



BANGOR CITY COUNCIL

SPECIAL MEETING AGENDA

Thursday, July 25, 2024 at 9:00 am

257 W Monroe St Bangor, MI 49013

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COUNCIL MEMBERS
4. APPROVAL OF AGENDA
5. INTRODUCTION OF ORDINANCES
 - a. Review and Discussion of **Ordinance 291, Blight Ordinance**
 - b. Review and Discussion of **Ordinance 292, Grass & Noxious Weeds Ordinance**
 - c. Review and Discussion of **Ordinance 293, Animal Control Ordinance**
 - d. Review and Discussion of **Ordinance 294, Dangerous Building Ordinance**
 - e. Review and Discussion of **Ordinance 295, Inoperable Vehicle Ordinance**
 - f. Review and Discussion of **Ordinance 296, Sidewalk Ordinance**
 - g. Review and Discussion of **Ordinance 297, Tree Ordinance**
6. OPPORTUNITY FOR PUBLIC COMMENT (A limit of three (3) minutes per speaker is in effect.)
7. COUNCIL MEMBER COMMENTS
8. ADJOURNMENT

UPCOMING MEETINGS:

Council – August 5 & 19 @ 7 pm

Planning – August 8 @ 7 pm

DDA – August 20 @ 7 pm

EDC – August 21 @ 7 pm

Cemetery – August 26 @ 7 pm



CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Shelly Umbanhowar, Clerk

CC: Stephenie Cagle, Treasurer

Subject: Introduction of Ordinances 291, 292, 293, 294, 295, 296, and 297

Date: 07/23/24

Recommended Action:

The following ordinances are being introduced to the Council for consideration:

Introduction of Ordinances:

- Ordinance 291, Blight Ordinance
- Ordinance 292, Grass & Noxious Weeds Ordinance
- Ordinance 293, Animal Control Ordinance
- Ordinance 294, Dangerous Building Ordinance
- Ordinance 295, Inoperable Vehicle Ordinance
- Ordinance 296, Sidewalk Ordinance
- Ordinance 297, Tree Ordinance

The Summary page can be read by Mayor Farmer for the Introduction to each Ordinance with the announcement that copies will be available for the public to review at City Hall Monday – Friday 9AM to 4PM and on the website.

After introduction:

- Amendments, if any, can be discussed and direction given by the Council.
 - *Edits and amendments will need to be submitted promptly to Code Enforcement Officer Drake and City Manager Weber. Preferably no later than Tuesday, July 30th in order to be reviewed and processed in time for the August 5 Regular Council Meeting for adoption of each Ordinance*
- The final ordinance can be considered at any additional meeting.
 - *City Manager recommends the Regular Council Meeting August 5, 2024*
- If adopted, it should be published by posting in the City.
- 10 days later, it will be effective.
 - *If adopted August 5, 2024, effective date is August 15, 2024.*

Documents provided in this packet:

- Agenda
- Memorandum with Additional Information/Instructions
- Summaries of Ordinances
- Ordinance 291, Blight Ordinance
- Ordinance 292, Grass & Noxious Weeds Ordinance
- Ordinance 293, Animal Control Ordinance
- Ordinance 294, Dangerous Building Ordinance
- Ordinance 295, Inoperable Vehicle Ordinance
- Ordinance 296, Sidewalk Ordinance
- Ordinance 297, Tree Ordinance

NOTE – Ordinances have been prepared by Code Enforcement Officer Drake. They have been reviewed and by City Manager Weber and City Attorney Graham.

Council Action:

For Action of Adoption of each Ordinance at the Regular City Council Meeting on August 5, 2024

CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 291, BLIGHT ORDINANCE

SUMMARY: It is the purpose of this Ordinance to prevent, reduce, or eliminate blight or potential blight in the City of Bangor by the prevention or elimination of certain environmental causes of blight or blighting factors that exist or which may in the future exist.

CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 292, GRASS & NOXIOUS WEEDS ORDINANCE

SUMMARY: In the interpretation of this Ordinance the term "noxious and poisonous weeds" shall include, but not be limited to, Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy, and various types of grasses.

CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 293, ANIMAL CONTROL ORDINANCE

SUMMARY: An ordinance to amend the regulations relative to allowing dogs to run at large in the City; to control the keeping of dogs which are dangerous to human beings; to describe the circumstances under which such dogs are to be kept under control; and to provide a penalty for violations thereof.

CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 294, DANGEROUS BUILDING ORDINANCE

SUMMARY: This article shall be known and cited as the "Dangerous Building Code" and is enacted pursuant to Act No. 167 of the Public Acts of 1917, as amended, to regulate dangerous buildings within the city.

CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 295, INOPERABLE VEHICLE ORDINANCE

SUMMARY: The intent of this Ordinance is to prevent the outdoor storage of motor vehicles or parts of motor vehicles on property located in the City of Bangor in situations in which a vehicle is either unlicensed, and/or unregistered or is incapable of lawful operation because of a mechanical condition.

CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 296, SIDEWALK ORDINANCE

SUMMARY: The purpose of this Ordinance is to protect the health and safety of persons using sidewalks located within the City and to enhance the value of property located in the City, by establishing standards for the construction and maintenance of the sidewalks.

CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 297, TREE ORDINANCE

SUMMARY: It is the purpose of this chapter to promote and protect public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees and shrubs in public places and on private property.

CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 291
BLIGHT ORDINANCE

An Ordinance to prevent, reduce, or eliminate blight, blighting factors, or causes of blight within the City of Bangor, Van Buren County, Michigan, and to provide for the enforcement of the ordinance and penalties for violations of the ordinance.

THE CITY OF BANGOR ORDAINS:

SECTION 1 PURPOSE

It is the purpose of this Ordinance to prevent, reduce, or eliminate blight or potential blight in the City of Bangor by the prevention or elimination of certain environmental causes of blight or blighting factors that exist or which may in the future exist.

SECTION 2 CAUSE OF BLIGHT AND BLIGHTING FACTORS FOR RESIDENTIAL USES

It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance, no person, firm, organization or other entity shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City of Bangor owned, leased, rented, or occupied by such person, firm, organization, or other entity.

- (A) In any area zoned or used for residential purposes, no inoperable vehicle shall be stored upon any property unless the method of storage meets those requirements as listed in INOPERABLE VEHICLE ORDINANCE. The term 'inoperable vehicle' shall be applied to this ordinance as defined in the INOPERABLE VEHICLE ORDINANCE.

- (B) In any area zoned or used for residential purposes, there will be no open storage on any property of building material, either new or removed, unless a valid building permit has been issued for the property in question by the City of Bangor. Building materials shall include, in part, lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating and cooling supplies or equipment, shingles, etc.

- (C) In any area zoned or used for residential purposes, there will be no open storage or accumulation of junk, trash, debris, rubbish, or refuse of any kind except that generated by domestic use. Domestic refuse shall be stored in such a manner as

not to create a nuisance for a period not to exceed seven (7) days. The term “junk” shall include but not be limited to parts of machinery or automobiles, unused or discarded appliances stored in the open, remnants of metal, wood, or any other discarded material which could not be used immediately in a reasonable manner. “Open storage” as used in this ordinance shall mean such storage or accumulation that is visible from any public street sidewalk, or adjoining property.

- (D) In any area zoned or used for residential purposes, the failure to maintain the exterior of any building in a well-groomed condition in which windows are glazed, exterior surfaces are kept clean and painted, porches and stairs are stable and free of cracked boards and/or blocks.
- (E) In any area the existence of any structure or part of the structure which because of fire, wind, natural act of God, or physical deterioration is no longer inhabitable as a dwelling nor useful for any other purpose for which may have been intended.
- (F) In any area zoned or used for residential purposes, the existence of any vacant dwelling, garage, or other building, unless said structure is kept securely locked, windows are glazed, exterior surfaces are kept clean and painted, porches and stairs are stable and free of cracked boards and/or block, and are otherwise protected to prevent entry of the elements, unauthorized persons, or animals.
- (G) In any area zoned or used for residential purposes, the existence of any partially completed structure, unless such structure is in the course of construction and a valid building permit issued by the City, and said permit is on premise and in plain view of any public street or sidewalk.
- (H) In any area zoned or used for residential purposes, the storage of firewood that is not stacked in a neat, orderly manner with a height not exceeding five (5) feet is prohibited. The storage of firewood shall be restricted to the rear yard or an interior side yard of the premises.

