

ORDINANCE NO. 92-3

An Ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within the Village of Lakeview, Montcalm County, Michigan to provide for the enforcement hereof; and to provide penalties for the violation hereof.

THE VILLAGE OF LAKEVIEW ORDAINS:

Section 1. Purpose. It is the purpose of this Ordinance to prevent, reduce or eliminate blight in the Village of Lakeview by the prevention or elimination of contributing factors and causes of blight which exist or which may in the future exist in the Village of Lakeview.

Section 2. Definitions. The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

(A) "Blighted structure" shall mean any dwelling, garage, or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which:

(1) Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended; or

(2) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Village of Lakeview; or

(3) Is not structurally sound, weather-tight, waterproof or vermin-proof; or

(4) Is not covered by water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration.

(B) "Building Material" shall mean any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other material commonly used in the construction or repair of any buildings or structures.

(C) "Enforcement Officer" shall mean the Village of Lakeview Building Inspector, any Village of Lakeview Police Officer, or any other person designated by the Lakeview Village Council to enforce the provisions of this Ordinance.

(D) "Junk" means any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, toilets, sinks, bathtubs, plumbing fixtures, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates.

(E) "Person" shall mean any natural person, firm, association, partnership, or corporation.

(F) "Proprietor" shall mean the person who has the legal right, title, or ownership to the premises being cited in violation of this ordinance. Proprietor shall not mean lessor, renter, or tenant

unless, under the terms of a written lease, the lessor, renter, or tenant is under an obligation to maintain the structure.

(G) "Vacant buildings" shall mean any building which is unoccupied and which is not securely locked, with the windows glazed or neatly boarded up and protected against the elements and from vandals and rodents and other animals.

Section 3. Prohibited Conduct. Except as may otherwise be permitted by the holding of a specific business license or by other Village of Lakeview Ordinance, no person in the Village of Lakeview shall:

(A) "Store, accumulate, or permit the storage or accumulation of junk on premises owned, leased, rented, or occupied by him.

(B) "Store, accumulate, or permit the storage or accumulation of any building materials on property owned, leased, rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.

(C) "Maintain or permit the maintenance or existence of any vacant building on property owned, leased, rented or occupied by him.

(D) "Maintain or permit the maintenance or existence of any blighted structure on property owned, leased, rented or occupied by him.

(E) "Store or permit the storage of firewood on property owned, leased, rented or occupied by him except in a neat, orderly stack to a height no greater than five (5) feet. The storage of firewood shall be restricted to the rear yard or an interior side-yard of the premises.

Section 4. Enforcement.

(A) "Before commencing prosecution under this Ordinance, the enforcement officer shall notify the violator(s) of the existence of a violation under Section 3 above. Such notice shall be in writing and served upon the violator(s), either personally or by first class mail sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. The violator(s) shall have ten days from the date of personal service or twelve (12) days from the date of mailing the notice in which to remedy the violation.

(B) "Each day that a violation under this Ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

Section 5. Penalty. Failure to comply with the notice given by the enforcement officer within the time allowed shall be punishable, upon conviction, by a fine of not more than \$500 or by imprisonment of not more than ninety (90) days or by both such fine and imprisonment in the discretion of the court.

Section 6. Appeal. Notwithstanding the provisions of Section 4, upon a showing of unusual hardship, the Village Council for the Village of Lakeview may extend the time to remedy a violation for up to 60 days for a proprietor. An application for an extension of time must be filed within ten days of the date of notice of violation, if notice is by personal service or within 12 days of the date of notice of violation if notice is by mail. All applications must be filed in the Village Office and be accompanied by a \$25.00 application fee. All applications will be acted upon during the next regularly scheduled Village Council meeting. A proprietor whose application is denied shall have ten days from the date of denial to remedy the violation. All applications must be in writing setting forth:

- (A) The address of the premises and name and address of the proprietor;
- (B) The reason or reasons why an extension of the clean up period is needed: and;
- (C) The amount of time requested to comply with this Ordinance not to exceed 60 days.

Section 7. Severability. The sections and provisions of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

Section 8. Effective Date. The provisions of this Ordinance shall become effective twenty (20) days after its adoption and shall be published in a newspaper circulated in the Village, with a brief statement as to the subject matter of the Ordinance, and such other facts as shall be deemed pertinent. A copy of the Ordinance shall be available for public use and inspection at the Village Office.

ADOPTED BY THE LAKEVIEW VILLAGE COUNCIL THIS 13TH DAY OF APRIL, 1992.

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Edward J. Jonaitis,  
Village President

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L. John Kehl,  
Village Clerk