

# **ORDINANCE #217**

## **VILLAGE OF SPRINGPORT JACKSON COUNTY MI.**

### **RELATIVE TO BLIGHT REGULATIONS FOR COMMERCIAL AREAS WITHIN THE VILLAGE**

#### **THE VILLAGE OF SPRINGPORT ORDAINS:**

##### **Section I - Definitions**

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 structure

Parking Lot shall mean all areas set aside or designated for the parking of motor vehicles or the loading and unloading on the premises, including 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 commercial building. Where there is more than one such person, all shall be jointly and severally obligated by the terms of this article.

##### **Section II - Buildings**

The exteriors of all commercial buildings or buildings 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. In Buildings 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.

##### **SECTION III – Parking Lots**

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.

#### **Section IV – Loose trash, Brush or debris**

The proprietor shall be responsible for seeing to it that the premises of the 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.

#### **Section V - Landscaping**

The proprietor shall install and maintain landscaping in all owned areas of the commercial building premises not occupied by buildings, sidewalks, parking lots, driveways and similar surfacing. Landscaping shall consist, at a minimum, 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. No landscaping shall be allowed in any clear vision area required by the Village, the County Road Commission or the State Department of Transportation.

#### **Section VI – Enforcement and Penalty**

(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. The owner and, if possible, the occupant of any property upon which any of the cause of blight or blighting factors as set forth in this article 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 served. 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 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 cause 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.

(b)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 civil infraction as set forth in section VI (e).

(c) 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. 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.

(d) 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, the cause of the blight or blighting factors may be removed by the Village upon direction of the Village President, or his/her designee. All of the costs for removal of such blight shall be billed to the property owner and all invoices which remain unpaid for more than 30 days shall become a lien on the property from which the blight was removed and assessed as a single lot assessment against such property.

(e)

(1): Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$150, plus other costs, damages, expenses and other sanctions for each infraction

(2): Increased civil fines may be imposed for repeat violations. The increased fine for a first repeat offense shall be not less than \$400, plus costs. The increased fine for second repeat or any subsequent repeat offense shall be not less than \$650, plus other costs.

(3): Should you be taken to court to enforce this Ordinance and you are found to be in violation of the Ordinance by the Court, the violator (you) will be required to pay the actual and reasonable costs of prosecution.

Adopted the \_\_\_\_ th day of \_\_\_\_\_, 2015

Effective the \_\_\_\_ th day of \_\_\_\_\_, 2015

Reviewed By:

\_\_\_\_\_  
Village Clerk, Jennifer Naylor

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Village Manager, Rosalee Terpening

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Village President, Gordon Webb