SECTION 3 NON-RESIDENTIAL CAUSES OF BLIGHT

The causes of blight or blighting factors set forth above as applicable to areas zoned or used for residential purposes are hereby determined to be causes of blight or blighting factors if located in areas zoned or used for any other purposes other than residential. Non-residentially zoned or other areas not being used for residential purposes shall be subject to the provisions of this Ordinance unless such uses of the property are incidental to and necessary for the carrying out of any business or occupation lawfully permitted to exist on the property in question.

SECTION 4 ENFORCEMENT AND PENALTIES

- (A) The owner and/or the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2, Sub-sections B, C, and/or H, hereof is found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him. Such notice may be served personally, by registered mail, return receipt requested, or by affixing the notice to the front door of the primary structure located on the property. 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. Decisions about additional time are solely within the discretion of the enforcement officer.
- (B) The owner and/or occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2, Sub-sections D, E, F, and/or G, hereof is found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within twenty-one (21) days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested, or by affixing the notice to the front door of the primary structure located on the property. 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. Decisions about additional time are solely within the discretion of the enforcement officer.
- (C) Failure to comply with such notice within the time allowed by the owner and or occupant shall constitute a violation of this Ordinance.
- (D) Any person convicted of violating or assisting in the violation of any provision of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) and costs of prosecution or by imprisonment in the County Jail for not more than ninety (90) days, or both, at the discretion of the Court. Every day upon which such violation shall occur shall be a separate offense. Violators shall also be responsible for reimbursing the City for the actual costs incurred by the City to remedy the blight or blighting factors and such liability may be enforced by a civil action filed in a court of competent jurisdiction.
- (E) If the owner, agent, or occupant of the property fails to remove or eliminate such causes of blight or blighting factors from such property within the time frame established by this Ordinance, the City, or its agent, may enter upon the property and remove or eliminate such causes of blight and all expenses incurred shall be paid by the owner of the property.
- (F) The City shall have a lien on the real property from which the blight or blighting condition was removed or eliminated in the amount of the actual cost to the City to remove or eliminate the blight or blighting factor until such costs are paid by the

owner. If these costs have not been paid prior to the preparation of the next tax assessment roll, then such amount shall be assessed as a special tax against the property on the assessment roll and collected in all respects as other taxes under the general tax laws of this state.

- (G) The City may adopt policies and procedures to provide notice to persons responsible for blight. Such policies and procedures do not alter in any way the obligations of persons responsible to maintain property.

SECTION 5 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

SECTION 6 EFFECTIVE DATE

This Ordinance shall become effective 10 days after the date on which it is adopted.

At a regular meeting of the City Council of the City of Bangor held on _____, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of said Ordinance No. 291, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____ and that the following members voted against such Ordinance: _____

I further certify that said Ordinance No. 291 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of _____, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor

**CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 292
GRASS AND NOXIOUS WEEDS ORDINANCE**

An Ordinance regulating and controlling the growth of grass, weeds and other poisonous or harmful vegetation in the City of Bangor, providing for the removal thereof, and assessing costs therefore.

THE CITY OF BANGOR ORDAINS:

SECTION 1 DEFINITION

In the interpretation of this Ordinance the term "noxious and poisonous weeds" shall include, but not be limited to, Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy, and various types of grasses.

SECTION 2 DUTY TO CUT

It shall be the duty of every owner, possessor, or occupier of land within the City of Bangor, (agricultural land excluded) or of every person having charge of any such lands, to cut down or use herbicides that are safe to surrounding properties, on all noxious weeds and poisonous weeds growing thereon any time as such weeds and grasses exceed six (6) inches in height, and as often as necessary to prevent them from going to seed.

To effectively enforce and control the elimination of noxious weeds and grasses, all noxious weeds, poisonous weeds, and grasses which are of a height of six (6) inches or more growing or lying upon any property in the City of Bangor are hereby declared a public nuisance.

SECTION 3 PENALTY

Any owner, possessor, or occupier of land within the City of Bangor, or any person having charge of such lands who shall fail, neglect, or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Director of Public Works or his duly authorized agents in the cutting and removal of weeds, grass, and other vegetation shall be guilty of a civil infraction and subject to a penalty.

Penalty for a non-compliance in the cutting of grass or weeds will result in a civil infraction in the amount of \$100 for 1st offense, \$250 for 2nd offense, and \$500 for 3rd offense. Offenses will be reset if the homeowner or property owner does not violate the ordinance for one year from the last offense date.

