



ADMINISTRATION / PERSONNEL COMMITTEE

420 N Front St.

Suttons Bay, MI 49682

Wednesday, March 3, 2021 at 8:10 am

VIA Remote Participation

Electronic Remote Access, in accordance with Public Act 228 of 2020 will be implemented in response to COVID-19 social distancing requirements and Michigan Health and Human Services restrictions of indoor gatherings. The public may participate in the meeting through Zoom access by computer and smart phone and can find the link on our website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org)

**AGENDA**

Call to Order

1. Staff Reports
2. Public Comments  
Please limit remarks to no more than three (3) minutes or less.
3. Committee Business
  - a. Blight Ordinance Draft - Discussion
4. Status Update – Other Committees
  - a. Water Filling Station-Letter from Mr. Anderson
  - b. Report VSB- 2021-10 Fall or Spring Clean Up day
  - c. Report DPW-2021-11 Leaf Pick Up Discussion
  - d. Harbor Master Verbal Report
  - e. Report VSB-2021-09 Inter-Government Agreement
5. Public Comments/Written Communication
6. Committee Member Comments
7. Announcements
8. Adjournment



Roberto Larrea is inviting you to a scheduled Zoom meeting.

Topic: Administrative Committee Meeting

Time: Mar 3, 2021 08:10 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88684986093?pwd=cjVxeTAwTkFCcHU1SzVPVzBkQjA1UT09>

Meeting ID: 886 8498 6093

Passcode: 605161

One tap mobile

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Meeting ID: 886 8498 6093

Passcode: 605161

Find your local number: <https://us02web.zoom.us/j/kdudAYuXGd>

GL NUMBER	DESCRIPTION	2021 AMENDED BUDGET	YTD BALANCE 01/31/2021	ACTIVITY FOR MONTH 01/31/2021	AVAILABLE BALANCE	% BDC USED
<b>Fund 101 - General Fund</b>						
Revenues						
101-000-402.000	Current Property Taxes	695,000.00	0.00	0.00	695,000.00	0.00
101-000-404.000	Leased Land Tax Revenue	4,000.00	0.00	0.00	4,000.00	0.00
101-000-410.000	Personal Property Tax Revenue	15,000.00	0.00	0.00	15,000.00	0.00
101-000-476.000	Permits and Fees	1,500.00	2,500.00	2,500.00	(1,000.00)	166.67
101-000-566.000	Grant Revenue	1,250.00	0.00	0.00	1,250.00	0.00
101-000-573.000	LOCAL COMMUNITY STABILIZATION	3,000.00	0.00	0.00	3,000.00	0.00
101-000-574.000	State Shared Revenue	50,000.00	0.00	0.00	50,000.00	0.00
101-000-577.000	State Revenue-Liquor	3,000.00	0.00	0.00	3,000.00	0.00
101-000-632.000	Bahle Park Rental	1,200.00	0.00	0.00	1,200.00	0.00
101-000-633.100	Motor Vehicle Leases	108,975.00	0.00	0.00	108,975.00	0.00
101-000-665.000	Interest Earnings	2,800.00	0.00	0.00	2,800.00	0.00
<b>TOTAL REVENUES</b>		<b>885,725.00</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>883,225.00</b>	<b>0.28</b>
Expenditures						
101	Village Council	26,080.00	0.00	0.00	26,080.00	0.00
171	Village Manager	32,599.00	1,954.16	1,954.16	30,644.84	5.99
215	Village Clerk	10,774.00	581.56	581.56	10,192.44	5.40
253	Treasurer	23,950.00	1,503.19	1,503.19	22,446.81	6.28
265	Village Hall	50,190.00	1,414.09	1,414.09	48,775.91	2.82
345	Police	85,000.00	0.00	0.00	85,000.00	0.00
441	Public Works	121,075.00	3,953.13	3,953.13	117,121.87	3.27
443	Motor Pool Department	93,419.00	3,102.95	3,102.95	90,316.05	3.32
448	Streetlighting	13,500.00	0.00	0.00	13,500.00	0.00
701	Zoning & Planning	52,939.00	2,266.55	2,266.55	50,672.45	4.28
751	Parks & Recreation	120,695.00	6,927.97	6,927.97	113,767.03	5.74
999	Transfers to Other Funds	270,100.00	0.00	0.00	270,100.00	0.00
<b>TOTAL EXPENDITURES</b>		<b>900,321.00</b>	<b>21,703.60</b>	<b>21,703.60</b>	<b>878,617.40</b>	<b>2.41</b>
<b>Fund 101 - General Fund:</b>						
<b>TOTAL REVENUES</b>		<b>885,725.00</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>883,225.00</b>	<b>0.28</b>
<b>TOTAL EXPENDITURES</b>		<b>900,321.00</b>	<b>21,703.60</b>	<b>21,703.60</b>	<b>878,617.40</b>	<b>2.41</b>
<b>NET OF REVENUES &amp; EXPENDITURES</b>		<b>(14,596.00)</b>	<b>(19,203.60)</b>	<b>(19,203.60)</b>	<b>4,607.60</b>	<b>131.57</b>
<b>Fund 202 - Major Street</b>						
Revenues						
202-000-574.000	State Shared Revenue	77,000.00	0.00	0.00	77,000.00	0.00
202-000-665.000	Interest Earnings	500.00	0.00	0.00	500.00	0.00
202-000-691.000	Contributions - Other Funds	70,000.00	0.00	0.00	70,000.00	0.00
202-000-692.000	Contrib fr Gov Units - County	31,000.00	0.00	0.00	31,000.00	0.00
<b>TOTAL REVENUES</b>		<b>178,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>178,500.00</b>	<b>0.00</b>
Expenditures						
000		239,262.00	3,946.67	3,946.67	235,315.33	1.65
<b>TOTAL EXPENDITURES</b>		<b>239,262.00</b>	<b>3,946.67</b>	<b>3,946.67</b>	<b>235,315.33</b>	<b>1.65</b>

