

CITY OF MOUNT CLEMENS, Michigan

AN ORDINANCE to amend the City's blight ordinance to include as blight a violation of regulations related to the rental dwellings and units in the city; to provide the Administrative Hearing Bureau the authority to enforce such violations; to provide for a civil responsibility violation within the City, and to amend the City's Animal Control Ordinances by adding definitions, define humane treatment, nuisances, licensing procedures and impoundment of animals and repeal any and all Ordinances in conflict therewith.

The City of Mount Clemens hereby ordains:

Section 1. Ordinance 19.000, Sections 19.002 of the City of Mount Clemens Code of Ordinances is hereby amended to read as follows:

CAUSES OF BLIGHT, OR BLIGHTING FACTORS.

It is hereby determined that the following uses, structures, activities, and conditions are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property in the City whether owned, leased, rented, or occupied by such person. Such blight or blighting factors are:

- A. In any area except where specifically permitted, the storage upon any property, street or alley of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, or boat hulls in disrepair, or any unlabeled or unregistered vehicle, except in a completely enclosed building. For the purpose of this section the term "junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, or boat hulls in disrepair" shall include any vehicle, trailer, equipment or boat which is inoperable or partially dismantled. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair, or other cause. "Partially dismantled" means a part or parts which are ordinarily a component has been removed or is missing.
- B. In any area, except where specifically permitted, the open storage upon any property, street or alley of building materials unless there is in force a valid building permit issued by the City for construction upon said property and said materials are for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used for construction.
- C. In any area, except where specifically permitted, the open storage or accumulation upon any property, street or alley of junk, trash, debris, rubbish or refuse of any kind, except domestic refuse 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 motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast of material of any kind whether or not the same could be put to any immediate reasonable use. "Open storage" as used in this chapter shall mean such storage or accumulation which is visible from any public street or sidewalk, or from any adjoining property.
- D. In any area, upholstered furniture which is not intended or designed for outdoor use on exterior unenclosed balconies, porches, decks, landings or other areas exposed to the weather.
- E. In any area, the failure to maintain the exterior of any building in a condition such that windows are glazed, exterior surfaces are kept clean and painted where indicated, porches and stairs are stable and free of cracked boards or block.

- F. In any area, the failure to install and maintain landscaping on all areas of the property not occupied by buildings, sidewalks, parking lots, driveways and similar areas. Landscaping shall consist, at the minimum, of the establishment of sod or other material to hold the earth and prevent dust and the establishment of noxious weeds. The owner shall maintain the landscaping and shall see that all lawns are mowed regularly, shrubs are appropriately trimmed, and noxious weeds are eliminated.
- G. In any area, the existence of any structure or part of structure which because of fire, wind, or natural disaster, or physical deterioration is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
- H. In any area, the existence of any vacant dwelling, garage or other outbuildings, unless said structure is kept securely locked, windows are glazed, exterior surfaces are kept clean and painted where indicated, porches and stairs are stable and free of cracked boards or block and are otherwise protected to prevent entry thereto by the elements or by unauthorized persons.
- I. In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the City of Mount Clemens, the owner obtains and complies with all inspections for each permit obtained relative to the construction and unless such construction is completed within a reasonable time.
- J. In any area, the existence of unsanitary or unclean conditions creating a risk of infection, disease or illness in any exterior area of the premises or adjoining property which is under the control of the owner or occupant.
- K. In any area, the infestation of insects, rodents, vermin or other pests in any exterior areas of the premises. The extermination of the infestation is the responsibility of the occupant of the premises except where the infestation exists in the shared, multiple or common use element of the exterior of the premises, extermination is the responsibility of the owner if different from the occupant.
- L. In any area, the accumulation of stagnant water due to improper or non- functioning grading and/or drainage of the premises.
- M. In any area, the storage or parking of a motor vehicle or recreation vehicle in the yard of any premises, unless the same is in an enclosed structure or on an improved surface.
- N. In any area, maintaining an outdoor detached structure such as a tent, port-a-john, or temporary building for longer than seven days, unless said structure has been approved by the Mount Clemens Planning Commission and is contained on the site plan for the premises or if a valid permit has been obtained from the Mount Clemens Community Development Department.
- O. In any area, a roll-off dumpster shall only be allowed to remain in the yard of any premises for as long as necessary to complete repairs for which a valid permit has been obtained. A roll-off dumpster shall not remain on any property for longer than 48 hours after said repairs are completed, and in no case shall a roll-off dumpster remain on any premises for longer than 30 days without the express written permission of the Director of Community Development.
- P. In any area, personal property sales, unless the personal property sale is conducted according to the following:
 - 1. Personal property sales include garage sales, yard sales, estate sales, or any other sales of a similar nature.
 - 2. Personal property sales shall be limited to sales of items which had been used in the normal course of residential living in the home at which the sale is to occur and shall not be transported to such home for purposes of the sale. This does not prohibit minor joint garage sale activities among family or nearby neighbors.
 - 3. All articles of property that are offered for sale shall be removed from display when the sale has been completed.
 - 4. Personal property sales shall be limited to no more than three (3) consecutive days per sale, between the hours of 9:00 a.m. and 9:00 p.m.