SECTION 4 FAILURE TO COMPLY

Should any owner, possessor, occupier, or any person having charge of such lands, fail to conform with the provisions of this Ordinance within 7 days, it shall be the duty of the Director of Public Works to cut all of said noxious and poisonous weeds on said land and shall keep an account of the expenses incurred in so doing with respect to each parcel of land entered therefore. The expense incurred by the City in the cutting will be charged to the property owner. Any bill that fails to be paid shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes.

SECTION 5 SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable and if any clause, sentence, paragraph section, or subsection is declared void or inoperable for any reason it shall not affect any other part or portion hereof.

SECTION 6 EFFECTIVE DATE

This Ordinance shall become effective 10 days after publication.

At a regular meeting of the City Council of the City of Bangor held on _____,
adoption of the foregoing ordinance was moved by _____ and supported by _____
_____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of
said Ordinance No. 292, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance:

_____ and that the following members voted against such
Ordinance: _____

I further certify that said Ordinance No. 292 has been recorded in the Ordinance Book of the City
of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the
City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of
_____, 2024, and that public notice of said meeting was given pursuant to and in full compliance
with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act,
and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor

**CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 293
ANIMAL CONTROL ORDINANCE**

An ordinance to amend the regulations relative to allowing dogs to run at large in the City; to control the keeping of dogs which are dangerous to human beings; to describe the circumstances under which such dogs are to be kept under control; and to provide a penalty for violations thereof.

THE CITY OF BANGOR ORDAINS:

SECTION 1. DOGS RUNNING AT LARGE

It shall be unlawful for any person owning, possessing, or having charge of a dog in the city to violate any of the following restrictions:

(A) No person shall permit or allow any dog to run at large or stray beyond the premises on which it is kept unless said dog is under leash control, by a fixed leash no longer than six (6) feet, by a person of such age and discretion as necessary to physically control said dog.

(B) No person shall permit any dog to become or cause a nuisance by damaging or destroying property of another person or by trespassing on the property of another person. No person shall own, harbor, or keep any dog which has become or caused a nuisance by damaging or destroying property of another person or by trespassing on the property of another person.

(C) A person who owns, possesses or keeps a dog which attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite or physically injure human beings, domestic animals, or livestock:

- (1) shall confine such dog to a building or secure enclosure; and
- (2) shall, whenever such dog is off the premises on which it is kept, keep such dog securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three (3) feet in length, or caged.

(D) Any dog that is allowed to run at large or stray, is not kept on a leash as required by this Ordinance, damages or destroys the property of another, attacks, bites, or injures a person shall be subject to seizure and may be turned over to Van Buren County Animal Control.

SECTION 2. CRUELTY TO ANIMALS

(A) No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse, or beat, strike, or abuse any animal, or by any act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury, or death to any animal whether the animal belongs to such person or to another, except that reasonable force may be employed to drive away dangerous or trespassing animals.

(B) No person owning, harboring, keeping, possessing or in charge of any animal shall fail, refuse, or neglect to provide the animal with food, potable water, shade, or shelter, or cruelly or unnecessarily expose the animal in hot, stormy, cold, or inclement weather, or carry the animal in or upon any vehicle in a cruel or inhumane manner.

(C) A person who willfully, maliciously, and without just cause or excuse kills, tortures, mutilates, maims, or disfigures an animal or who willfully and maliciously and without just cause or excuse administers poison to an animal, or exposes an animal to any poisonous substance, other than a substance that is used for therapeutic veterinary medical purposes, with the intent that the substance be taken or swallowed by the animal, is guilty of a misdemeanor.

(D) As part of a sentence for a violation of this section, the court may order the defendant to pay for the costs of the care, housing, and veterinary medical care for the animal.

SECTION 3. HARBORING A NOISY ANIMAL

(A) No person shall own, harbor, keep or possess any animal which by loud, frequent, or habitual barking, yelping, howling, growling, cackling, crying or any other noise causes an annoyance to the neighborhood. For the first violation of this subsection, the person shall be guilty of a municipal civil infraction. For all subsequent violations of this subsection, the person shall be guilty of a misdemeanor.

(B) No person shall own, harbor, keep or possess any animal which habitually barks, howls, yelps, growls, cackles, cries, or makes any other noise to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be a public nuisance.