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF SUTTONS BAY

PERIOD ENDING 01/31/2021

GL NUMBER	DESCRIPTION	2021 AMENDED BUDGET	YTD BALANCE 01/31/2021	ACTIVITY FOR MONTH 01/31/2021	AVAILABLE BALANCE	% BDDT USED
<b>Fund 202 - Major Street</b>						
Fund 202 - Major Street:						
TOTAL REVENUES		178,500.00	0.00	0.00	178,500.00	0.00
TOTAL EXPENDITURES		239,262.00	3,946.67	3,946.67	235,315.33	1.65
NET OF REVENUES & EXPENDITURES		(60,762.00)	(3,946.67)	(3,946.67)	(56,815.33)	6.50
<b>Fund 203 - Local Street Fund</b>						
Revenues						
203-000-574.000	State Shared Revenue	42,000.00	0.00	0.00	42,000.00	0.00
203-000-665.000	Interest Earnings	500.00	0.00	0.00	500.00	0.00
203-000-691.000	Contributions - Other Funds	60,000.00	0.00	0.00	60,000.00	0.00
TOTAL REVENUES		102,500.00	0.00	0.00	102,500.00	0.00
Expenditures						
000						
TOTAL EXPENDITURES		158,880.00	3,801.33	3,801.33	155,078.67	2.39
NET OF REVENUES & EXPENDITURES		(56,380.00)	(3,801.33)	(3,801.33)	(52,578.67)	6.74
<b>Fund 203 - Local Street Fund:</b>						
TOTAL REVENUES		102,500.00	0.00	0.00	102,500.00	0.00
TOTAL EXPENDITURES		158,880.00	3,801.33	3,801.33	155,078.67	2.39
NET OF REVENUES & EXPENDITURES		(56,380.00)	(3,801.33)	(3,801.33)	(52,578.67)	6.74
<b>Fund 248 - DDA Fund</b>						
Revenues						
248-000-665.000	Interest Earnings	5.00	0.00	0.00	5.00	0.00
TOTAL REVENUES		5.00	0.00	0.00	5.00	0.00
Expenditures						
000						
TOTAL EXPENDITURES		7,385.00	264.30	264.30	7,120.70	3.58
NET OF REVENUES & EXPENDITURES		(7,380.00)	(264.30)	(264.30)	(7,115.70)	3.58
<b>Fund 402 - Property Replacement Fund</b>						
Revenues						
402-000-665.000	Interest Earnings	2,000.00	0.00	0.00	2,000.00	0.00
402-000-691.000	Contributions - Other Funds	176,050.00	0.00	0.00	176,050.00	0.00
TOTAL REVENUES		178,050.00	0.00	0.00	178,050.00	0.00
Expenditures						

