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DIVISION 1. - BLIGHT REGULATIONS FOR RESIDENTIAL AREAS

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Sec. 16-69. - Purpose.

It is hereby found and declared areas of the village are or may become blighted with the resulting impairment of taxable values upon which, in large part, municipal revenues depend; that such blighted areas are detrimental or inimical to the health, safety, morals and general welfare of the citizens and to the economic welfare of the municipality; that in order to improve and maintain the general character of the village, it is necessary to rehabilitate such blighted areas; that the conditions found in the blighted areas cannot be remedied by the ordinary operations of private enterprise with due regard to the general welfare of the public, without public participation; that the purposes of this article are to rehabilitate such areas by eliminating blight and blight factors within all areas of the village for the protection of health, safety, morals and general welfare of the village, to preserve existing values of other properties within or adjacent to such areas and all other areas of the village, and to preserve the taxable value of the property within such areas and all other areas of the village; and the necessity and the public interest for provisions herein set forth are hereby declared as a matter of legislative determination to be a public purpose, and for the protection of the health, safety and welfare of the residents of the village.

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

Sec. 16-70. - 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 village whether owned, leased, rented or occupied by such person. Such blight or blighting factors are:

- (1) In any area used for residential purposes, the open storage upon any property, street or alley of building materials unless there is in force a valid building permit issued by the village for construction upon said property and said materials are used 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. To the extent

there does exist a valid building permit, all such building materials shall be stored in a neat and orderly fashion.

- () In any area used for residential purposes, 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 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 off material of any kind whether or not the same could be put to any immediate reasonable use. "pen 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.
- () In any area used for residential purposes, 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, maintained in good repair and appearance, and porches and stairs are stable and free of cracked boards or block.
- () 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 purpose for which it may have been intended.
- () In any area used for residential purposes, 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, 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.
- (6) In any area used for residential purposes, 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 village and unless such construction is completed within a reasonable time.

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

Sec. 16-71. - Enforce^{ment} and penalt^y.

- (a) The village building official or code enforcement officer (hereinafter collectively referred to as "enforcement officer"), if any, shall enforce this article, and shall periodically inspect the village for causes of blight or blighting factors within the village.
- (b) The existence of any condition as described in subsections 16-70(1), 16-70(), 16-70(), 16-70(), 16-70() and 16-70(6) shall be a misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-17
- (c) Notwithstanding subsection 16-71(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 section 16-70 above may be notified in writing ("removal notice") to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the removal notice. Such removal notice shall 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 removal notice if the written removal notice is mailed by regular mail, and is posted in a conspicuous location on the property in question. In addition, once the removal notice described in this subsection has been given, it shall be deemed sufficient notice for as long as the causes of blight described in the notice remain uncorrected. dditional 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. 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, 11 North Cass Street, Berrien Springs, Michigan 910. The hearing shall be conducted as soon as reasonably possible after receipt of the request for a hearing. At such hearing, the village president, or his/her designee, shall hear statements, evidence or testimony offered at the hearing 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 factors 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. If the village president, or his/her designee, determine that the blight or blighting factors exist they may be removed pursuant to subsection (e) of this section.

- (d) Failure to comply with such notice by the owner and/or occupant for the removal of the causes of blight or blighting factors within the time allowed shall also constitute a misdemeanor with penalties as set forth in [section 1-17](#) of the Village Code.
- (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 removal notice as set forth in subsection (c) 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. All of the costs of removal of such blight shall be billed to the owner of the subject property and all invoices which remain unpaid for more than 30 days shall become a lien on the property and assessed as a single lot assessment against such property.
- (f) If a directive issued by the village president, or his/her designee, pursuant to subsection (e) of this section involves the demolition of any dwelling or other structure, and such order is not complied within ten days after its issuance, the village council shall hear such report from the village president, or his/her designee, regarding the determinations previously made in the matter and based on such report shall make its determination whether to proceed with the proposed demolition and to issue such resolution as council deems appropriate under the circumstances, including but not limited to the demolition of the structure by the village with the assessment of the demolition costs to the subject property as a single lot assessment. The owners of record title to the subject property, any lien holder and any land contract purchaser of such property shall be notified of the village council hearing and be given the opportunity to be heard at the public hearing. Nothing in this subsection shall be construed to relieve the village president of his/her authority to order the immediate abatement or demolition of structures under emergency circumstances as otherwise provided in the Village Code of Ordinances.

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