

CITY OF GAASTRA ORDINANCE NO.: 49 BLIGHT/NUISANCE ORDINANCE

The City of Gaastra ordains as follows:

Purpose:

It is the purpose of this Ordinance to address, regulate, prevent, reduce blight blighting conditions, eliminate unsafe, unsightly conditions, and that create or may create a danger to the public, and/or conditions that tend to impact on the value or enjoyment of neighboring properties, nuisances, and/or unsafe blighting and nuisance factors which impact on the public health, welfare and safety, and impact on the value of properties within the City of Gaastra including:

- Animals;
- Unsafe and unsightly structures
- Outdoor storage
- Municipal Blight
- Yard grass, trees, bushes, noxious weeds
- Refuse and refuse containers
- Excessive noise

Section 1 Administration:

1.A. Existing Ordinances:

The matters addressed herein may be the subjects of and addressed by other previously adopted City Ordinances (including but not exclusively Ordinances numbered 26, 34, 36, 39, and 41). This Ordinance does not invalidate prior Ordinances or amendments thereto. This Ordinance shall have precedence over prior Ordinances on matters addressed herein, in the case of conflict or ambiguity with prior Ordinances, this Ordinance shall prevail. Matters covered in prior Ordinances but not included herein remain in effect in all respects.

1.B. Nuisance:

Any violation of the terms hereof shall be a public nuisance.

1.C. Enforcement:

The City Manager shall enforce this Ordinance with the assistance of a Blight Committee annually appointed by the Mayor, consisting of two Commissioners, the Mayor, and an at-large citizen.

The City Manager shall give notice of violation and a 14-day opportunity to abate regarding violations that do not pose an immediate threat to public health and/or safety. No notice is required for violations that are an immediate threat to public health and/or safety. Notices shall be deemed to be served if service is by one of the following:

1. Mailing to the address on file with the City
2. In-person hand delivery
3. Posting on the premises of the violation(s)

The date of service shall be the date of mailing, posting and/or delivery. The date of service shall be day one of the 14-day opportunity to abate.

The abatement period may be extended at the discretion of the City Manager (with the assistance of the Blight Committee) at the request of the Owner/Occupant but only on written request including a description of the abatement to be undertaken, the reason for an extension and the additional time proposed for abatement.

If a violation is an immediate threat to public health or safety or is not abated within 14 days of notice, the City Manager may institute violation proceedings at the sole discretion of the Manager as:

Violation of any provisions of this Ordinance by an Occupant and/or Owner may be enforced as a misdemeanor violation and shall be punished by a fine of not more than \$800.00, imprisonment in the Iron County Jail for not more than thirty (30) days, or both such fine and imprisonment, plus all costs of prosecution. Each day of violation constitutes a separate offense; or

A violation of any provision of this Ordinance by an Occupant and/or Owner may be enforced as a civil infraction. An owner found responsible under this section for a violation shall be guilty of a Civil Infraction as defined at MCLA 600.113, punishable by Civil Fines according to the following schedule:

- First Offense - \$200.00
- Second Offense - \$400.00
- Third and all Subsequent Offenses - \$800.00

Each day of violation shall be a separate offense.

In addition to said fines, the violator shall pay the actual costs incurred by the City for enforcement, including investigation time, mileage and actual attorney fees.

The City may also seek an Order enjoining further violations and as necessary obtain injunctive relief from State Court.

If the property Occupant and/or Owner does not abate the violation, the City may do so, at the expense of the owner. The City's cost (including all administrative costs and all overhead) to abate shall be paid by the property owner. Should the owner not pay, the City's costs shall become a lien on the property. The lien provided for in this Section shall

be enforced in the manner prescribed by charter or by the laws of the State providing for the enforcement of tax liens.

Following notice of violation or without notice as provided herein, the City Manager with assistance of the City Attorney shall issue a citation(s) to the responsible party(s) and file the citation(s) with the District Court for Iron County for enforcement consistent with the terms hereof, or for a violation that the manager considers an immediate threat to the health and safety of the public for which an injunction is required filing shall be in the Iron County Circuit Court.

