



**NOTICE OF ADOPTED ORDINANCE
CITY OF YPSILANTI
Ordinance No. 1275**

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 54 "HISTORICAL PRESERVATION", ARTICLE II "HISTORIC DISTRICTS", DIVISION 1 "GENERALLY", SECTION 54-43 REGARDING PENALTIES AND DIVISION 4 "CONSTRUCTION, ALTERATION OR MAINTENANCE", SECTION 54-85 "DEMOLOLUTION BY NEGLIGENCE" SO THAT VIOLATIONS OF SECTION 54-81 "PERMIT REQUIRED" AND SECTION 54-85 "DEMOLITION BY NEGLIGENCE" ARE BLIGHT VIOLATIONS.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 54 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Historical Preservation", Article II "Historic Districts", Division 1 "Generally", Section 54-43 "Municipal civil infraction; penalties", is hereby amended as follows:

Sec. 54-43. – Penalties ~~Municipal civil infraction; penalties.~~

(a) A person, individual, partnership, firm, corporation, organization, institution or agency of government who violates Section 54-81 or Section 54-85 is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this Article shall be subject to increased fines as set forth in [section 71-73](#).

A person, individual, partnership, firm, corporation, organization, institution or agency of government who violates any other provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in [section 70-38](#). Repeat offenses under this article shall be subject to increased fines as set forth in [section 70-38](#).

(b) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this article may be ordered by the court to pay the cost to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

That Chapter 54 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Historical Preservation", Article II "Historic Districts", Division 4 "Construction, Alteration or Maintenance", Section 54-85 "Demolition by neglect", is hereby amended as follows:

Sec. 54-85. - Demolition by neglect.

Upon a finding by the historic district commission that a historic resource within a historic district or proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do one of the following:

- (1) Require the owner of the resource to repair all conditions contributing to demolition by neglect within a reasonable time set by the commission.
- (2) If the owner does not make repairs within the reasonable time set by the commission ~~a reasonable time~~, the owner may be charged with a blight violation and/or the commission or its agents may enter the property, after obtaining an order from the circuit court, and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property if the costs remain unpaid 30 days after the owner has been notified of the cost.
- (3) In the event that efforts by the commission to preserve a resource fail, the commission may recommend to the city council that public ownership of the resource is most suitable. The city council may proceed under section 7 of Act No. 169 of the Public Acts of Michigan of 1970 (MCL 339.207).

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or

done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 20TH DAY OF September, 2016.

Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1275 was published according to Section 11.13 of the City Charter on the 8th day of August, 2016.

Andrew Hellenga, Interim City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 20th day of September, 2016.

Andrew Hellenga, Interim City Clerk

Notice Published: August 8, 2016

First Reading: September 6, 2016

Second Reading: September 20, 2016

Published: October 31, 2016, 2016

Effective Date: December 1, 2016