GL NUMBER	DESCRIPTION	2021 AMENDED BUDGET	YTD BALANCE 01/31/2021	ACTIVITY FOR MONTH 01/31/2021	AVAILABLE BALANCE	% BDC USED
Fund 402 - Property Replacement Fund						
000	Expenditures	124,200.00	0.00	0.00	124,200.00	0.00
<b>TOTAL EXPENDITURES</b>						
		124,200.00	0.00	0.00	124,200.00	0.00
Fund 402 - Property Replacement Fund:						
TOTAL REVENUES						
TOTAL EXPENDITURES						
NET OF REVENUES & EXPENDITURES						
		178,050.00	0.00	0.00	178,050.00	0.00
		124,200.00	0.00	0.00	124,200.00	0.00
		53,850.00	0.00	0.00	53,850.00	0.00
Fund 590 - Sewer Fund						
Revenues						
590-000-476.000	Permits and Fees	5,500.00	0.00	0.00	5,500.00	0.00
590-000-600.000	Charge for Services	140,000.00	9,416.25	9,416.25	130,583.75	6.73
590-000-628.000	RTS Fees	113,800.00	9,598.44	9,598.44	104,201.56	8.43
590-000-629.000	Waste Hauler Fees	92,000.00	16,029.53	16,029.53	75,970.47	17.42
590-000-630.000	Capital Charge	163,000.00	13,694.51	13,694.51	149,305.49	8.40
590-000-659.000	Penalties	1,300.00	0.00	0.00	1,300.00	0.00
590-000-665.000	Interest Earnings	3,000.00	0.00	0.00	3,000.00	0.00
590-000-691.600	Contributions -Fr GF - Parks	10,000.00	0.00	0.00	10,000.00	0.00
590-000-691.800	Contributions -Fr Marina Fund	10,000.00	0.00	0.00	10,000.00	0.00
590-000-691.900	Contrib - GF - Public Works	5,000.00	0.00	0.00	5,000.00	0.00
<b>TOTAL REVENUES</b>						
		543,600.00	48,738.73	48,738.73	494,861.27	8.97
Expenditures						
537	Sewer Fund - Collection	262,410.00	8,406.67	8,406.67	254,003.33	3.20
538	Sewer - Plant	539,629.00	17,854.83	17,854.83	521,774.17	3.31
<b>TOTAL EXPENDITURES</b>						
		802,039.00	26,261.50	26,261.50	775,777.50	3.27
Fund 590 - Sewer Fund:						
TOTAL REVENUES						
TOTAL EXPENDITURES						
NET OF REVENUES & EXPENDITURES						
		543,600.00	48,738.73	48,738.73	494,861.27	8.97
		802,039.00	26,261.50	26,261.50	775,777.50	3.27
		(258,439.00)	22,477.23	22,477.23	(280,916.23)	8.70
Fund 591 - Water Fund						
Revenues						
591-000-476.000	Permits and Fees	500.00	25.00	25.00	475.00	5.00
591-000-600.000	Charge for Services	76,000.00	3,387.28	3,387.28	72,612.72	4.46
591-000-628.000	RTS Fees	62,000.00	5,324.34	5,324.34	56,675.66	8.59
591-000-630.000	Capital Charge	55,000.00	4,616.66	4,616.66	50,383.34	8.39
591-000-633.000	Hydrant Rental	25,000.00	0.00	0.00	25,000.00	0.00
591-000-659.000	Penalties	600.00	0.00	0.00	600.00	0.00
591-000-665.000	Interest Earnings	2,000.00	0.00	0.00	2,000.00	0.00
591-000-691.600	Contributions -Fr GF - Parks	5,000.00	0.00	0.00	5,000.00	0.00
591-000-691.800	Contributions -Fr Marina Fund	5,000.00	0.00	0.00	5,000.00	0.00
591-000-691.900	Contrib - GF - Public Works	1,800.00	0.00	0.00	1,800.00	0.00