All sections and provisions of this Ordinance shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall not affect the remaining provisions or sections.

1.D. Responsible Parties:

The occupant and the owner, if the occupant is a different person or entity from the owner, shall both be responsible for abatement, violations, and penalties. If the occupant and/or owner is an entity the registered agent or any officer, partner, or member shall be personally responsible for a violation(s). The fact that the occupant has been cited shall not be a defense for the owner; the fact that the owner has been cited shall not be a defense for the occupant.

Section 2 Animals:

This Section shall apply to the keeping of animals within the City of Gaastra and regulation thereof; it shall be a violation of this Ordinance to keep an animal or animals within the City of Gaastra in violation of this Section and shall be considered a danger to the public economy, health and safety, and a public nuisance.

2.A. Animal defined:

For the purpose of this Ordinance, an animal is a creature other than a human.

2.B. Dangerous Animals:

It shall be a violation of this Ordinance for any Owner and/or Occupant to keep, possess or allow to be kept within the City of Gaastra any animal that is inherently dangerous; including but not exclusively, guard animals, attack animals, animals that are by breed and/or training dangerous to humans or other animals; and including reptiles, insects, spiders, bees and other arthropods that are by their nature dangerous to humans, regardless of the method or manner of keeping.

2.C. Invasive Animals:

It shall be a violation of this Ordinance for any Owner and/or Occupant to keep, possess or allow to be kept any animal that is inherently dangerous; including but not exclusively, any animal that if released would be considered invasive. Invasive being any non-native animal that has the potential to cause harm to indigenous animals, the environment, the economy, human health, welfare and safety and/or to the health, welfare and safety of other non-indigenous animals.

2.D. Dogs:

Dogs may be kept in any Zone District. No more than four (4) dogs may be maintained at any residential unit, in the following Zone Districts:

- A-1
- A-2
- A-3
- B
- E

If more than two (2) dogs are maintained in any Zone District, a secure dog kennel, with a minimum floor area of forty-six (46) square feet per dog shall be erected and maintained in a safe and sanitary manner. No such kennel may be maintained in any front yard, nor in any side yard, and it shall comply with applicable rear yard set-back requirements as specified in the City Zoning Ordinances.

2.E. Cats:

Cats may be kept in any Zone District. No more than four (4) cats may be maintained at any residential unit in the following Zone Districts:

- A-1
- A-2
- A-3
- B
- E

If more than two (cats) are maintained in any Zone District, a secure cat kennel, with a minimum floor area of twenty-five (25) square feet per cat shall be erected and maintained in a safe, sanitary manner. No such kennel may be maintained in any front yard, nor in any side yard, and it shall comply with applicable rear yard set-back requirements as specified in the City Zoning Ordinances.

2.F. Dogs and Cats:

Owners of cats and dogs, who own more than two (2) dogs or cats in any combination, shall erect and maintain at least one kennel consistent with the requirements for owners of more than two (2) dogs.

2.G. Rabbits:

Rabbits may be maintained as a family pet in any Zone District. No more than two rabbits may be maintained at any residential unit in the following Zone Districts:

- A-1
- A-2
- A-3
- B
- E

If more than one (1) rabbit is maintained in any Zone District, a secure rabbit pen, with a minimum floor area of fifteen (15) square feet per rabbit shall be erected and maintained in a safe and sanitary manner. No such rabbit pen shall be maintained in any front yard, nor in any side yard, and it shall comply with applicable rear yard set-back requirements as specified in the City Zoning Ordinances.

