BLIGHT

§ 94.51 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLIGHT. Decay consisting of the deterioration of structures or buildings, uses or activities upon any land or premises due to ageing, neglect, or lack of financial support for maintenance. Allowing deterioration or conditions that harm the economic structure of the surrounding area.

BUILDING MATERIALS. Building materials shall include, but shall not be limited to lumber, bricks, concrete or cinderblocks, 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, except domestic refuse stored in such manner as not to create a nuisance for a period not to exceed 30 days. "Junk" also includes parts of machinery or motor vehicles, construction machinery or parts thereof, unused appliances stored in the open, metal or any other material or other coast off material of any kind whether or not same could be put to any reasonable use.

JUNK MOTOR VEHICLE. Includes any motor vehicle which is not licensed for use upon the roadways of the state for a period in excess of 30 days and also, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 30 days. Any dismantled or partially dismantled, or inoperable motor vehicle or vehicle parts.

PERSON. 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, lessee, agent, servant, or employee, shall, except as herein otherwise provided, be equally liable as principals.

RUBBISH/TRASH. Any and all forms of debris not herein otherwise classified.

ZONING CODE. Zoning Codes as defined under the City of Auburn, Code of Ordinances, Title XV: LAND USAGE, Chapter 154. Zoning Code.

§ 94.52 OWNER'S DUTY.

(A) No person shall accumulate building materials, junk, junk motor vehicle(s) upon any street, sidewalk or private property. Nor shall any person accumulate domestic rubbish/trash, unless stored in such a manner as to not create a nuisance for a period not to exceed seven (7) days.

- (B) No person shall allow any vacant dwelling, garage or out-building, to fall into a blighted condition unless the same is kept securely locked, and windows kept glazed or boarded up or otherwise protected to prevent entrance thereto by unauthorized persons.
- (C) Any partially completed structure, unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the City, and unless exterior construction is completed within one year after issuance of building permit or the time is extended by the building inspector.
- (D) A person shall not allow the existence of any 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, or is not useful for any other purpose for which it may have been intended.

§ 94.53 NOTICE TO VIOLATOR

If, upon inspection, the City Building Inspector, Zoning Administrator, Fire Inspector, City Administrator, or County Health Officer shall find that any property with the City is being used in violation of the above Sections of this Ordinance, the owner and/or occupant shall be notified of such violation which may be given by certified letter to the owner as he or she appears on the real property tax rolls of the City or by service upon the occupant personally by any official of the City or the Bay County Health Department.

§ 94.54 APPEAL

The owner and/or occupant may appeal to the City Commission for a public hearing which shall be held at a regular or specially called Commission meeting providing he or she files a request in writing with the City Clerk within 10 days of the receipt of the notice above specified. Following the hearing, the decision of the City Commission as to the violation shall be final.

§ 94.55 FAILURE TO OBEY NOTICE

- (A) If the owner and/or occupant of such premises shall not cause such material in violation of this Ordinance, as described above, to be eliminated or removed with 10 days after notice or within 10 days after the decision of the City Commission rendered in case of an appeal, the City Administrator shall direct some person, or persons, to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such materials to be eliminated or removed, the total expense incurred by the City shall be a lien upon the property and the same may be collected in any manner authorized by statute and, if not paid, may be placed on the Tax Roll and collected the same as other taxes.
- (B) Any violation of or any failure to comply with the provisions of this ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days or both. 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 day but continuing violation of this Ordinance for a period of longer than 90 days. In addition to the criminal sanctions herein provided, the City specifically reserves the right and

shall have the authority to proceed in any Court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate civil proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

(C) Additional time may be granted by the City Administrator or his or her duly authorized representative provided bona fide efforts to remove or eliminate such causes of blight or blighting are in progress.

§ 94.56 PENALTY

(A) The penalties resulting in violating this Ordinance shall be as follows:

The first (1st) violation shall be a warning.

The second (2nd) violation will result in a \$100.00 fine.

The third (3rd) violation will result in a \$400.00 fine.

The fourth (4th) violation will result in a \$500.00 fine.

The City will require that upon removal or elimination of blight, a person's property must remain blight free for a period of one (1) year. Any new violation within one (1) year shall begin with the next highest penalty.

§ 94.57 SAVING CLAUSE

Should any section, clause, or provision of this Ordinance be declared by any Court to be invalid, the same shall not affect the validity of the remaining portions of such Section of this Ordinance or any part thereof other than the part so declared to be invalid.

§ 94.58 REPEAL OF PREVIOUSLY ADOPTED ORDINANCES

Any and all ordinances, or parts of ordinances previously adopted by the City that are of a similar nature, are, as of the effective date of this new Ordinance, hereby repealed and considered null and void.