

ORDINANCE NO. 88-179

AN ORDINANCE PROVIDING THE CITY COUNCIL
OF THE CITY OF CLINTON WITH AUTHORITY
TO DECLARE A NUISANCE AND CAUSE ITS
ABATEMENT OR REMOVAL

WHEREAS, statutory authority is granted to cities of the second class to declare what are nuisances; to prevent, abate, or remove nuisances; and to proceed against nuisances by order of the City Council or by prosecution in Municipal Court; and

WHEREAS, statutory authority is granted to cities of the second class to order the removal or razing of, or to remove or raze, any buildings or houses that in the opinion of the City Council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare; and,

WHEREAS, the City Council desires to exercise said statutory authority and implement procedures regarding nuisances;

NOW THEREFORE BE IT ORDAINED:

Section 1. The term "nuisance" as used herein shall include any buildings, structures, houses, or walls and contents that have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, ~~unsafe~~, or detrimental to the public welfare.

Section 2. It shall be unlawful for any person(s), partnership(s), corporation(s) or association(s) to own, possess or maintain a nuisance within the City of Clinton.

Section 3. An initial investigation of an alleged nuisance shall be made by a committee comprised of the Mayor or the Chief of Police, the City Building Inspector, and the Van Buren County Sanitarian. Subsequent to said investigation the committee or its spokesman shall make a recommendation to the City Council as to whether the alleged nuisance exists.

Section 4. Subsequent to receiving the committee's recommendation, the City Council shall determine by resolution whether any nuisance exists. The City Council shall further determine by written resolution what course of action should be taken regarding any nuisances and their abatement or removal.

Section 5. All proceedings for the prevention, abatement, or

removal of any nuisance, once declared such by the City Council, shall be commenced either by:

(a) having the party charged therewith summoned or notified to appear before the Municipal Court, or if the circumstances require, by having the party arrested and brought before said Court, and thereupon such party may show cause why the party should not be fined for maintaining such a nuisance, and an order made requiring its abatement or removal; in all cases where such an order is made, the party found responsible for such nuisance in violation of this Ordinance shall pay a fine in a sum not greater than \$ 250⁰⁰ for each day that the nuisance is unlawfully continued; or,

(b) having the City Council issue a resolution ordering the removal or abatement of the nuisance within a specific and reasonable time; or,

(c) following both of the provisions in subparagraphs (a) and (b).

Section 6. If the City Council resolves to order the removal or abatement of any nuisances pursuant to paragraph 5 (b), said resolution shall include an adequate description of the nuisance, and the specific and reasonable time within which it shall be removed or abated. A certified copy of said resolution shall be mailed to the owner thereof by certified mail at the owner's last known address. In addition a copy of said resolution shall be posted at a conspicuous place on the building(s), structure(s), house(s), or wall(s) constituting the nuisance. If the owner cannot be located, the resolution shall be advertised in the local newspaper of general circulation for no less than two weeks time before the time for abatement or removal can commence to run.

Section 7. If the nuisance is not removed or abated as requested in paragraph 6, then the nuisance may be abated or removed by the Mayor or his duly authorized representatives with such assistance as necessary. In such case, the party proceeded against shall be responsible for all costs incurred in the

removal or abatement of the nuisance. The party proceeded against shall not receive any compensation for loss of property if removal or abatement requires the destruction or razing of any house(s), building(s), structure(s), wall(s) and contents therein which are part of the nuisance.

Section 8. In the event removal of a nuisance produces any marketable scrap and/or building materials, the same shall be sold, upon reasonable advertisement and notice in the local newspaper of general circulation, at public sale to the highest bidder. All proceeds from said sale shall be deposited in the City General fund or into such other specific account as the City Council may designate.

Section 9. If for any reason any portion of this Ordinance is deemed invalid, such invalidity shall not affect the remaining portions hereof which shall remain in full force and effect.

Section 10. All Ordinances or parts thereof that are in conflict herewith are hereby repealed.

Section 11. Declaring an Emergency. It is hereby found and determined that an emergency exists with reference to the ability of the City of Clinton to adequately dispose of problems relating to the abatement of nuisances or the removal of unsafe and dilapidated houses, buildings, structures and walls creating the necessity to provide efficient and effective methods to identify and declaring nuisances and order their removal or to provide sufficient penalties to encourage their prompt abatement or removal. Therefore, an emergency is hereby declared to exist and this Ordinance, being necessary for the preservation and advancement of the public health, safety and welfare, shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 1988.

APPROVED: _____

Mayor

ATTEST:

Jaye Rodgers
City Clerk