2.H. Livestock and Wild Game:

No livestock, including but not limited to cows, calves, bulls, steers, horses, mules, burros, donkeys, goats, hogs, sheep, chickens, roosters, turkeys, guinea hens, ducks, geese, or any wild game shall be maintained in any of the following Zone Districts:

- A-1
- A-2
- A-3
- B
- E

2.I. Exception:

The keeping of equine animals within the City of Gaastra shall be permitted if the owner thereof owns or rents at least one (1) acre of cleared and securely fenced area per equine animal and a structure with a minimum of three (3) fully enclosed sides with and at least 80 square feet per horse or pony. Such fenced area and structure shall be set back from any neighboring boundary line by at least 50 feet.

2.J. Invasive Organisms:

This Section shall apply to the keeping, including planting, propagating and/or allowing to exist an invasive organism within the City of Gaastra in violation of this Section which shall be considered a danger to the public economy, health and safety, and a public nuisance.

An Invasive Organism is an introduced organism including disease, virus, bacteria, animal and/or plant that is non-native to the area of the City of Gaastra that has the potential of causing harm to the environment, the economy or to human health or welfare.

It shall be a violation of this Ordinance to keep any invasive organisms within the City of Gaastra in violation of this Section and shall be considered a danger to the public economy, health and safety, and a public nuisance.

Section 3 Unsafe and/or Unsightly Structures:

This Section shall apply to all structures within the City of Gaastra. It shall be a violation of this Ordinance to allow a structure in the City of Gaastra to be unsafe or unsightly. Unsafe and/or unsightly structures are deemed a danger to the public health and safety, harmful to the value of property and a public nuisance.

It shall be a violation of this Ordinance to maintain within the City of Gaastra a structure for human habitation used for residential purposes to be without public sewer, water and electrical service.

It shall be a violation of this Ordinance for any Owner and/or Occupant to maintain within the limits of the City of Gaastra any structure, either public or private, which by reason of age, dilapidated, dangerous and/or unsanitary, unsafe condition caused by fire or the elements, improper construction, want of repairs, improper or inadequate fire escapes, unsightly condition, or by use and/or any other similar or related cause, is dangerous to life, health, safety, and/or tends to negatively impact on the value or enjoyment of neighboring property.

It shall be a violation of this Section, within the City of Gaastra to own and/or occupy any structure which is, by any cause:

- Dilapidated, dangerous, unsanitary, unsightly, an exceptional fire risk, uninhabitable, unsafe, situated so as to endanger other property, create a negative impact on the value of other properties and/or is a detriment to the attraction of a desirable citizenry.

Examples of violations include, but not exclusively:

- Lack of adequate fire escape features
- Improper construction creating an unusual risk for safe occupation
- Damage caused by fire, storms, age, or other elements
- Lack of repairs and maintenance
- Failed foundation and/or basements
- Lack of paint
- Failed or lack of adequate water supply, water fixtures and plumbing
- Failed or lack of adequate sanitary sewer facilities
- Failed or lack of adequate electrical facilities
- Failed or lack of adequate heat source and system
- Accumulations of material of any kind that interfere with accessibility to the structure's exterior and/or accessibility to the entire interior of the structure
- Broken and/or dysfunctional windows and/or doors
- Infestation of rodents, bats, insects or other creatures
- Missing or damaged doors and/or windows.

Section 4 Outdoor Storage:

It is the intent of this Section to regulate and control outdoor storage within the City of Gaastra.

4.A. Storage Defined:

Storage is in the context of this Ordinance defined as the act of keeping materials that are in place on the real property of the Owner/Occupant for greater than 3 consecutive days, except materials to be used within 60 days on a project for which the Occupant and/or Owner has a valid building permit.

Materials: This Ordinance includes (but not exclusively) storage of:

- Outdoor accumulation of:
 - Wood including unprocessed wood¹
 - Branches
 - Brush
 - Processed wood
 - Leaves
 - Automobiles and parts thereof
 - Trucks and parts thereof
 - Trailers and parts thereof
 - Machinery parts
 - Wheels
 - Tires
 - Yard clippings
 - Building materials
 - Appliances
 - Computing equipment
 - Bicycles
 - Recreation and exercise equipment
 - Metals
 - Toys
 - Masonry
 - bricks, blocks
 - landscape elements
 - Fencing (except as permitted)
 - Barrels
 - Refuse and refuse containers
 - Snow
 - Accumulation of water
 - Junk²

And similar.