PERIOD ENDING 01/31/2021

GL NUMBER	DESCRIPTION	2021 AMENDED BUDGET	YTD BALANCE 01/31/2021	ACTIVITY FOR MONTH 01/31/2021	AVAILABLE BALANCE	% BDC USED
<b>Fund 591 - Water Fund</b>						
Revenues						
TOTAL REVENUES		232,900.00	13,353.28	13,353.28	219,546.72	5.73
Expenditures						
000		264,725.00	10,046.02	10,046.02	254,678.98	3.79
TOTAL EXPENDITURES		264,725.00	10,046.02	10,046.02	254,678.98	3.79
<b>Fund 591 - Water Fund:</b>						
TOTAL REVENUES		232,900.00	13,353.28	13,353.28	219,546.72	5.73
TOTAL EXPENDITURES		264,725.00	10,046.02	10,046.02	254,678.98	3.79
NET OF REVENUES & EXPENDITURES		(31,825.00)	3,307.26	3,307.26	(35,132.26)	10.39
<b>Fund 594 - Marina Fund</b>						
Revenues						
594-000-631.000	Pump outs	3,200.00	0.00	0.00	3,200.00	0.00
594-000-642.000	Gas Sales	125,000.00	0.00	0.00	125,000.00	0.00
594-000-642.100	Gas Sales - Tax Exempt	1,000.00	0.00	0.00	1,000.00	0.00
594-000-646.000	Sale of Ice	1,000.00	0.00	0.00	1,000.00	0.00
594-000-648.000	Launch Fees	500.00	0.00	0.00	500.00	0.00
594-000-649.000	Waiting List	1,700.00	2,560.00	2,560.00	(860.00)	150.59
594-000-653.000	Transient Fees	65,000.00	0.00	0.00	65,000.00	0.00
594-000-653.100	Marina Day Use	1,500.00	0.00	0.00	1,500.00	0.00
594-000-654.000	Slip Fees	272,000.00	270,805.00	270,805.00	1,195.00	99.56
594-000-665.000	Interest Earnings	4,000.00	0.00	0.00	4,000.00	0.00
594-000-695.000	Miscellaneous Income	0.00	1.50	1.50	(1.50)	100.00
TOTAL REVENUES		474,900.00	273,366.50	273,366.50	201,533.50	57.56
Expenditures						
000		658,543.00	30,926.85	30,926.85	627,616.15	4.70
TOTAL EXPENDITURES		658,543.00	30,926.85	30,926.85	627,616.15	4.70
<b>Fund 594 - Marina Fund:</b>						
TOTAL REVENUES		474,900.00	273,366.50	273,366.50	201,533.50	57.56
TOTAL EXPENDITURES		658,543.00	30,926.85	30,926.85	627,616.15	4.70
NET OF REVENUES & EXPENDITURES		(183,643.00)	242,439.65	242,439.65	(426,082.65)	132.02
<b>TOTAL REVENUES - ALL FUNDS</b>						
TOTAL EXPENDITURES - ALL FUNDS		2,596,180.00	337,958.51	337,958.51	2,258,221.49	13.02
NET OF REVENUES & EXPENDITURES		3,155,355.00	96,950.27	96,950.27	3,058,404.73	3.07
NET OF REVENUES & EXPENDITURES		(559,175.00)	241,008.24	241,008.24	(800,183.24)	43.10

VILLAGE OF SUTTONS BAY  
LEELANAU COUNTY, MICHIGAN

ORDINANCE NO. XX  
UNSAFE AND BLIGHTED STRUCTURES  
ORDINANCE

An Ordinance enacted pursuant to the authority of MCL XXXXXX to promote the health, safety and welfare of the people of the Village of Suttons Bay, Leelanau County, Michigan by regulating the maintenance and safety of certain buildings and other structures; to define the classes of buildings and other structures affected by this ordinance; to establish administrative requirements and prescribe procedures for the maintenance of demolition of certain buildings and other structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance.

Revised Judicature Act 236 of 1961 – Civil Infractions

The Village of Suttons Bay Ordains:

It is the intent of this ordinance to prevent the physical deterioration of structures, neglect of property and abandonment of structures or property that over time create a negative economic, physical or unsafe condition upon the neighborhoods and businesses of the community and constitute a threat to human health, safety and public welfare.

SECTION 1 – 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:

**Enforcing officer.** – The Leelanau County Sheriff’s Office and the Village of Suttons Bay Zoning Administrator are empowered to perform the duties and functions as described in this Ordinance.

**Unsafe structure:** A structure which has any of the following defects or is in any of the following conditions:

1. A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
2. A structure that has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
3. A structure that has been physically modified to the extent that the structure is inhabitable or threatens the integrity of the structure’s safety.
4. A structure, or part thereof, which is likely to partially or entirely collapse, or some part of the foundation or underpinning is likely to fall or give way so as to injure persons or damage property;

5. A structure that is in such a condition so as to constitute a nuisance, as defined by this Ordinance;
6. A structure that is hazardous to the safety, health, or general welfare of the people of the village by reason of inadequate maintenance, dilapidation, or abandonment;
7. A structure that has become vacant, dilapidated, and open at door or window, leaving the interior of the structure exposed to the elements or accessible to entrance by trespassers or animals or open to casual entry;
8. A structure that has settled to such an extent that walls or other structural portions have less resistance to winds than is required in the case of new construction by this Code;
9. A structure that has been damaged by fire, wind, flood, or by any other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the village;
10. A structure that has become damaged or structurally modified to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds 50 percent of the assessed valuation of the structure, at the time when repairs are to be made.

