a hazard or nuisance exists. The city clerk shall send the notice by certified mail, return receipt requested, addressed to the last known address of the owners of the land. If a signed return receipt is not received by the city clerk's office, the city clerk shall publish the notice in a local newspaper at least seven (7) days prior to the public hearing. **If a rental property, Notice will be sent to the occupants of the dwelling (tenant), as well as the property owner.**
- (b) The notice to abate or remove a hazard or nuisance shall specify the nature of the hazard or nuisance and describe the property on which the hazard or nuisance is located and require the owner to abate or remove the hazard or nuisance promptly and shall designate a time within which the hazard or nuisance shall be abated or removed which shall be commensurate with the nature of the hazard or nuisance. The notice shall further establish the date for a public hearing before the city commission at which time the owner may raise any objections to the proposed abatement. The city clerk shall also give due notice of the hearing to persons to whom real property within three hundred (300) feet of the premises in question is assessed and to the occupants of single- and two-family dwellings within three hundred (300) feet, such notices to be delivered personally or by mail addressed to the respective owners and tenants at the addresses given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The hearing shall be held within **fifteen (15) days** of approval by the city commission **(or the next regular meeting) of the initial resolution specified in subsection (a) of this section, and the notice shall provide a minimum notice of ten (10) calendar days to the owner.**
- (d) **The city manager or his/her designee** shall take all steps necessary to carry out the directions of the city commission in removing a hazard or abating a nuisance, shall keep or cause to be kept an accurate record of all expenses in connection therewith and, upon completion of the work to be performed, shall submit a report of the work done and all expenses in connection therewith to the city commission.
- (e) The city commission shall, by resolution, after examination of the **city manager's** report, determine what amount or part of each such expense shall be charged and the person, if known, against whom and the premises upon which the expense shall be levied as a special assessment under section 28-12.

4. Revise Sec. 17-26 as follows:

Sec. 17-26. Defined.

(2) Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the building code of the city for a new building or similar structure, purpose or location.

(8) Whenever the building or structure has been so damaged by fire, snow, wind, or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger or as to afford a harbor for vagrants, criminals or immoral persons or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;

5. Added Sec. 17-26(11)

**(11) Whenever any structure is scheduled to be demolished, the property owner is responsible for obtaining a demolition permit through the City of Ironwood. No permit shall be issued until the building inspector has signed off on all items contained on the permit checklist. Prior to the permit being issued, and all provisions being met, no demolition of any property can take place.**

6. Revise Sec. 17-46 as follows:

Sec. 17-46. Dense, noxious growth prohibited.

No owner of any parcel of land within any residential, commercial or industrial zoning district of the city or the agent of such owner shall permit on such parcel of land or upon that portion of any street or alley adjacent to the parcel of land, between the property line and the curb or traveled portion of such street or alley, any growth of weeds, grass or other rank vegetation to a greater height than **eight (8) inches**, on the average, or any accumulation of dead weeds, grass or brush. No such owner or agent shall permit on such land any poison ivy, ragweed or any other poisonous, noxious or unhealthful growths.

7. Revise Sec. 17-47 as follows:

Sec. 17-47. Notice to cut.

**The city manager, or his/her designee**, is authorized to notify the owner of any parcel of land or the agent of the owner to cut, destroy or remove the material and vegetation referred to in this article and to keep it cut, destroyed or removed. Such notice shall be given by publishing the notice in a newspaper circulating in the city and by such other method as may be directed by the city commission.

(Code 1975, § 9.42) Sec. 17-48. Work done at owner's expense.

(a) If at any time during a period commencing ten (10) days after the publication of the notice given pursuant to this article \*\*\* the city manager shall find that any owner or owner's agent has failed to cut, destroy or remove the material and vegetation referred to in this article, the city manager may cause such material and vegetation to be cut, destroyed or removed and shall bill the owner for the cost thereof at rates established by the city commission. The city manager shall, at the end of the fiscal year, report any such charges remaining unpaid to the city commission.