5. All articles of property that are offered for sale shall be totally enclosed within a lawful structure or building between the hours of 9:00 p.m. and 9:00 a.m.
 6. No signs advertising such sales shall be placed upon public property or in the public right-of-way and shall comply with all applicable codes and ordinances of the City of Mount Clemens.
- Q. In any area, a violation of the regulations set forth in Ordinance 17.100 et seq. of the Code of Ordinances regulating the storage of recreational vehicles in the City.
- R. In any area, except where specifically permitted, the storage upon any property of building materials unless there is in force a valid building permit issued by the City for construction upon the property, the construction is progressing within a reasonable time frame and the materials are intended for immediate use in connection with such construction, except the temporary storage of building materials which in the opinion of the building inspector are not of a nature to be unsightly or a cause of blight. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, scaffolding, ladders, shingles, mortar, concrete or cement, nails, screws, or any other material used in constructing any structure.
- S. **In any area, a violation of the regulations set forth in Ordinance 16.200 et seq. of the Code of Ordinances regulating the rental of residential dwellings and units in the City.**

Section 2. Ordinance 19.300. Section 19.302 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative Hearings Bureau means the Administrative Hearings Bureau established pursuant to this article and as provided in MCL 117.4q.

Blight Violations mean the following:

- (a) Any blight or blighting factors violation as set forth in Ordinance 19.000 et. seq
- (b) A violation of the Property Maintenance Code as set forth in Ordinance 23.000 et. seq.
- (c) A violation of the Recreational Equipment storage requirements set forth in Ordinance 17.100 et. seq.
- (d) A violation of the Registration and Inspection of Rental Dwellings and Rental Units set forth in Ordinance 16.200.**

Blight Violation Notice means a notice of a blight violation and may be in the form of a ticket or other written notice. Notices may be served and are deemed to be served on the date the notice was personally delivered, deposited in the United States Mail, personally left at the premises or posted on the premises.

Section 3. Ordinance 16.200, Section 16.210 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

~~Any owner of a residential rental structure or residential rental unit who shall fail to register his/her residential rental structure and residential rental units or who shall fail to obtain a Certificate of Compliance for each of his/her residential rental structures and residential rental units shall be guilty of a misdemeanor. Any owner who fails to comply with any of the other requirements of this ordinance shall be guilty of a misdemeanor.~~

~~Upon conviction under this section, the owner shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day a violation exists shall constitute a separate offense. Each violation for each rental dwelling and rental unit shall constitute a separate offense. A penalty created by this ordinance shall not limit or derogate any other statutory or common law right or action.~~

A violation of the regulations contained in this Ordinance shall be deemed a blight violation and subject to the provisions Section 19. 300 et. Seq. Administrative Hearings Bureau City of Mount Clemens Ordinance.

In the event a hearing officer grants a final decision and order under the provisions of Section 19.300 et seq and the person fails to correct the violation no later than 30 days after the final decision and order is granted, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than five hundred dollars (\$500.00), or both.