SECTION 4. PENALTY

Any person violating any provision of this ordinance shall be subject to a fine of up to \$500 and/or a jail term of up to 93 days.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective upon publication.

At a regular meeting of the City Council of the City of Bangor held on _____, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of said Ordinance No. 293, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____ and that the following members voted against such Ordinance: _____

I further certify that said Ordinance No. 293 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of _____, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor

**CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 294
DANGEROUS BUILDING ORDINANCE**

An ordinance to secure public health, safety, and general welfare of the residents and property owners of the City of Bangor, Van Buren County, Michigan; by regulating, preventing, reducing, or eliminating dangerous buildings in the City; to establish procedures for eliminating dangerous buildings, and to establish penalties for violating the ordinance, and to replace and supersede any prior ordinance adopted by the City that is inconsistent with the provisions of this ordinance.

THE CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE AND REPEAL OF PRIOR ORDINANCES

This article shall be known and cited as the "Dangerous Building Code" and is enacted pursuant to Act No. 167 of the Public Acts of 1917, as amended, to regulate dangerous buildings within the city.

SECTION 2. DANGEROUS BUILDING PROHIBITION

It shall be unlawful for any owner or agent thereof to keep or maintain any building, structure or part thereof which is a dangerous building as defined in this article.

SECTION 3. DANGEROUS BUILDING DEFINITION

As used in this article "dangerous building" means any building or structure which has any of the following defects or is in any of the following conditions:

- (1) A door, aisle, passageway, stairway, or other means of exit or egress does not conform to the approved fire code of the city.
- (2) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Michigan Building Code or the Michigan Residential Code for a new building or structure, purpose, or location.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to such an extent that the walls or other structural portions of the building or structure have materially

less resistance to wind than is required in the case of new construction by the Michigan Building Code or the Michigan Residential Code.

- (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building, structure, or a part of the building or structure is clearly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that a health official determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A portion of a building or structure remains on a site after demolition or destruction of the building or structure or whenever any building, structure or portion thereof is abandoned so as to constitute an attractive nuisance or a hazard to the public.
- (11) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2501 to 339.2515 of the Michigan Compiled Laws. For purposes of this subsection, "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:
 - (a) A building or structure as to which the owner or agent does both of the following:

- (i) Notifies the city police department that the building or structure will remain unoccupied for a period of 180 consecutive days or more. The notice shall be given to the city police department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 - (ii) Maintains the exterior of the building or structure and adjoining grounds in accordance with the Michigan Building Code or the Michigan Residential Code, and the property maintenance code.
- (b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 consecutive days or longer each year, if the owner notifies the city police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the city police department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home that is occupied by the owner or a member of the owner's family during part of a year.

SECTION 4. NOTICE OF DANGEROUS CONDITIONS, HEARING OFFICER, SERVICE

- (1) Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the building official shall issue a notice that the building or structure is a dangerous building. The notice may be served by the building official or the official's designee. The notice shall contain:
- (a) The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.
 - (b) A brief and concise description of the condition found to render the building or structure dangerous.
 - (c) A statement of action required to be taken as determined by the building official.
 - (d) If determined necessary by the building official, a statement advising that the structure must be vacated until any required repair or demolition work is completed.
- (2) The notice shall be served on the owner or agent that is registered with the city building and code enforcement division. If an owner or agent is not registered with the city building and code enforcement division, the notice

shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment record. Service may be accomplished in person, by certified or registered mail, or by affixing the notice to the front door of any structure located on the property. The notice shall be served at least ten days before the date of any hearing included in the notice.

- (3) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (4) The hearing officer shall be appointed by the mayor, to serve at his or her pleasure, and shall be paid a reasonable sum to be set from time to time by resolution of the city commission. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or a member of a community housing organization. An employee of the city building and code enforcement division shall not be appointed as hearing officer. The building official shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

SECTION 5. HEARING AND ENFORCEMENT

- (1) At a hearing prescribed by Section 4, the hearing officer shall take testimony of the building official, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- (2) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.
- (3) If the owner, agent, or lessee fails to appear for the hearing or neglects or refuses to comply with the order issued under subsection (b), the hearing officer shall file a report of the findings and a copy of the order with the legislative body of the city not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the

owner, agent, or lessee in one of the ways that the original notice may be served.

