

VILLAGE OF BREEDSVILLE
VAN BUREN COUNTY, MICHIGAN

BLIGHT ORDINANCE

Ordinance # 070219

An ordinance to secure public health, safety, and general welfare of the residents and property owners of the Village of Breedsville, Van Buren County, Michigan; by regulating, preventing, reducing, or eliminating blight, blighting factors, or causes of blight; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority, therefore, provided by Public Act 344 of 1945, as amended, the Blighted Area Rehabilitation Act (MCL125.71, *et seq.*).

THE VILLAGE OF BREEDSVILLE, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1:

This ordinance shall be known and cited as the Village of Breedsville Blight Ordinance.

Section 2: Purpose

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the Village of Breedsville by the prevention or elimination of certain environmental causes of blight or blighting factors which exist now or in the future.

Section 3: Definitions for this Ordinance

- A. The phrase “junk, trash, rubbish, litter, or refuse of any kind” shall include, without limitation, metal, rope, rubber, rags, clothing, wood, plastic, paper, glass, garbage, appliances, scrap vehicles, mobile homes not meeting the minimum standards for habitation by human, unusable machinery, unusable trailers, furniture, or any other scrap, waste, or cast-off material of any kind, including parts of any of the above. Not including: domestic refuse and yard clippings used for composting if stored in such a manner as not to create a nuisance; fire wood stored in an orderly manner.
- B. The phrase “building materials” shall include lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screw, or any other materials used in constructing any structure.
- C. The phrase “domestic refuse and yard clippings” shall include yard clippings include leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush and tree trimmings.

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- D. The phrase “scrap vehicles” shall include any unlicensed vehicle that is unable to be moved Under its own power. If the said vehicle has been sitting for over 6 months in this condition, it will be considered scrap unless there is a verifiable order for parts to repair it.

Section 4: Causes of Blight or Blighting Factors

- A. On and after the effective date of this Ordinance, no person, firm, corporation, or entity of any kind shall allow to exist upon any property in the Village of Breedsville any of the following causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, and threaten the public health, safety, and welfare of the residents of the Village of Breedsville.
- B. The storage or accumulation of garbage or material that will putrefy, outside of a completely enclosed building, for a period in excess of fifteen (15) day
- C. The storage or accumulation of junk, trash, rubbish, litter, or refuse of any kind, for a period in excess of fifteen (15) days shall be kept in a fully enclosed building or in an area out of sight from the public right-of-way, and the neighboring property. A properly constructed privacy fence may be used in the back or side yards of the residence.
- D. No person shall throw, deposit or cause to be deposited, litter on any property within the Village, whether owned by such person or not. The owner or person in control of any private property shall, at all times, maintain the premises free of litter.
- E. Any structure or part of structure, including mobile or manufactured homes, which because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling.
- F. In any area zoned for residential purposes, building materials intended for use in connection with construction may be stored where convenient for the duration of the project; but not to exceed six (6) months. After which time, the materials shall be moved and stored in an orderly fashion, out of view of the public and neighboring property.
- G. The use of any residential property for the purpose of rummage sales, garage sales, yard sales, or the like, shall be limited to a period of fifteen (15) days, whether consecutive or individual days, in any six (6) month period.
- H. Scrap Vehicles: Property stored, maintained vehicles are acceptable, “stored in a disorderly fashion” are considered blight. No vehicle will be stored on a person’s property longer than one (1) year without tags.

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Section 5: Enforcement and Penalties

- A. This ordinance shall be enforced by such persons who shall be so designated by the Village President.
- B. If possible, the owner and/or the occupant of any property upon which any of the causes of Blight or blighting factors set forth above is found to exist, shall be notified in writing to remove or eliminate such causes of blight from such property within ten (10) days after service of the notice. Such notice may be served personally or by certified mail, return receipt requested. Additional time maybe 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 within the time allowed by the owner and/or occupant shall constitute a violation of this ordinance. Violation of this ordinance is a civil infraction, punishable upon conviction thereof by a fine not less than one hundred (\$100) dollars, or more than five hundred (\$500) dollars.

Section 6: Public Nuisance

The imposition of the penalties and remedies herein prescribed shall not preclude the Village of Breedsville from instituting any legal action to restrain, correct or abate a violation, or to prevent or Stop an illegal act, conduct, business, or utilization of a building, structure, or premises.

Any finding or plea of “responsible” or “responsible with explanation” to a violation of this Ordinance shall constitute a finding that the premises are a public nuisance perse and a danger to the public health, safety, and general welfare of the residents and property owners of the Village of Breedsville.

Section 7: Nuisance Abatement

If any property has been found to be a perse public nuisance under this Ordinance, through a plea or Finding of “responsible” or “responsible with explanation” to an infraction under this Ordinance, and said per se nuisance has not been corrected within ten (10) days of said fining or plea, the Supervisor of the Village of Breedsville, or the President’s designee, shall have the right of entry onto such property to abate said nuisance and may physically abate such nuisance

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Any costs incurred by the Village of Breedsville in abating such nuisance may be charged against the real property and shall constitute a lien on the real property for said amount. Any such costs may also, be collected by any other legal means.

Section 8: Validity

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9: Supersede

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 10: Effective Date and Adoption

This ordinance shall become effective thirty (30) days after its publication as required by law.

CERTIFICATION

I further certify that trustee M. Kindig moved for adoption of said Ordinance No 070219, and that trustee S. Cericola, seconded said motion.

I further certify that the following members voted for adoption of said Ordinance:

S. Cericola, T. Pensinger, L. Weniger, M. Kindig, S. Rogusta.

and that the following members voted against such Ordinance:

None, Absent: D. Starbuck

I further certify that said Ordinance No 070219 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President, and Village Clerk.

Steven Rogusta

Steven Rogusta, Village President

Linda Norton

Village of Breedsville, Clerk

I do hereby certify that a synopsis of this Ordinance No 070219, in accordance with statutory requirements was published on July 14, 2019, in the South Haven Tribune, a copy of which is attached hereto.

Linda Norton

Village of Breedsville, Clerk