¹ See also firewood provision 4.D. hereof.

² Junk shall include without limitation parts of machinery, vehicles, equipment, appliances, building materials not intended for installation pursuant to a valid unexpired building permit, unusable and/or unsightly furniture, household items, broken or unusable toys, refuse, garbage, yard clippings, tree trimmings, and the remnants of all of the foregoing, and similar.

4.B. Violation:

It shall be a violation of this Ordinance to store any of said materials or similar in the front or side yards of Zones A-1, A-2, A-3, B, and E except in the B zone for businesses in auto sales or repair.³

Storage of said materials is permitted in the rear yard if the materials are completely covered with an intact tarp or equivalent and only to the extent that such storage is not within the required setback, such permitted storage shall not exceed 20% of the total rear yard area.

No more than 3 operating passenger vehicles with current registration and licensing may be routinely parked within the front or side yards of Zones A-1, A-2, A-3, B and E.⁴

4.C. Other Vehicles, Mobile Equipment and Machinery:

Passenger vehicles, non-passenger vehicles, mobile equipment and machinery shall include units equipped with wheels and/or tracks and are designed to be mobile and also includes all trailers, including travel trailers, and includes campers and agricultural equipment with or without wheels or tracks. No more than 2 operating useable⁵ units may be parked in a rear yard of a platted City lot. Or no more than 2 non-operating, unlicensed vehicles may be parked in the rear yard. Such non-operating vehicles must be fully covered with a tarp or vehicle cover which shall be securely attached to the unit.

4.D. Firewood

Firewood logs may only be stored in the rear yard exclusive of the required set back⁶ within the A-1, A-2, A-3, B & E districts and shall not be stored for more than 21 days.

Within said zones, up to 3 firewood cords of cut firewood (maximum 24" length) may be stored only in the rear yard exclusive of the required set back⁷ and only in rectangular stacks no more than 4 feet off the ground.

4.E. Chemicals:

³ Zoning Ordinance 31.4.3: Outdoor storage of inoperable machinery and vehicles, including but not limited to those inoperable motor vehicles as defined by the Michigan Motor Vehicle Code, which by reason of accident, mechanical condition or otherwise are not operational and safe as required by law, or those vehicles not displaying evidence or current registration, plus inoperative parts of machinery or vehicles, shall not exceed thirty (3) days, or the time needed to repair, whichever is shorter, when storage is located in Single Family Residential District A-, Multi-Family Residential District A-2, Apartment District A-3 and General Business District B.

⁴ A side yard shall include in the case of a corner lot all of the area parallel to a City street to the depth required for a side yard.

⁵ Must be licensed with the State as such if required.

⁶ As provided by the City of Gastra Zoning Ordinance.

⁷ As provided by the City of Gastra Zoning Ordinance.

Storage of dangerous chemicals shall not be permitted in Districts A-1, A-2, A-3, B, and E.

4.F. Sand, Gravel, Rock, Dirt:

It shall be a violation of this Ordinance to store sands, gravels, rocks, soil and/or derivatives thereof (material) on the front yard for more than 7 days and on the side or rear yard for more than 14 days on any property within the A-1, A-2, A-3, B & E districts except when the material is to be used in the course of an active building project pursuant to a valid building permit, in such cases the storage shall not exceed 45 days.

4.G. Construction Waste:

It shall be a violation of this Ordinance to store construction waste of any kind including without limitation:

- Wood
- Roofing
- Metals
- Siding
- Drywall
- Fixtures
- Piping
- Insulation
- Bricks
- Stone
- Masonry
- Blocks
- Concrete

on any property in the City of Gaastra for more than 14 days.

