

**AN ORDINANCE TO AMEND IN ITS ENTIRETY ARTICLE 8, CHAPTER 151
OF TITLE IX OF THE CODE OF THE CITY OF GRAND RAPIDS ENTITLED
“PROPERTY MAINTENANCE NUISANCES”,
AND REPEAL ARTICLES 9, 10, AND 11 THEREOF**

ORDINANCE 2006 - _____

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Article 8, Chapter 151 of Title IX of the Code of the City of Grand Rapids be amended in its entirety to read as follows:

Article 8. Property Maintenance Nuisances

9.107 Definitions

Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the following meanings.

Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular member includes the plural and the plural the singular.

Terms Defined in Other Chapters of the Grand Rapids City Code: Where terms are not defined in this Article and are defined in the Grand Rapids City Code, such terms shall have the meanings assigned to them in those Chapters.

Terms Not Defined: Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the text implies.

1. *Garbage* means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable.
2. *Hazard or Hazardous* means a condition which may potentially result in the death, injury or illness of a human or in severe damage to real or personal property.
3. *Inoperable Vehicle* shall mean any motor vehicle unable to move under its own power, or part of any motor vehicle or other conveyance which is wrecked, disabled, partially dismantled, junked, or abandoned.

4. *Owner* means every person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as land contract vendee. Owner shall also mean:

- (a) Every person who in fact has been empowered to act on behalf of, or as agent of the owner; or
- (b) Every person who has or exercises care, custody, dominion or control over any property; or
- (c) Every person who is a record owner as demonstrated by a deed or other document of title recorded at the office of the Register of Deeds; or
- (d) Every person listed as the taxpayer by Assessor's records.

An owner shall not include any person who is a tenant.

5. *Rubbish* means hazardous or non-hazardous non-putrescible solid waste excluding ashes, consisting of, but not limited to, combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, trash, rubber, brush, bedding, crockery, used or demolished building materials, litter of any kind, and discarded items of little or no apparent value.

6. *Unlicensed or Unregistered Vehicle* shall mean any motor vehicle or other conveyance which lacks a current license plate or registration required for use. Such unlicensed or unregistered vehicle(s) must be operable and functional as intended.

Sec. 9.108. Nuisances Prohibited on Public and Private Property.

The following conditions are declared a public nuisance. All property within the City, whether occupied or vacant, improved or unimproved, shall be maintained by the owner free of the following nuisances:

- (1) Ragweed, poison ivy, poison sumac, poison oak and similar plants.**
- (2) Any grass, weeds or undergrowth higher or longer than twelve (12) inches, subject to the following exceptions.** Grass, weeds and undergrowth higher or longer than twelve (12) inches are permitted only in the following locations:
 - (a) On portions of undeveloped property behind a wooded tree line.

(b) On portions of unsubdivided lands more than twenty-five (25) feet from a public sidewalk or a street open to the public.

(c) On portions of undeveloped lots in a subdivision less than sixty (60) percent developed lying more than twenty-five (25) feet from a public sidewalk or public street.

(3) **Any bush, shrub, tree or other vegetation or portion thereof obstructing or interfering with passage on a sidewalk, walkway, driveway or street**

(4) **Stagnant or Unsanitary Water**

(5) **Garbage or rubbish or any other unhealthy, hazardous or offensive condition, object or substance.**

(6) **Any dead tree or any portion thereof, or any dying tree that presents a hazard to any member of the public or to property.**

(7) **Any Unsecured Building**

An unoccupied or vacant building, structure or part thereof shall be kept secured by the owner against unauthorized entry and water damage. Boarding shall be done in a manner and with materials as specified in Section 9.110 of this Code.

(8) **Personal Property, Belongings, Furnishings or Equipment Left in the Right-of-Way or Between the Principal Building and the Right-of-Way.**

Personal property of any kind, including but not limited to personal belongings, interior furnishings and equipment, shall be deemed to be abandoned, of no value and unlawful if placed at or left for more than twenty-four (24) hours on any public right-of-way or on any part of a property lying between the principal building and a public right-of-way, except as specifically permitted by this Code. Personal property placed in the public right-of-way pursuant to a court-ordered eviction is subject to immediate removal forty-eight (48) hours after being placed in the right-of-way.

(9) **Refrigerators, Freezers, or Similar Equipment Providing Enclosed Spaces.**

A refrigerator, an airtight container, a tank with an open access hole and any other contrivance or property which encloses or substantially encloses a space is declared to be an unlawful and immediate hazard, a nuisance and a violation of this Code if placed anywhere outdoors in a manner which could result in injury or death. Such declared hazard, space or

equipment may be abated as an emergency without notice. Upon making harmless a violation of this Section, the City shall issue a notice to abate the violation as set forth in Section 9.111 of this Chapter.

