

ORDINANCE #07-2017

ORDINANCE TO AMEND “CHAPTER 34 – ENVIRONMENT” OF THE CITY OF MARLETTE CODE OF ORDINANCES

WHEREAS, the City of Marlette has completed a thorough review of its Code of Ordinances in pursuit of publishing a comprehensive update of the Code of Ordinances book; and

WHEREAS, the following amendments are necessary to complete the update.

THE CITY OF MARLETTE ORDAINS . . . .

**Section 1.** That Section 34-53 of Chapter 34 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

*Sec. 34-53. Notice and enforcement.*

(a) The enforcement officer shall notify the violator of the existence of a violation under section 34-55. Such notice shall be in writing and served upon the violator, either personally or by posting the notice in a conspicuous place on the common address of the property upon which the violation exists, or by a certified letter sent to the taxpayer of record for the property in which the violation exists.

(b) The violator shall be given five (5) days from the date of personal service, receipt of the notice, or from the date of posting, in which to remedy the violation.

~~(c) A certified letter will be sent to the taxpayer of record for the property in which the violation exists.~~

**Section 2.** That Section 34-54 of Chapter 34 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

*Section 34-54. Municipal civil infraction; additional corrective actions.*

(a) ~~Failure to comply with the notice given by the enforcement officer within the allowed time is a municipal civil infraction, Issuance of a notice of violation is a Grade C municipal civil infraction violation,~~ subject to payment of a civil fine as set forth in section 44-38, provided that the civil fine will be waived if the complaint is resolved within the time allowed; however, each notice of violation issued within a two-year period for the same ordinance violation notice, regardless if corrected after issuance of a notice of violation, shall enhance the established civil fine as a repeat offense as provided under section 44-38. Each day that a violation under this division continues to exist shall be considered a separate violation subject to the civil fines set forth in section 44-38.

(b) In addition, the enforcement officer, with approval of the city council, shall cause the violation to be corrected, including the removal of the offending condition or structure. Charges for such correction plus ten percent over cost shall be a lien on the property. Whenever a bill remains unpaid for 60 days after it has been rendered,

the enforcement officer shall cause the costs to be added to the next tax statement as an assessment, or to be levied as a special assessment, or to be levied as a special tax against the property, or to be removed in a suit at law against the owner.

**Section 3.** That subsection (3) of Section 34-93 of Chapter 34 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

***Section 34-93. Noise prohibited.***

(3) *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, ~~between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place~~ so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling hotel, hospital, or other type of residence, or in any office, school, church or court, or of any persons in the neighborhood or vicinity;

**Section 4.** That subsection (a) of Section 34-96 of Chapter 34 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

***Section 34-96. ~~Fully operational motor vehicles, m~~Motor homes, recreational vehicles and snowmobiles.***

(a) *Outside storage.* ~~A fully operational motor vehicle without a current license plate, o~~Operable motor homes, recreational vehicles, watercraft, ~~implements of husbandry,~~ utility vehicles equipped for snow plowing, tractors and snowmobiles, which are owned by the property owner or other residents of the household, may be stored in the rear yard of a residence ~~or in the yard of a commercial property~~, when there is insufficient space in the garage or other storage building for them. Whenever practicable, such vehicles shall have an attractive, protective cover. Parking of operable motor homes, recreational vehicles, watercraft, implements of husbandry, utility vehicles equipped for snow plowing, tractors and snowmobiles, which are owned by the property owner or other residents of the household, may be permitted on the driveway of the front yard for a maximum of seventy two (72) consecutive hours for cleaning, maintenance, loading and unloading purposes. A visitor's operable motor home or recreational vehicle may be parked and occupied on the driveway of any residential property for a period of time not to exceed seven (7) days in any six (6) month period. Such visitor shall be a guest of the residential property owner. No business shall be conducted using, or within, an operable motor home or recreational vehicle, while it is parked on residential premises.

**Section 5.** That "Subdivision II. Disabled Motor Vehicles" of Chapter 34 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

**Section 6.** That Section 34-112 of Chapter 34 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

***Section 34-112. Conduit accouterments; connection; permit.***

No downspout, eavestrough, or any conduit from any building in the city shall be connected into any drain without having first made application to the ~~city clerk~~City

~~of Marlette on forms to be provided in the office of the city clerk~~, which application shall be accompanied by the fee ~~of \$1.00 established by a resolution of city council~~ to defray in part, the expenses of having the ~~city engineer~~ City of Marlette examine the proposed drain connection to see that it complies with this article. ~~On the engineer so certifying to the clerk~~ If the proposed drain connection complies with this article, the ~~city clerk~~ City of Marlette shall then issue a permit for the connection of such drain to a proper drain handling only surface water.

**Section 7.** That Chapter 34 of the City of Marlette Code of Ordinances is hereby amended by adding a section, to be numbered 34-114, which section reads as follows:

**Section 34-113. Municipal civil infraction.**

A person who violates any provision of this division is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 44-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 44-38.

**Section 8.** This Ordinance is declared necessary for the peace, health and safety of the residents of the City of Marlette and shall become effective upon twenty five days after enactment and publication.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Published: \_\_\_\_\_

The foregoing ordinance was offered by Council Member \_\_\_\_ and supported by Council Member \_\_\_\_\_:

AYES:  
NAYS:

ABSENT:

The Clerk declared the ordinance adopted.

I, Sandra Cargill, the duly qualified and acting Clerk of the City of Marlette, Sanilac County, Michigan do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council at a regular meeting held on Monday, \_\_\_\_\_, 2017, the original of which is on file in the City Office.

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Sandra Cargill, City Clerk