- (4) The city council shall fix a date not less than 30 days after the hearing before the hearing officer for a hearing before the council on the findings and order of the hearing officer and shall give notice to the owner, agent, of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The time allowed for such a showing may be limited by the Mayor. The city council shall either approve, disapprove or modify the order. If the city council approves or modifies the order, it shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 30 days after the date of the hearing under this subsection or by another date set by the city council. In the case of an order of demolition, if the city council determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 14 days after the date of the hearing under this subsection.
- (5) The cost of demolition, of making the building safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure incurred by the city to bring the property into conformance shall be reimbursed to the city by the owner or party in interest in whose name the property appears.
- (6) The owner shall be invoiced, and if uncollected or unpaid, assessed to the owner.
- (7) In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION. 6. ENFORCEMENT OF JUDGMENT, LIEN FOR JUDGMENT AMOUNT

- (1) A judgment in an action brought under this ordinance may be enforced against assets of the owner other than the building or structure.

- (2) The city shall have a lien for the amount of a judgment obtained pursuant to this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION 7. FAILURE OR REFUSAL TO COMPLY WITH ORDER

A person who fails or refuses to comply with an order approved or modified by the city council within the time prescribed by that section is guilty of a misdemeanor, subject to penalties consisting of a fine of \$500, 93 days in jail, or both, such penalties to be in addition to any other legal or equitable remedies that are available under this article.

SECTION 8. APPEALS

An owner or party in interest aggrieved by any final decision or order of the city commission under this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective 10 days after publication.

At a regular meeting of the City Council of the City of Bangor held on _____, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of said Ordinance No. 294, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____ and that the following members voted against such Ordinance: _____

I further certify that said Ordinance No. 294 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of _____, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor

CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 295
INOPERABLE VEHICLE ORDINANCE

An Ordinance to secure the public peace, health, safety, and welfare of the residents and property owners of the City of Bangor, Van Buren County, Michigan, by regulating the outdoor storage of motor vehicles which cannot be legally operated on the public streets because of mechanical or licensing deficiencies, to provide penalties for the violation of this Ordinance, and to repeal any Ordinance or parts of any Ordinance which conflict with this Ordinance.

THE CITY OF BANGOR ORDAINS:

SECTION 1 INTENT

The intent of this Ordinance is to prevent the outdoor storage of motor vehicles or parts of motor vehicles on property located in the City of Bangor in situations in which a vehicle is either unlicensed, and/or unregistered or is incapable of lawful operation because of a mechanical condition.

SECTION 2 DEFINITION OF INOPERABLE VEHICLE

For the purpose of this Ordinance, an inoperable vehicle is any vehicle which is capable of transporting one or more persons, and which moves by using a self-contained power source, or any part of such a vehicle, and which is not in a condition allowing the vehicle's operation on the public streets in conformance with all legal and/or administrative requirements of the City of Bangor and/or the State of Michigan.

SECTION 3 DEFINITION OF PERSON

As used in this Ordinance, the term "person" shall include any individual or entity recognized by the laws of the State of Michigan, including, without limitation, any corporation, co-partnership, limited liability partnership, limited liability company, non-profit or charitable organization, or educational institution.

SECTION 4 STORAGE OF INOPERABLE MOTOR VEHICLES OR PARTS OF SUCH VEHICLES

It is unlawful for any person to maintain on property located in the City of Bangor an inoperable motor vehicle unless the vehicle is kept in a wholly enclosed garage or other wholly enclosed structure; provided, however, that the owner or tenant of property may,

for a period of time not to exceed seven (7) days, maintain on property which the person owns or leases one such motor vehicle owned by and registered to the person who is the owner or tenant of the property on which the vehicle is stored and further provided that an inoperable vehicle shall never be maintained on any yard.

If a vehicle is defined as inoperable solely because it is not licensed for lawful operation, the time period described above shall be increased to (15) days.

SECTION 5 EXCEPTION FOR HISTORIC VEHICLES

If a vehicle is licensed by the State of Michigan as a Historical Vehicle, the Chief of Police or Code Enforcement Officer shall have the discretion to exempt the vehicle from the provisions of this ordinance for a period of up to six (6) months, provided that the vehicle is licensed to operate and that reasonable progress is made toward repair and/or restoration. The owner of the property on which the vehicle is located shall bear the burden to establish reasonable progress. The Chief of Police or Code Enforcement Officer shall have the discretion to extend the time period described in this section of the Ordinance for good cause.