Section 4. Ordinance 35.210, Section 35.211 of the City of Mount Clemens Code of Ordinances is hereby created to amend or add the following definitions in alphabetical order:

Abandon shall mean to desert, forsake, or give up an animal without having secured another owner or custodian for the animal or having transferred the animal to an Animal Shelter, Mt. Clemens Animal Control, or a Veterinary agency.

Animal shall mean any live- ~~ing vertebrate~~ creature , **wild or domestic**, ~~excepting humans, beings and fish, turtles and birds~~

~~Owner shall mean any person, partnership, corporation or association owning keeping or harboring one or more animals.~~

Owner shall mean: any person

- (1) having a right of property in an animal; or an authorized agent of the person having a right of property in an animal;**
- (2) keeping or harboring an animal or has an animal in his or her care, custody or control;**
- (3) having control or purporting to have control over an animal;**
- (4) named in the licensing records of any animal as the owner;**
- (5) occupying the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing records;**
- (6) The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined in this section. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner.**

Rabbit shall mean a long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.

Section 5. Ordinance 35.210, Section 325.216 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

HUMANE TREATMENT, ETC., REQUIRED.

No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

1. **Feeding.** Each animal shall be supplied with sufficient, good, wholesome food and water.
2. **Cleanliness.** All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
3. **Unattended Animals.** No animal shall be without attention\supervision for an unreasonable period of time.
4. **Dangerous Surroundings.** No condition shall be maintained or permitted that is, or could reasonably be expected to be, injurious to the animal.
5. **Teasing.** Every reasonable precaution shall be taken to ensure that animals are not teased, abused, mistreated, annoyed, tormented or made to suffer by any person or means.
6. **Ventilation and Light.** Every building or enclosure where animals are maintained shall be constructed of materials that are easy to clean and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.
7. **Cages.** All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodation for the animals.
8. **Shelter.** Proper shelter of suitable size and protection from the weather shall be always provided.
9. **Structural Strength.** Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals.

SEVERE WEATHER CONDITIONS. It shall be unlawful for any person to leave any animal outside and unattended during any period in which any severe weather warning has been issued for the City of Mount Clemens, Michigan, by the National or Local Weather Service for an unreasonable amount of time, if the temperature during such period remains entirely below 32° F, or above 90° F. **"Outside," for purposes of this section, shall mean any dog that is outdoors subject to the weather and elements, which expressly includes, but is not limited to, a dog in a securely fenced-in yard, a dog in a carrier, or a dog tethered or tied-out. The dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure.**

TETHERING. It shall be unlawful for any person to attach chains or tethers, restrains or implements directly to an animal without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the animal. In addition, no person shall:

- a. Tether an animal without the continuous presence of an adult on the premises at all times that the animal is restrained; or
- b. Leave an animal outdoors without the continuous presence of an adult on the premises at all times; or
- c. Tether an animal unless the tether is a coated steel cable specifically designed for restraining

animals and is at least three times the length of the animal as measured from the tip of its nose to the base of its tail and is attached to a harness or non-choke collar specifically designed for tethering, with a swivel attached to both ends, done in such a manner as to not cause injury strangulation or entanglement of the animal on fences, trees, another tethered animal, or any other manmade or natural objects; or

- d. Tether more than one animal to a single tether or tether one animal to a single tether that would allow the animal to come within three (3) feet of another tethered animal or a property line; or
- e. Continuously tether an animal for more than two continuous hours, except that tethering of the same animal may resume after a hiatus of three continuous hours, for up to three hours total time on tether per day; or
- f. Use a tether or any assembly or attachments thereto to tether an animal that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement for the animal within the area tethered; or
- g. Tether an animal on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the animal on fences, trees, or other manmade or natural obstacles; or
- h. Tether an animal without access to shade when sunlight is likely to cause overheating; or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40° F, or to tether an animal without securing its water supply so that it cannot be tipped over by the tether; or
- i. Tether an animal in an open area where it can be teased by persons or an open area that does not provide the animal protection from attack by other animals; or
- j. Tether an animal in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

LEAVING ANIMAL IN UNATTENDED VEHICLE. It shall be unlawful to leave or confine an animal in an unattended motor vehicle under conditions that endanger the health or well-being of the animal. A person owes a duty of care to an animal that the person leaves confined in an unattended vehicle.