#### SECTION 2 – UNLAWFUL TO OCCUPY OR MAINTAIN

It shall be unlawful for an owner or agent to maintain or occupy an unsafe structure.

#### SECTION 3 – RESPONSIBILITY

All persons or entities who own, manage, lease, rent, or occupy any structure shall be equally responsible for keeping the structure in a clean and habitable condition and shall take all necessary precautions to prevent any nuisance or other condition detrimental to public health, safety, or general welfare from arising thereon.

#### SECTION 4 – RIGHT OF ENTRY

The Village enforcing officer, shall have the right to enter private property at any reasonable hour of the day or night for the purpose of making a sanitary or health survey of the structure, obtaining a sample of water, collecting other data and material pertaining to public health, or enforcing the provisions of this Ordinance.

It shall be unlawful for any person to resist or attempt to prevent the Village enforcing officer, from carrying out the purposes of this section. The Village enforcing officer, or his designee, shall have in their possession, while carrying out the duties outlined above, sufficient credentials identifying themselves. Such credentials shall be exhibited by the bearer on demand to any person in charge of the structure.

#### SECTION 5– NOTICE



The Village enforcing officer, shall issue a notice of unsafe structure when it is determined that the structure is unsafe or the structures integrity has been compromised. The intent of the notice is to inform the owner of the violations and encourage compliance.

1. Service of the notice shall be made upon the owner or agent indicated by the records of the Village assessor by:
  - a. Personally, delivering a copy to the owner or agent;
  - b. Mailing a copy by certified mail, postage prepaid, return receipt requested to the owner as indicated by the records of the assessor and posting a copy of the notice upon a conspicuous part of the structure; or
  - c. When service cannot be made by either of the above methods, by publishing the notice in a local newspaper of general circulation once a week for three consecutive weeks and by posting a copy of the notice upon a conspicuous part of the structure.
2. The written notice shall include:
  - a. Address, tax ID number, and / or a description of the real estate sufficient for identification;
  - b. The repairs and improvements required to be made to render the structure safe or if the Village enforcing officer, or his designee, has determined the structure cannot be made safe, indicate that the structure is to be demolished;
  - c. Specify a reasonable time within which the repairs and improvements must be made or the structure must be demolished;
  - d. Include an explanation of the right to appeal the decision to the Village Council within ten calendar days of receipt of the notice in accordance with Section XXX of this Ordinance;

### 3. Placarding of Structure

If the owner or agent refuses to comply with the requirements set forth in the notice, the enforcing officer shall cause to be posted at each entrance of the structure a placard bearing the words: **Do not enter. This Structure is Unsafe and its Use or Occupancy has been Prohibited by the Village of Suttons Bay.**

### 4. Removal of Placard

The enforcing officer shall remove the placard whenever the structure has been made safe. It shall be unlawful for any person to deface or remove a placard without the approval of the village.

### 5. Prohibited Use

It shall be unlawful for any person to occupy a placarded structure or part thereof, or for any owner or any person responsible for the structure to allow anyone to occupy the placarded structure.

## SECTION 6 - EMERGENCY MEASURES

When in the opinion of the enforcing officer, there is an actual and immediate danger of failure or collapse of a structure or any part of a structure which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, the enforcing officer, or his designee, is hereby authorized and empowered to order and require the occupants to vacate the structure immediately and the provisions of this article relating to notice are not applicable. The enforcing officer, shall cause to be posted at each entrance to the structure a notice reading as follows:

**Do not enter. This Building is Unsafe and its Use or Occupancy has been Prohibited by the Village of Suttons Bay.**

#### SECTION 7 – TEMPORARY SAFEGUARDS

When, in the opinion of the village manager, or his designee, there is an actual and immediate danger of collapse or failure of a structure or any part of a structure which would endanger life, or when any structure or a part of a structure has fallen and life is endangered by the occupation of the structure, the village manager, or his designee, may cause the necessary work to be done to make the structure or part of the structure temporarily safe, whether or not the legal proceedings herein described have been instituted. The cost of making the structure or any part of the structure temporarily safe shall be a lien against the real property and shall be reported to the village assessor, who shall assess the costs against the property on which the structure is located.