(10) Failure to Maintain Alleys, Parkways, or Property Abutting Public Right-of-Ways.

Every owner shall be responsible for maintaining the following public access areas abutting their property in compliance with this Article, including the following:

- (a) The sidewalk and parkway to the curb or street pavement, except for dead trees;
- (b) A public or utility easement to the centerline;
- (c) An alley or alleyway to the centerline, except for standing or stagnant water.

(11) Inoperable, Unlicensed or Unregistered Vehicles

No more than one (1) operable vehicle, that is unlicensed or unregistered shall be located outdoors for more than seven (7) days on a property with a residential or commercial structure. Such vehicle must be located behind a dwelling or commercial building. Inoperable, unlicensed or unregistered vehicle storage is prohibited on any vacant property, whether a structure exists on the property or not.

Sec. 9.109. Abatement of Property Maintenance Nuisances.

Upon observing a violation of this Article, the City may issue a Notice to Abate to the owner of the property, as set forth in Section 9.111. Notice procedures shall apply as set forth in this Article, as allowed by Section 9.2. If the violation has not been corrected at the expiration of the Notice to Abate, the City may order a vendor to abate the cited violation and shall bill the property owner for administrative and abatement costs as set forth in Sections 9.112, 9.113 and 9.114 of this Chapter.

Sec. 9.110. Standards for Abatement of Structural Nuisances

All windows, doors or other openings in a vacant or unoccupied structure which can be reached from the ground or from an appurtenance or adjacent structure shall be in good repair and locked or otherwise fastened from the inside or shall be secured in the manner set forth this Code. All openings or structural elements in poor repair which allow the interior to be damaged by water shall be secured or otherwise made watertight.

(1) Boarding Exterior Openings.

Boarding shall be secured by use of exterior grade plywood of at least 3/8" thickness, cut to the size of the opening and secured by use of Phillips headed 2" long screws on all first story or ground accessible points of entry or by use of 16d common nails which are permitted only on entry points being secured above the first story or where not accessible from the ground level. Boards may be placed over all points of entry. Open holes, overlapping and extensions beyond the frame which allow prying are not permitted. Boarding shall be painted either white, grey or a color similar to that of the boarded building.

(2) Time Limit to Secure Structure.

A City order to board or secure a property shall be complied with in not more than 72 hours. If the securing has not been commenced, is incomplete, or does not comply with the requirements for boarding, the City shall secure the structure and the City shall bill the owner of record for all costs incurred, including service fees and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be assessed as a lien against the cited property.

Sec. 9.111. Notice To Abate

Upon observing a violation of the provisions of this Article upon any property not under the control or ownership of the City of Grand Rapids, the County of Kent or the State of Michigan, the City may issue a Notice to Abate. The Notice to Abate shall include:

- (1) The nature of the violation.
- (2) The time within which the violation must be abated.
- (3) Notice that the City may act to abate the violation if it is not abated by the owner within a reasonable time stated in the Notice, but which may not exceed fifteen (15) days.
- (4) Notice that the cost of such action by the City, plus an administrative fee, shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.

- (5) Notice that any refusal to allow the City to abate an uncorrected violation shall be a separate violation under this Code.

Sec. 9.112. Authorization for City Abatement

Upon failure of a property owner to abate a violation as ordered in a Notice to Abate, the City may abate the nuisance. This abatement may be performed by the City, by a contract vendor, or by other means determined by the City.

Sec. 9.113. Administrative Fees.

The fees necessary for the administration of this Article and authorized by Section 9.114 shall be established from time to time by resolution of the City Commission. Such administrative fees shall include the following:

- (1) Notice to Abate
- (2) Search Warrant
- (3) Contact Request or Warning of Abatement Action
- (4) Attorney Warning Letter
- (5) Civil Infraction Preparation
- (6) Additional Inspections
- (7) Vending
- (8) Second and Subsequent Vending
- (9) Vehicle Removal.
- (10) Second and Subsequent Vehicle Removal
- (11) Denied Entry

Sec. 9.114. Charge to Owner.

When the City has abated a cited nuisance, the cost of abatement, plus any applicable administrative charges as established by City Commission resolution, shall be billed to the property owner. Such billing shall be a personal debt of the owner to the City, which may be assessed as a lien against the property, including interest thereon, until paid.

Sec. 9.115. Penalties.

A violation of Section 9.108 of this Code is civil infraction.

Sec. 9.116 – 9.130 Reserved.

Section 2. That Article 9, Chapter 151 of Title IX of the Code of the City of Grand Rapids be repealed in its entirety.

Section 3. That Article 10, Chapter 151 of Title IX of the Code of the City of Grand Rapids be repealed in its entirety.

Section 4. That Article 11, Chapter 151 of Title IX of the Code of the City of Grand Rapids be repealed in its entirety.