4.H. Containers:

It shall be a violation of this Ordinance to maintain or store outdoors any unit anywhere within the City of Gaastra in which a human or domestic animal could become entrapped and/or suffocated; examples include, but not exclusively:

- Refrigerators
- Freezers
- Ovens
- Barrels
- Culverts
- Vehicles
- Machinery
- Totes
- Lockers
- Coolers
- Refuse containers

- Campers
- Trailers
- RVs
- Dumpsters
- Washers
- Dryers

Any such units shall:

Have doors and/or covers removed and/or locked and/or have access securely barred such that entry by humans and/or pets is prevented.

Section 5 Municipal Blight

It shall be a violation of this Ordinance for a property Occupant and/or Owner to allow municipal blight conditions to exist on occupied and/or owned property.

5.A. Municipal Blight:

Municipal Blight refers to the deterioration and neglect of property including land and/or structures that leads to a decline in the value and desirability of said property and/or a decline in the value and/or desirability of property in the City of Gaastra and includes elements of neglect of maintenance and upkeep, repairs, painting, landscaping, removal of refuse and debris, abandonment of structures and/or partial razing and includes violation of any of the provisions of this Ordinance all/or any of which creates public nuisances and are dangerous to the health and/or safety and/or general wellbeing and/or quality of life.

5.B. Violation:

Any violation of any Section hereof constitutes Municipal Blight and is deemed a public nuisance.

Section 6 Yard Grass, Trees, Bushes, Noxious Weeds:

This Section is to regulate yard grass, trees, bushes and noxious weeds within the City of Gaastra.

6.A. Definitions:

Yard grass means grass within the generally cleared and landscaped areas of property surrounding a structure in any zone within the City of Gaastra.

Trees are plants with a trunk/stem size of greater than 2 inches made up of woody material.

Bushes are plants with a stem size of less than 2 inches made up of woody material.

Noxious weeds are defined as plants that are harmful to public health, agriculture, recreation and/or can cause damage to the ecology or economy and/or are generally considered unsightly and/or unwanted.

6.B. Violation:

It shall be a violation of this Ordinance for an occupant or owner of property to:

- Allow yard grass to exceed a length of 6 inches.
- Allow tree roots and/or branches and/or leaves to cause damage to public or non-owned private facilities including sidewalks, curbs, gutters, streets, sewer lines/manholes, water lines, driveways, foundations or other facilities.
- Allow trees to exceed a height greater than the distance from the tree to a neighboring structure which tree did not exist at the time the neighboring structure was built.
- Allow trees and/or bushes to crowd or interfere with passage along public sidewalks and/or right-of-ways.
- Allow branches of trees and/or bushes to exceed the property boundaries including right-of-ways of the parcel on which the trunk is located.
- Fail to timely remove diseased and/or dead trees or parts thereof which could cause damage to people or properties by falling on non-owned parcels.

Section 7 Regulation of Refuse and Refuse Containers

It is the City of Gaastra's intent that this Section promote the efficient and proper management of household, commercial and construction refuse, including regular pick up and disposal.

7.A. Violations:

Refuse shall only be maintained in approved containers, and only at authorized locations as provided herein.

No refuse shall be maintained in an unsanitary and/or unsightly manner, and/or in any way that attracts invasion by animals and/or birds and/or vandals, or is otherwise unsafe to the residents and/or visitors of the City of Gaastra.

No refuse container shall be placed within the right-of-way of any street, sidewalk or alley, except as permitted herein.

All refuse containers shall be securely closed such that the contents are concealed, weather tight, cannot be invaded by animals or birds, or accessed by unauthorized people.

No refuse shall be placed for collection earlier than 6:00 AM or remain so placed after 4:00 PM of the scheduled collection day. Refuse placed for collection shall not be placed in a manner that interferes with traffic on the street, including visibility and shall not be placed on public sidewalks or in any manner that interferes with use of public sidewalks.

Refuse placed for collection is the responsibility of the resident placing it. No such refuse shall be allowed to be spread and/or go uncollected.