#### SECTION 8 – NOTICE AND ORDER TO SHOW CAUSE

If an owner or agent fails to comply with the requirements set forth in the notice issued in accordance with section XXXXX, the village manager, or his designee, shall serve a notice and order to show cause upon the owner or agent of the structure that is registered with the village and if not registered as indicated by the records of the village assessor. The notice and order to show cause shall be served in the same manner as provided in Section XXX and shall be served not less than seven calendar days prior to the show cause hearing. The notice shall:

1. Specify the conditions making the structure unsafe;
2. Specify the action necessary to alleviate the unsafe condition;
3. Specify the time and place of the show cause hearing; and
4. Advise the owner or agent that he shall have the opportunity at the public hearing to present testimony and evidence to show cause why the structure should not be demolished or otherwise made safe as recommended by the village manager, or his designee.
5. The show cause hearing shall be conducted by the village council and shall be at a special or regular meeting of the council.

## SECTION 9 – UNREASONABLE REPAIRS

Whenever the village manager, or his designee, has determined that a structure is unsafe and has determined that the cost of the repairs would exceed 100 percent of the true cash value of the structure as reflected on the village assessment tax rolls in effect prior to the building becoming an unsafe structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this article that such structure is a **public nuisance** which may be ordered demolished without option on the part of the owner to repair. This section is not meant to apply to those situations where a structure is unsafe as a result of an event beyond the control of the owner, such as fire, windstorm, tornado, flood or other Act of God. If a structure has become unsafe because of an event beyond the control of the owner, the owner shall be given by the village manager, or his designee, reasonable time within which to make repairs and the structure shall not be ordered demolished without option on the part of the owner to repair. If the owner does not make the repairs within the designated time period, then the structure may be ordered demolished without option on the part of the owner to repair. The cost of demolishing the structure shall be a lien against the real property and shall be reported to the village property assessor, who shall assess the cost against the property on which the structure is located.

## SECTION 10– RESTORATION

A structure deemed to be unsafe may be restored to a safe condition provided a change of use or occupancy is not contemplated or compelled by reason of such reconstruction or restoration. If the damage or cost of reconstruction or restoration is in excess of 50 percent of the structure's assessed value, exclusive of foundations, such structure shall be made to comply with the requirements for materials and methods of construction of structures hereafter erected.

## SECTION 11 – APPEAL TO VILLAGE COUNCIL

An owner of a structure determined to be unsafe may appeal the decision to the village council. The appeal shall be in writing and shall state the basis for the appeal. The appeal must be filed within ten calendar days from receipt of the notice of unsafe structure if the notice was served personally or by mail and ten calendar days from the date of the last publication if served by publication. The owner or his agent shall have an opportunity to be heard by the village council at a regularly scheduled council meeting. The village council may affirm, modify, or reverse all or part of the determination of the village manager, or his designee.

## SECTION 12 – COMMENCEMENT OF LEGAL PROCEEDINGS

If the owner or his agent refuses to abide by the requirements set forth in the notice of unsafe structure or the notice and order to show cause or refuses to abide by the decision of the village council rendered at the show cause hearing, or on appeal, the village council may, by resolution, authorize the village attorney's office to initiate the appropriate legal proceedings.

## SECTION 13 – APPEAL TO CIRCUIT COURT

An owner aggrieved by any final decision of the village council may appeal the decision to the county circuit court by filing a complaint within 20 calendar days from the date of the decision.

## SECTION 14 – VIOLATIONS, PENALTIES AND REMEDIES

Any person guilty of violation of this Ordinance shall also be subject to civil proceedings for damages and/or injunctive relief by the Village or by any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies.

1. Except as provided in subsection 2 below, any person who violates and provision of this ordinance shall be responsible for a municipal civil infraction defined in Revised Judicature Act 236 of 1961 and shall be subject to a fine as established by the 86<sup>th</sup> District Court of not less than one-hundred (100) Dollars and not more than Five Hundred (\$500.00) Dollars or imprisonment of not more than ninety (90) days, or both.
2. Following the issuance of a municipal civil infraction citation, if a person fails to leave the premises after being requested to do so by the enforcing agent the owner of the property, or an authorized representative of the owner of the property, that person shall be guilty of a misdemeanor and shall be subject of a fine of not less than one-hundred (100) Dollars and up to Five Hundred (\$500.00) Dollars or imprisonment of not more than 90 days, or by both.
3. Each day that a violation continues to exist shall constitute a separate offense.