- a. No police officer, Animal Control Deputy or firefighter who enters into an unattended vehicle in order to rescue an animal, nor the employer of any such person, shall be liable for any damages caused by the rescue, provided that the person:
 - (i) Prior to entry, makes a reasonable effort to locate the person who owes a duty of care to the animal
 - (ii) Acts under a reasonable belief that the animal is in severe physical distress;
 - (iii) Takes reasonable steps to ensure or restore the well-being of the animal;
 - (iv) Leaves a note on or in the vehicle directing the person to the law enforcement agency having custody of the animal including the address where the animal can be located.
- b. The immunity provided shall apply regardless of whether the person is charged with or found guilty of committing an offense under this section.

Section 6. Ordinance 35.210, Section 35.219 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

CONTROL OF MANURE AND OFFAL.

Every person lawfully keeping or harboring any animal shall keep or cause to be kept all manure or offal therefrom, which shall be deposited by or which accumulated from such animal, securely and

closely confined to or buried upon his premises and in such manner as will prevent it from being scattered from such place of deposit into or upon any street, sidewalk, alley or gutter of the city, and shall so cover and care for it as to prevent any malodorous or offensive condition to exist and to prevent any nuisance to arise therefrom.

A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than their own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off their property.

NUISANCE OR ANIMALS CAUSING NUISANCE

It shall be unlawful for a person who owns, has custody or control of an animal to allow the animal to be a nuisance or engage in nuisance behavior. Nuisance behavior shall include, but not be limited to:

- 1. repeated urinating or defecating on property other than that of its owner; or**
- 2. damaging inanimate personal property; or**
- 3. frequently or for a continued duration howl, barks, whines, yelps, meows, squawks or makes other sounds which shall disturb the peace and quiet of any person or cause an annoyance or disturbance to the neighborhood or to people passing upon the streets of the City.**

Section 7. Ordinance 35.210, Section 35.221 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

IMPOUNDMENT OF ANIMALS WHEN ARTICLE VIOLATED.

In the case of any violation of this chapter, it shall be the option of any duly appointed enforcement officer to seize such animal and provide the necessary care and attention and such animal shall not be returned until all expenses for such care and attention shall have been paid.

QUARANTINE. Every animal that has bitten a person/animal shall be quarantined for a period of not less than 10 days. Such quarantine shall be at the ~~Macomb County Animal Control~~ **animal owners home**, a veterinary office, or a place designated by a duly appointed enforcement officer. The owner shall surrender the animal to the enforcement officer upon request. Should the owner refuse to cooperate, the enforcement officer may seek a court order or warrant to enforce the quarantine in accordance with MCL 333.2241, et. seq.

Section 8. Ordinance 35. 210, Section 35.223 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

REPORTING OF ANIMAL BITES.

- (a) If any person is bitten by any animal, it shall be the duty of that person and the owner or custodian of the animal having knowledge of the same to report same to the police department **or Mount Clemens Animal Control** within twelve (12) hours thereafter. The police department shall, if necessary and advisable, hold such animal a sufficient length of time to meet the requirements of the health department for investigation. If space is not available, the animal shall be placed in a reliable facility and the owner of such animal shall be liable for the cost of same.

- (b) If the owner or custodian of any animal has reason to believe that such animal has become infected with rabies, it shall be the duty of that person to report same to the police department **or Mount Clemens Animal Control** immediately.

Section 9. Ordinance 35.210, Section 25.224 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

IMPOUNDMENT.

- (a) Any animal found running at large or causing a nuisance shall be impounded by the city and confined in a humane manner.
- (b) Impounded animals shall be kept for not less than ~~five (5)~~ **four (4)** working days. Any animal not reclaimed by its owner within ~~five (5)~~ **four (4)** working days shall be destroyed or sold to the public after notification to owner.
- (~~e~~) An owner reclaiming an impounded animal shall pay all costs of impoundment, **including any veterinary care.** ~~plus two dollars (\$2.00) per day.~~

Section 10. Ordinance 35.210, Section 35.225, entitled Destruction of Animals, of the City of Mount Clemens Code of Ordinances shall be deleted in its entirety.