All refuse containers shall be inconspicuously placed/stored such that visibility of such containers from neighboring property and streets is restricted to the greatest practical extent. When inconspicuous placement is not possible, containers (including dumpsters) shall be maintained in an enclosure of building materials compatible with the residence and other outbuildings which completely hides the containers.

The only approved refuse containers are solid containers issued by the City and maintained as required herein.

7.B. Commercial Refuse Containers "Dumpsters":

A) A commercial entity located in a residential zone, must comply with the residential provisions hereof.

B) Commercial entities shall abide by the requirements hereof governing residential refuse containers unless they are a party to a contract with a refuse collection company which provides commercial containers (dumpsters) and which provides for pick-

up of refuse not less frequently than weekly April-October and bi-weekly November-March.

C) "Dumpsters" shall only be used and maintained by commercial entities. Residential properties shall not be considered commercial entities for the purpose of this Ordinance regardless of the area zoning designation. A commercial entity shall be limited to one dumpster not exceeding dimensions of 6'W x 6'L x 5'H or not more than 4 solid containers not exceeding 55 gallons which are able to be securely closed as required herein.

7.C. Temporary Dumpsters:

A) Temporary dumpsters are defined as large dumpsters contracted for delivery and pick-up by a refuse collection company and intended for short term, large projects, such as new construction, remodeling, demolition or large scale household and yard cleaning.

B) Temporary dumpsters shall only be permitted when they are located at a property where there is a valid building permit or demolition permit, or in accordance with Section C below. Such dumpsters shall not be permitted for more than 6 months.

C) Temporary dumpsters for purposes permitted by Section A, but not under a permit as provided by Section B shall only be allowed upon issuance of a written permit

issued by the City Manager. Each request for a temporary dumpster under this Section must be in writing, must state the specific purpose for which a permit is being requested as well as the number of days the dumpster will be needed and must attach a copy of the contract with the refuse company. Each permit issued shall be in writing and shall state the address at which the dumpster will be located and the specific number of days for which the permit will be effective.

7.D. Nuisance:

Notwithstanding the terms hereof, no refuse shall be allowed to create a nuisance (public or private). Violation of the terms hereof is a public nuisance.

Section 8 Excessive Noise:

8.A. Violation:

It shall be a violation of this Ordinance to create or allow excessive noise.

8.B. Excessive noise defined:

Excessive noise is noise that is considered excessively loud, disturbing, and/or distracting to enjoyment of property within the City of Gaastra; excessive noise is noise that the occupants and/or owners of neighboring properties⁸ consider excessive.

Examples of causes of Excessive Noise include, but not exclusively:

- Barking Dogs
- Vehicle and Machinery exhaust systems
- Machinery operation
- Chain saws
- Construction equipment
- Fireworks
- Truck braking systems
- Construction activities
- Music
- Shouting/yelling

To be excessive, noise must be more than a single event, must be re-occurring.

8.C. Exception:

Noise created by construction equipment in the course of constructing an improvement pursuant to a valid current building permit shall not be a violation.

8.D. Complaint Requirement:

To be a violation under this Section the owners and/or occupants of at least 3 neighboring separate properties must sign a writing describing the property from which the noise emanates, the frequency and duration thereof, and states their objection/complaint concerning the noise.

8.F. Public Nuisance:

A violation of this Section is a public nuisance.

⁸ Neighboring properties include all properties within 5 blocks as the equivalent distance from the source of the noise.

This Ordinance shall become effective and enforceable within the City of Gaastra ten (10) days after the date of publication.

ADOPTED this 16th day of July 2025 at a regular meeting of the Gaastra City Commission.

CITY OF GAASTRA

By: _____
Debbie Tusa, City Manager

STATE OF MICHIGAN)
) ss
COUNTY OF IRON)

The foregoing instrument was acknowledged before me this _____ day of July 2025, by Debbie Tusa, City Manager.

*
Notary Public, Iron County, MI
My Commission expires:_____

Adopted: July 16, 2025
Published: July 23, 2025
Effective: August 2, 2025