

Berrien Springs, Michigan, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 16 - ENVIRONMENT >> ARTICLE IV. - ANTI-BLIGHT ORDINANCE >> **DIVISION 2. - BLIGHT REGULATIONS FOR COMMERCIAL AREAS >>**

---

## **DIVISION 2. - BLIGHT REGULATIONS FOR COMMERCIAL AREAS**

---

[Sec. 16-72. - Definitions.](#)

[Sec. 16-73. - Buildings.](#)

[Sec. 16-74. - Parking lots.](#)

[Sec. 16-75. - Trash removal.](#)

[Sec. 16-76. - Loose trash, rubbish or debris.](#)

[Sec. 16-77. - Landscaping.](#)

[Sec. 16-78. - Enforcement and penalty.](#)

### **Sec. 16-72. - Definitions.**

In the interpretation of this division the following definitions shall apply, as shall the regulations of division 1:

*Commercial building* shall mean any building or structure used for business purposes including, but not limited to office, retail, service and/or industrial building or structures.

*Parking lot* shall mean all areas set aside or designated for the parking of motor vehicles or the loading and unloading of motor vehicles on the premises in conjunction with a shopping center, and includes all driveways, aisle ways or other areas supplementary thereto.

*Proprietor* shall mean every owner, lessee, tenant, or other person having the right to possession of all or a portion of a shopping center or commercial building. Where there is more than one such person, all shall be jointly and severally obligated by the terms of this article.

*Shopping center* shall mean one or more commercial buildings, whether or not under common ownership, which are operated as an entity or in cooperation within one another and which have common parking facilities.

(Ord. No. 305, 7-19-2004)

### **Sec. 16-73. - Buildings.**

The exteriors of all commercial buildings or buildings located in any shopping center shall be maintained so as to present a neat and orderly appearance. Windows shall be glazed, painted surfaces kept properly painted and all other appropriate measures shall be taken to properly maintain the buildings. Where buildings within a shopping center are owned by separate entities, the obligations of this paragraph shall fall only upon those persons responsible for the maintenance of the particular buildings which are not being maintained in accordance with this section.

(Ord. No. 305, 7-19-2004)

**Sec. 16-7. - aring lots.**

Il parking lots shall be kept in good condition suitable for their intended use and if not paved shall be evenly graded and drained so as to dispose of all surface water accumulated within the area. If paved, all cracks, potholes or other breaks in the parking lot surface shall be properly filled and repaired by the proprietor. The proprietor shall provide for snow removal services, in order that the parking lot will be reasonably available for use by the public.

*(Ord. No. 305, 7-19-2004)*

**Sec. 16-7. - Trash reoal.**

The proprietor shall provide for the removal of all waste, trash, rubbish or refuse of all kinds from the shopping center at regular intervals. Such intervals shall not exceed one week and trash collections shall be made more often if necessary to prevent the accumulation of refuse so as to create a nuisance. Between collections, the refuse shall be stored in covered containers constructed in such a way as to prevent escape of the refuse. Dumpsters and/or covered containers shall be kept closed on three sides or screened on three sides.

*(Ord. No. 305, 7-19-2004)*

**Sec. 16-76. - Loose trash, ruish or deris.**

The proprietor shall be responsible for seeing to it that the premises of the shopping center or commercial building, including the parking lot and specifically including that part of any highway right-of-way adjoining the premises and not actually used for the travel of motor vehicles, are kept free of junk, trash, rubbish, debris or refuse of any kind. The proprietor shall see to it that the premises are cleaned of such debris or refuse or any such refuse which has blown on adjoining property at least each day and shall take all reasonable steps to provide containers for discards and to order his employees and encourage the public to use them.

*(Ord. No. 305, 7-19-2004)*

**Sec. 16-77. - Landscaping.**

The proprietor shall install and maintain landscaping on all areas of the shopping center or commercial building premises not occupied by buildings, sidewalks, parking lots, driveways and similar surfacing. The reuirement of landscaping also is specifically applicable to those parts of highway rights-of-way adjoining the shopping center or commercial building premises and not actually used for travel purposes. Landscaping shall consist, at the minimum, of the establishment of a sod or other material to hold the earth and prevent dust and the establishment of noxious weeds. The proprietor shall maintain the landscaping and shall see that all lawns are mowed regularly, shrubs are appropriately trimmed and noxious weeds are eliminated. o landscaping shall be allowed in any clear vision area reuired by the village, the county road commission or the state department of transportation.

*(Ord. No. 305, 7-19-2004)*

**Sec. 16-7. - Enforceent and penalt.**

- a The enforcement officer or his/her designee shall enforce this article and shall periodically inspect the village for causes of blight or blighting factors within the village.

- b The owner and, if possible, the occupant of any property upon which any of the causes of blight or blighting factors as set forth in this article in sections [16-73](#), [16-74](#), [16-75](#) and [16-76](#) are found to exist, may be notified in writing "removal notice" to remove or eliminate such causes of blight or blighting factors from property within ten days after service of the removal notice upon him. Such removal notice may be served personally or by certified mail, return receipt requested. If efforts to serve the occupant and owner personally or by certified mail, return receipt requested, are unsuccessful, it shall be deemed sufficient notice if the written removal notice is mailed by regular mail to the occupant and the owner, if possible, and is posted in a conspicuous location on the property in question. In addition, once the removal notice described in the subsection has been given, it shall be deemed sufficient notice for as long as the causes of blight or blighting factors described in the removal notice remain uncorrected. Additional time to remove the causes of blight or blighting factors 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.
- c Failure to comply with such notice by the owner and/or occupant by the removal of the causes of blight or blighting factors within the time allowed shall constitute a misdemeanor with penalties as set forth in [section 1-17](#) of the Village Code.
- d Within the ten-day period set forth above, the person upon whom the removal notice has been served may request a hearing before the village president, or his/her designee. Such request shall be made within the ten-day period and shall be made in writing mailed by first class mail to the attention of the village clerk, 112 North Cass Street, Berrien Springs, Michigan 413. The hearing shall be conducted as soon as reasonably possible after receipt of the request for hearing. At such hearing, the village president, or his/her designee, shall hear statements, evidence or testimony offered at the hearings as to the existence of and removal or elimination of the causes of blight or blighting factors. The village president, or his/her designee, shall make findings of fact from the statements and evidence offered as to whether or not the causes of blight or blighting exist and whether they have been removed or eliminated. If the village president, or his/her designee, determines the causes of blight or blighting factors do not exist or have been removed the village president shall direct that no further action be taken regarding removal under subsection e of this section.
- e If the village president, or his/her designee, determines that blight or blighting factors exist or the blight or blighting factors have not been removed after service of the ten-day notice as set forth in subsection b of this section, the cause of the blight or blighting factors may be removed by the village upon the direction of the village president, or his/her designee. If of the attendant costs or removal of such blight shall be billed to the property owner and all invoices which remain unpaid for more than 3 days shall become a lien on the property from which the blight is removed and assessed as a single lot assessment against such property.

*(Ord. No. 305, 7-19-2004)*