

Village of Lakeview Ordinance No. 2019-6

Blight Ordinance

AN ORDINANCE TO REGULATE BLIGHT AND BLIGHTED PROPERTIES WITHIN THE
VILLAGE OF LAKEVIEW

The Village of Lakeview (“Village”) ordains:

Section 1: Title

This Ordinance shall be known and may be cited as the “Village of Lakeview Blight Ordinance.”

Section 2: Statement of Purpose; Findings

- A. It is the purpose of this Ordinance to prevent, reduce or eliminate blight in the Village of Lakeview by the prevention or elimination of the contributing factors and causes of blight which exist or which may in the future exist in the Village of Lakeview. No person, firm, corporation or other entity shall maintain or permit to be maintained blight or any of the causes of blight upon any property owned, leased, rented, possessed, controlled, or occupied by such person, firm, corporation or other entity within the Village of Lakeview.
- B. The Village Council hereby finds that:
1. Areas of the Village are, or may become, blighted with the resulting impairment of property and taxable values upon which operating revenues to the Village of Lakeview and other local units of government depend;
 2. Such blighted areas are detrimental to the health, safety, and general welfare of the citizens, property owners, and economic welfare of the community;
 3. In order to improve upon and maintain the general character of the Village, it is necessary to rehabilitate blighted areas; and
 4. This Ordinance will help rehabilitate blighted areas by eliminating or reducing blight and the factors that contribute to blight for the protection of the health, safety, and general welfare of the Village of Lakeview and will help preserve existing property values and ensure that the Village remains aesthetically desirable for residential, commercial, and industrial use and development.

Section 3: Definitions

For the purposes of this Ordinance, the following words and phrases shall have the following meanings, unless the context in which they are used specifically indicates otherwise:

1. **Blight:** Any condition in violation of this Ordinance.
2. **Blighted Structure:** This shall mean any dwelling, structure, garage, building, shed, fence, outbuilding, accessory building, swimming pool, pond, or structure of any nature or part of any building or structure which, because of disrepair, fire, wind, snow load or other natural disaster or physical deterioration is no longer habitable, if a dwelling; or

useable for any purpose for which it was created and/or which involves or has any one of the following characteristics:

- a. **Deterioration or deteriorated:** This shall mean the physical state of an item, process of decay, or degeneration that has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, or unusable or unsuitable for its created or intended use, including but not limited to, rot, rust, mold, vermin, ingestion, dilapidation, infestation, or destruction.
 - b. **Vacant Structure:** This shall mean any building or structure which is unoccupied and which is not securely locked, with the windows not being glazed or painted, or not otherwise protected against the elements and/or from vandals, rodents and other animals or not otherwise maintained in accordance with all of the Village's ordinances.
3. **Building Material(s):** This shall include any lumber, wood, bricks, concrete, blocks, plumbing materials, electrical wiring or equipment, PVC, HVAC ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings, structures or dwellings.
4. **Enforcement Official:** This shall mean any person designated by the Village Council of the Village of Lakeview to enforce any or all of the provisions of this Ordinance.
5. **Junk:** This shall mean the outdoor storage or accumulation of any junk, trash, garbage, rubbish, or refuse of any kind, or any abandoned, discarded, disassembled, unusable, or unused objects or equipment of any kind outdoors. The term "junk" shall also include, but is not limited to, broken or unusable furniture, mattresses, stoves, refrigerators, freezers, or other appliances stored in the open; cans, implements, parts of motor vehicles, machinery, un-mounted motor vehicle tires and/or rims, cloth, rubber, bottles, any metals, boxes, cartons, or crates, remnants of wood, metal, or any other materials, broken toys and bicycles, broken lawn furniture, lawn mowers, and other castoff material of any kind whether or not the same could be put to any reasonable use
6. **Litter:** This shall include, without limitation, debris, tin cans, waste paper, cardboard waste, rubbish, trash, garbage, filth, refuse, vermin, decaying or dead matter, or deteriorated signs. "Trash," "rubbish," and/or "garbage" shall include any and all forms of debris not herein otherwise classified.
7. **Motor Vehicle:** This shall mean and includes cars, trucks, tractors, automobiles, motorcycles, vans, boats, snowmobiles, ATVs, motorhomes, and other similar items.
8. **Occupant:** This shall mean any person, other than a legal or equitable title holder, living in, occupying or possessing all or part of a building, property, dwelling, or property.
9. **Owner:** This shall mean any person having a legal or equitable interest in all or part of a building, structure, dwelling, or property.
10. **Person:** This shall mean any natural person, firm, association, partnership, entity, limited liability company, trust, or corporation. All persons who violate any of the provisions of this Ordinance, whether as an owner, co-owner, occupant, lessee, agent, or employee shall, except as herein otherwise expressly provided, be equally and jointly liable as responsible persons and as principals and perpetrators.
11. **Public Nuisance:** This shall mean any condition, matter, or item that unreasonably annoys, injures, or endangers the safety, health, comfort or repose of the public or any person; offends public decency; interferes with, obstructs, or renders dangerous any

street, public place, highway, or navigable stream; depreciates or lowers property values; or in any way renders the public insecure in life or property. Any violation of this Ordinance shall also constitute a Public Nuisance.

Section 4: Blight is Unlawful.