Section 11. Ordinance 35.210, Section 35.228, entitled Review of License of Repeated Offenders, of the City of Mount Clemens Code of Ordinances shall be deleted in its entirety.

Section 12. Ordinance 35.240, Section 35.241 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

LICENSING.

- a) Any person owning, keeping, possessing, harboring or having custody of any dog within the city must obtain a license.
- b) Written application for licenses shall be made to the city clerk, which shall include name and address of applicant, breed, sex, age, color and markings of the dog, the appropriate fee and a currently valid rabies certificate issued by a licensed veterinarian and given under his/her direct supervision.
- c) Application for a license must be made within thirty (30) days after obtaining a dog over ~~six (6)~~ **four (4)** months of age, except that this requirement will not apply to a nonresident keeping a dog within the city for no longer than sixty (60) days.
- d) License fees shall not be required for guide dogs, hearing and dogs, or governmental police dogs.
- e) Upon acceptance of the license application and fee, the city clerk shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.
- f) Dogs must wear identification tags or collars at all times when off the premises of the owners.
- g) The city clerk shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public during business hours. These will be kept three (3) years.

- h) Dog licenses shall be issued on a ~~one, two and three~~ **yearly** basis. The licensing period shall begin January first and license shall be valid until January first of the following year.
- i) A license shall be issued after payment of the applicable fee, as established by resolution of the city council.
- j) No dog owner shall be required to have a license for its dog until it shall have attained the age of ~~six (6)~~ **four (4)** months.
- k) No person may use any license for any animal other than the animal for which it is issued.

Section 13. Ordinance 35.240, Section 35.243 of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

NOISY DOGS.

It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance to persons by frequent barking, howling or ~~h~~ **y**elping.

Section 14. Ordinance 35.250, Section 35.257, entitled Impounding Cats; Disposition, of the City of Mount Clemens Code of Ordinances shall be deleted in its entirety.

Section 15. Ordinance 35.250, Section 35.258, entitled Animal Control Officer, Record Required, of the City of Mount Clemens Code of Ordinances shall be deleted in its entirety.

Section 16. Ordinance 35.250, Section 35.259, entitled Vicious Cats, Requirements, of the City of Mount Clemens Code of Ordinances shall be deleted in its entirety.

Section 17. Ordinance 35.290, Section 35.292 C of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

C. If the identity of the owner of a dog that the Animal Control Officer has classified as a dangerous dog or a potentially dangerous dog cannot be determined, the dog shall be immediately confiscated, with notice of same and a description of the dog given to the Macomb County Sheriff's Office and the ~~Macomb County~~ **Mount Clemens** Animal Control Shelter. If the dog's owner claims such dog, the dog shall be released to its owner, together with a copy of the notice specified in Subsection A of this section. If the dog remains unclaimed for seven days, the dog shall be turned over to a local animal welfare organization or examined by a veterinarian and/or a local animal welfare organization to determine the viability of the dog or appropriate course of destruction of the dog, if necessary.

Section 18. Ordinance 35.290, Section 35.299 D of the City of Mount Clemens Code of Ordinances shall be amended to read as follows:

D. If the confiscated dog remains unclaimed for a period of seven days after written notice of the confiscation to the owner, or if the identity of the owner cannot be determined and seven days have passed after a description of the dog has been given to the Macomb County Sheriff's Office and the ~~Macomb County~~ **Mount Clemens** Animal Shelter, then the dog shall be turned over to a local animal welfare organization or examined by a veterinarian and/or a local animal welfare organization to determine the viability of the dog or appropriate course of destruction of the dog, if necessary.

Section 19. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held to be invalid or unconstitutional, the invalidity or unconstitutionality of such a section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 20. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 21. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after publication hereof.

CERTIFICATION

I hereby certify the forgoing is a true and complete copy of an ordinance duly adopted by the City Commission of the City of Mount Clemens at a Regular Meeting held on May 19, 2025, pursuant and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be made available as required by said Act.

CATHLEEN MARTIN, Clerk

Introduction Date:	May 5, 2025
Adoption Date:	May 19, 2025
Publication Date:	May 28, 2025
Effective Date:	June 27, 2025