SECTION 6 NUISANCE

The presence of an inoperable motor vehicle, in violation of the terms of this Ordinance, is a nuisance.

SECTION 8 PENALTIES

Any person who violates the terms of this Ordinance is guilty of a misdemeanor, which shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment of not more than ninety (90) days, or both. Each day during which any violation of this Ordinance shall continue shall constitute a separate violation of this Ordinance or even having the vehicle removed from the property if deemed by the court or if the vehicle is a road hazard.

SECTION 9 SEVERABILITY

The provisions of this Ordinance are severable, and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion of the Ordinance.

SECTION 10 EFFECTIVE DATE

This Ordinance shall be effective 10 days after publication.

At a regular meeting of the City Council of the City of Bangor held on _____, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of said Ordinance No. 295, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____ and that the following members voted against such Ordinance: _____

I further certify that said Ordinance No. 295 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of _____, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor

**CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 296
SIDEWALK ORDINANCE**

An Ordinance to establish standards for the construction and maintenance of sidewalks in the City of Bangor.

THE CITY OF BANGOR ORDAINS:

SECTION 1 PURPOSE

The purpose of this Ordinance is to protect the health and safety of persons using sidewalks located within the City and to enhance the value of property located in the City, by establishing standards for the construction and maintenance of the sidewalks.

SECTION 2 DEFINITIONS

- (1) Person: A person shall be defined as an individual or any entity, including but not limited to, a corporation, partnership, or LLC, which is recognized by the laws of the State of Michigan.
- (2) Owner: For the purposes of this Ordinance, an owner shall be defined as any of the following:
 - (A) The Person who holds fee title to the property.
 - (B) The person whose property is assessed on the City tax roll.
 - (C) The tenant or occupant of the property.
 - (D) The person in the process of developing property for residential use and constructing sidewalks as a part of common improvements to the development and who has not released the responsibility of maintenance of those improvements to an established homeowner.
 - (E) The association of homeowners is responsible for the maintenance and repair of common areas of a residential development.

- (3) Sidewalk: The portion of the street right-of-way designed and improved for pedestrian and non-motorized travel, as well as those areas located above the right of way which are reasonably necessary to allow for travel on the designated portion of the right of way.

SECTION 3 PERMIT REQUIREMENT

No person shall construct, rebuild, or repair any sidewalk without first obtaining a written permit from the City of Bangor. All sidewalk improvements shall be in accordance with the line, grade, slope, and specifications established by the City of Bangor. The written permit shall be prominently displayed on the construction site. The fee for such permit shall be set by the City's fee schedule.

SECTION 5 CONSTRUCTION AND MAINTENANCE SPECIFICATIONS

Sidewalks shall be constructed and maintained in accordance with the standards and specifications as established by the City. The director of public works, City Manager, or Code Enforcement Officer may revoke any permit issued under the terms of this article for incompetency or failure to comply with the terms of this article or the rules, regulations, plans, and specifications established by the City.

SECTION 6 OBSTRUCTIONS

The owner and/or occupant of every lot or premises adjoining any street shall clear and keep all sidewalks adjoining such lot or premises from any obstructions including, but not limited to, snow and ice, structures, vehicles, materials, debris, vegetation or other items. The owner and/or occupant shall also keep clear the area which is located directly over the sidewalk in a manner that will allow reasonable travel without interference from obstructions as defined above.

All sidewalks shall go through driveways. (driveway to sidewalk, sidewalk to driveway, driveway to road.)

SECTION 7 MAINTENANCE OF EXISTING SIDEWALKS

No person shall permit any sidewalk which adjoins property owned by such person to fall into a state of disrepair or to be unsafe. The property owner or occupant shall be responsible for shoveling snow from sidewalks when the snow depth reaches 3 inches.

SECTION 8 CITY REPAIR OF CERTAIN AREAS

The City shall retain the right to repair any sidewalk or portion thereof at the City's expense. These areas shall be designated at the sole discretion of the City. Once such areas have been repaired in a manner which conforms with this Ordinance. All responsibility for further maintenance shall rest with the owner.