8. Revise Sec. 17-67 as follows:

Sec. 17-67. Causes of blight.

(1) In any area, except where specifically permitted, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair,

contractors' equipment in disrepair or boat hulls in disrepair, except in a completely enclosed building is prohibited. For the purpose of this subsection, the term "junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractors' equipment in disrepair or boat hulls in disrepair," shall include any such article which is not licensed **and insured** for use upon the highways of the state or lakes and waterways for a period in excess of **thirty (30)** days and shall also include, whether so licensed or not, any of the articles enumerated in this subsection which are inoperative for any reason for a period in excess of **thirty (30)** days.

(2) In any area, except where specifically permitted, the storage upon any property of building materials is prohibited unless there is in force a valid building permit issued by the city for construction upon the property and the materials are intended for use in connection with such construction, except the temporary storage of building materials which, in the opinion of the building inspector **and/or blight enforcement officer**, are not of a nature to be unsightly or a cause of blight. 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, **appliances**, shingles, mortar, concrete or cement, nails, screws or any other material used in the construction of any structure.

(3) In any area, except where specifically permitted, the storage or accumulation of junk, trash, rubbish or refuse of any kind is prohibited, except domestic refuse stored in a rodent-proof receptacle in such a manner as not to create a nuisance for a period of not to exceed **ten (10)** days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other unused appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind, whether or not the material could be put to any reasonable use.

(5) In any area zoned for residential purposes, the existence of any vacant dwelling, garage or other outbuilding is prohibited unless such building is kept securely locked and the windows are kept **in good repair**.

(6) In any area, the existence of any partially completed structure is prohibited, unless such structure is in the course of completion in accordance with a valid and subsisting building permit issued by the city and unless such construction is completed **under the designated time frame established under the building permit**.

(7) In any area, the owner or occupant of any premises on which is located any tree or other growth, if infected by disease or by injurious insects or if in a dangerous condition (**i.e.: wind damage**), shall destroy the tree or other growth when such destruction is necessary for the protection of other trees and growth and for the public health, safety and welfare.

(14) In any area zoned for residential purposes, wood piles shall not be permitted in any front yard, **shall not cover more than 40% of the rear yard**, shall be setback at least two (2) feet from all side and rear property lines and shall be stacked no higher than six (6) feet in height. Wood piles shall be maintained in a safe and orderly manner so that they do not become a danger to the public or a nuisance in any way.

9. Revise Sec. 17-69 as follows:

Sec. 17-69. Notice to remove or eliminate causes.

(a) The owner, if possible, and the occupant of any property upon which the causes of blight or blighting factors set forth in this article are found to exist shall be notified in writing to remove or eliminate the causes of blight or blighting factors from the property within ten (10) days, **thirty (30) days for vehicles**, after service of the notice upon the owner and occupant. Such notice shall be served as

prescribed in Section 1-14. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

10. Added Sec. 17-69(c) Administrative Fees

**(c) Administrative Fees:**

- **The first contact shall carry no administrative fee(s).**
- **The second contact, subsequent to the 10-day notice, shall have administrative fees of \$75.00 attached.**
- **The third contact (thirty (30) day maximum) shall have administrative fees of \$150 attached.**

Adopted and approved by the City commission of the City of Ironwood, Michigan, this \_\_\_\_\_ day of March, 2007. This Ordinance shall be effective upon its adoption and publication as required by law. This Ordinance applies to the above-described Chapter 17 Nuisances, and a copy of it may be inspected or purchased at the City Clerk's Office in the Memorial Building, 213 S. Marquette Street, Ironwood, Michigan during normal business hours.

Effective: March , 2007

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BRUCE A. NOREN, MAYOR

ATTEST:

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KAREN M. GULLAN, CITY CLERK

Published in accordance with Act 207, Michigan Public Acts of 1921, and as amended (MCLA 125.581 et al) and provisions of Chapter 6 of the City Charter, for the City of Ironwood, Michigan on March , 2007.