It shall be unlawful for any of the following to occur and/or to be allowed to occur within the Village of Lakeview:

1. It shall be unlawful for any owner or occupant to keep or maintain any building, structure, or dwelling, whether occupied or vacant, in any of the following conditions:
 - a. With exterior walls or surfaces (including but not limited to, doors, door or window frames, cornices, porches, trim, soffits, facia, balconies and decks, or roof coverings) that have become deteriorated to the extent they do not provide adequate weather protection, are peeling, flaking, rusting and/or chipped, or that show evidence of the presence of termite infestation, decay or dry rot.
 - b. With damaged or missing exterior siding or roofing materials.
 - c. With broken or missing exterior windows or doors.
 - d. With exterior walls, fences or retaining walls damaged or deteriorated to the extent that the disrepair is visible from a public road.
 - e. With roof or structural deterioration, damage or faulty construction.
 - f. With cracked or broken foundation or chimney.
 - g. Partially completed and not presently under active construction with valid current permits issued by the Montcalm County Building Department.
 - h. Vacant and unsecured so as to allow access by unauthorized persons, animals, or the elements.
 - i. With utilities disconnected, destroyed, removed or rendered ineffective for a period of one year or more.
 - j. Being a blighted structure.
2. It shall be unlawful to utilize plywood, or other building materials not intended or designed as window treatments, as permanent window coverings for more than thirty (30) consecutive days. All interior window coverings, hardware and mechanisms shall be maintained in good repair and working order.
3. It shall be unlawful when any graffiti is allowed to remain on any structure, fence, sign, vehicle, or other outdoor surface. It shall be the responsibility of the property owner to promptly remove graffiti.
4. It shall be unlawful to permit the outdoor accumulation or presence of any refuse, litter, trash, junk, commercial or industrial waste, unfinished excavations, unfinished alteration, construction, or demolition of structures, or used building materials.
5. It shall be unlawful for a person to dump, deposit, place, throw, leave, cause, or permit the dumping, depositing, placing, throwing or leaving of litter, garbage, or household trash on any public or private property or waters, other than a property lawfully designated and set aside for such purposes
6. It shall be unlawful for any person to maintain or permit to be maintained an unclean building, yard or premise. All manure and excreta shall be lawfully removed and

disposed of in such a manner so as to prevent the breeding or harboring of insects or vermin.

7. It shall be unlawful when a yard or area where animals are kept is not well drained, maintained in a sanitary condition, and treated so as to effectively prevent the breeding or harboring of flies, mosquitoes or rodents.
8. It shall be unlawful not to store firewood outdoors in neat, orderly stacks, unless screened from view from all adjoining properties.
9. It shall be unlawful for the outdoor display or use of upholstered or other furniture, including vehicle seats, which were not designed, manufactured and/or intended for outdoor use.
10. It shall be unlawful to permit the storage and accumulation of any building material outdoors for a period that is longer than reasonably necessary for the immediate use of such materials, but in no event longer than 60 days. Building materials must be stacked off of the ground so as not to become a suitable environment for rodents or similar vermin.
11. It shall be unlawful for any person owning or occupying any lot or property in the Village to store, place, or allow to be stored or placed on said property outdoors any abandoned, junk, dismantled, partially dismantled, or wrecked automobile for a period of time in excess of ten (10) days. For purposes of this ordinance an “abandoned, junk, dismantled, partially dismantled, or wrecked automobile” shall be mean an automobile which cannot be operated under its own power or cannot function as it was intended and designed to function. This section shall not apply to the lawful storage of automobiles in a wholly enclosed garage or other wholly enclosed structure or to any storage which shall be a lawful use under the Village Zoning Ordinance or a variance issued under the Zoning Ordinance.
12. It shall be unlawful to litter on a public property or on a property not one’s own.

Section 5: Responsibility of Owner and Tenant

It is the responsibility of all of the owners of each and every lot or parcel of land within the Village, and also any person occupying or controlling the property, to keep the entire premises free and clear from all unlawful items and illegal conditions as described in this Ordinance. The responsibility of an occupant shall not relieve the owner or owners of the lot or parcel from also having to comply with this Ordinance.

Section 6: Penalties; Enforcement

In lieu of or in addition to any abatement action undertaken in accordance with this Ordinance:

1. A first violation of any provision of this Ordinance by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than one hundred dollars (\$100.00) and any other penalties or remedies imposed by the court.
2. A second violation of any provision of this Ordinance, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a

fine of not less than two hundred and fifty dollars (\$250.00) and any other penalties or remedies imposed by the court.

3. A third or subsequent violation of any provision of this Ordinance, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than five hundred dollars (\$500.00) and any other penalties or remedies imposed by the court.
4. Each day of continued violation shall constitute a separate offense.
5. In addition to the penalties provided by this section, the district court shall have equitable jurisdiction to impose or enforce any judgment, writ, or order necessary to enforce any provision, the violation of which is a municipal civil infraction, including, but not limited to, ordering the abatement of the violating condition or the granting of any injunctive relief. The circuit court shall also have jurisdiction to enforce this Ordinance at law or equity.
6. Any violation of this Ordinance is both a public nuisance and a nuisance *per se*.
7. The remedies of this Ordinance are cumulative and not exclusive.

Section 7: Ordinances Repealed

Village Ordinances No. 92-3 is repealed in its entirety upon the effective date of this Ordinance, and will be of no further force or effect.

Section 8: Effective Date

This ordinance shall take effect from and be in force upon the expiration of 20 days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lakeview.