SECTION 9 VIOLATIONS

Any person who shall violate any section of this article shall be responsible for a civil infraction and shall pay a fine not to exceed (\$500.00). Each day a violation exists may be considered a separate violation and a fine so imposed.

SECTION 10 EFFECTIVE DATE

This ordinance shall be effective upon publication.

At a regular meeting of the City Council of the City of Bangor held on _____, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of said Ordinance No. 296, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____ and that the following members voted against such Ordinance: _____

I further certify that said Ordinance No. 296 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of _____, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor

**CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 297
TREE ORDINANCE**

THE CITY OF BANGOR ORDAINS:

SECTION 1 PURPOSE AND SCOPE

It is the purpose of this chapter to promote and protect public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees and shrubs in public places and on private property.

SECTION 2 TREE PROTECTION

No person shall break, injure, mutilate, kill, or destroy any tree or shrub, set any fire, or permit any fire, or the heat thereof, to injure any portion of any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain, or be emptied on, near, or about any tree. No electric wire or any other lines or wires shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage.

SECTION 3 STREET TREE SPECIES TO BE PLANTED

The following list constitutes the official street tree species for the City of Bangor. No species other than those included in this list may be planted as a street tree, without written permission of the City Manager. Apricot, Coffeetree, Crabapple, Flowering, Goldenraintree, Hawthorne, Bradford Pear, Redbud, Soapberry, Lilac Purple leaf serviceberry, Green Ash, Hackberry, honeylocust, Linden or Basswood, Red Mulberry, Red Oak, English Oak, Japanese Pagoda tree, Pecan, River Birch Osage Orange, White Poplar, Sassafras, Kentucky, Sugar Maple, Bur Oak, Sycamore, Cottonwood.

SECTION 4 RESPONSIBILITY

- (1) Every owner of any tree on private property overhanging any street or right-of-way within the City shall trim the branches so that such branches shall not obstruct the

light from the street lamp or obstruct the view of any street intersection and so that there shall be clear space of 14 feet above the surface of the street or right-of-way.

- (2) Such owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. That includes all trees located from the curb to the sidewalk and the sidewalk to the end of the property line on all residential and commercial property lines.
- (3) The City shall have the right to trim any tree or shrub on any property in the City of Bangor when it could be considered a safety hazard to the public or electrical lines/wires. It shall not be the City's responsibility to remove any dead trees that have fallen from either a storm or any natural or unnatural causes from a private property unless the City of Bangor deems the tree to be a safety hazard (on electrical lines or fallen into the road.) Each property owner will have 10 days to clear the fallen tree or dying tree once the notice is given
- (4) In the event of a tree falling from natural causes or onto someone else's property and causing damage, it will be the responsibility of the property owner of that tree to pay restitution for the damages and also be the responsible party for the removal of such tree and such damages if problems arise such matter will be dealt with the civil court.

SECTION 5 INSPECTION

The city manager or designee shall have the authority to enter upon private premises to examine any trees and issue a notice to the property owner that may interfere with the tree ordinance to have such problems fixed within the time period given.

SECTION 6 APPEAL

In case the owner, agent, or occupant of the property shall feel aggrieved at an order from the City of Bangor requiring treatment or destruction of any tree, he may within 48 hours make an appeal to the City Manager. The City Manager shall review such appeal and shall determine the matter under such expert advice as may be necessary.

SECTION 7 FAILURE TO COMPLY AND PENALTIES

Once the City has issued a tree ordinance violation to the owner of the private or commercial property and such owner has not complied with the ordinance violation. A civil infraction will be given to the owner with a fine of \$50. After the civil infraction has been

given a grace period of 7 days will be set for the homeowner to comply. Failure to comply after the grace period the City will have the right to clear or remove said tree(s) from the property and the owner will be invoiced for all the expenses. If these costs have not been paid prior to the preparation of the next tax assessment roll, then such amount shall be assessed as a special tax against the property on the assessment roll and collected in all respects as other taxes under the general tax laws of this state.

SECTION 8 EFFECTIVE DATE

This Ordinance shall become effective 10 days after publication.

At a regular meeting of the City Council of the City of Bangor held on _____, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of said Ordinance No. 297, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance:

_____ and that the following members voted against such Ordinance: _____

I further certify that said Ordinance No. 297 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of _____, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor