

**VILLAGE OF EDWARDSBURG**

**CASS COUNTY, MICHIGAN**

**BLIGHT ORDINANCE NO. 125**

AN ORDINANCE TO AMEND ORDINANCE NO. 125 ENTITLED:

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE VILLAGE OF EDWARDSBURG, CASS COUNTY, MICHIGAN PURSUANT TO THE ENACTING AUTHORITY THEREFORE PROVIDED BY ACT 344 OF THE PUBLIC ACTS OF 1945, AS AMENDED; TO PROVIDE FOR THE ENFORCEMENT THEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF EDWARDSBURG, CASS COUNTY, MICHIGAN ORDAINS:

**SECTION 1. PURPOSE**

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the Village of Edwardsburg by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said Village.

**SECTION 2. CAUSES OF BLIGHT OR BLIGHTING FACTORS**

It is hereby determined that the uses, structures and activities hereinafter listed are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods. On and after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the Village of Edwardsburg owned, leased, rented or occupied by such person, firm or corporation.

**A. Building Materials**

In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the village of Edwardsburg for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include 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 material used in constructing any structure.

#### B. Junk, Trash, Rubbish or Refuse

In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance, for a period not to exceed fifteen days. The term "junk" shall include, but not be limited to, unused stoves or other appliances stored in the open, remnants of wood except wood which has been cut and stacked for burning purposes, and metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use. The terms "trash, rubbish, or refuse" shall have their ordinary meaning and, in addition, these terms shall include any and all forms of debris not herein otherwise classified.

#### C. Deteriorated or Uninhabitable Structures

In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster or because of physical deterioration, is no longer habitable, as a dwelling, or is no longer useful for any purpose for which it may have been intended.

#### D. Vacant Structures

In any area, the existence of any vacant dwelling, garage or other out building unless such buildings are kept securely locked, windows are kept glazed or neatly boarded up, and are otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.

#### E. Partially Completed Structures

In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and unexpired building permit issued by the Village and unless such construction is completed within a reasonable time.

#### F. Noxious Growths

In any area, the existence of certain noxious weeds that have been determined to constitute public nuisances and are detrimental to the public health and general welfare, shall be required to be: (1) destroyed or caused to be destroyed before they reach a seed bearing stage, (2) cut or cause to be cut as necessary grasses and uncultivated vegetation on improved property so as to prevent the height of said growths from exceeding ten (10) inches. The required height of grasses and uncultivated vegetation on improved properties is prescribed in that the unregulated height of such growths constitutes a fire hazard and/or conceals rubbish or trash which provide harborage for rodents or other pests.

#### G. Grasses and Uncultivated Vegetation

In any area, any grasses, annual plants and vegetation except trees, shrubs, bushes, wildflowers, cultivated flowers, ground cover, plants, or garden.

#### H. Improved Property

In any area, any lot located within a recorded plat or any other property, whether residential, commercial or business, or industrial, on which a building, structure or other improvement is present. Any lawn consisting principally of grass which abuts a residence, a place of business or commerce, or any industry on a platted lot or property shall constitute an improvement.

## I. Noxious Weeds

In any area, Canada thistle (*Cirsium Arvense*) or other thistle, dodders (any species of *Cuscuta*), black mustard and Indian mustard, species of *Brassica* or *Simapis*, wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior*), and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernis*), pigweed, duckweed, and milkweed.

## SECTION 3. ENFORCEMENT

### A. Enforcement Officer

This Ordinance shall be enforced by the Zoning Administrator as designated by the Village Council.

### B. Notice to Remove or Eliminate Blight.

The owner, if possible, and the occupant of any property upon which any of the causes of blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon such person. Such notices shall be served personally or by certified mail, return receipt requested. Additional time 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.

### C. Violation of Ordinance

Failure of the owner and/or occupant to comply with such notice within the time allowed shall constitute a violation of this Ordinance. To allow for the ability to control certain noxious weeds and to destroy said weeds; to control the height of grasses and uncultivated vegetation on improved properties in the Village of Edwardsburg, to provide for such work to be performed by the Village upon the neglect, failure or refusal of the property owner or occupant to do so and for the recovery of costs and expenses so incurred by the Village; and to provide for penalties for violations.

## SECTION 4. PENALTIES FOR VIOLATION

Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the court.

## SECTION 5. LIEN ON RESIDENTIAL PREMISES

### A. Assessment/Payment

The charges shall constitute a lien of all said premises incurred for the enforcement of Blight Ordinance Number 125.

**B. Special Assessment Procedure**

1. The Village treasurer shall, on March 31<sup>st</sup>, certify all unpaid charges for enforcement of this Ordinance which as of the above date have remained unpaid for a period of six (6) months or more, to the Village Council.
2. The Village shall set the date, time and location for a public hearing to address the delinquencies.
3. The Village Council shall properly publish the Publish Hearing date, time and location and shall also send notice of such Public Hearing, via first class mail, to all delinquent property owner/occupant.
4. The Village Council shall adopt a resolution confirming the delinquencies and shall supply the assessment roll to the Village Treasurer, who shall in turn supply the assessment roll to the Village Assessor, to be placed on the tax roll as a lien against the property in the form of a Special Assessment.
5. The lien shall be placed on the tax roll due July 1<sup>st</sup>.

**SECTION 6. SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, words, section, or provisions is declared void or unenforceable for any reason by an court of competent jurisdiction, it shall not effect any portion of the Ordinance other than said part of portion thereof.

**SECTION 7. EFFECTIVE DATE**

The Ordinance shall become effective thirty-one (31) days after its publication as required by law.

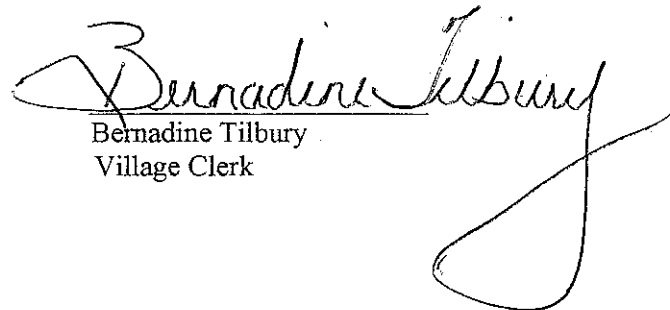
**SECTION 8. ADOPTION DATE**

This Ordinance is hereby declared to have been adopted by the Village Council of the Village of Edwardsburg, County of Cass, State of Michigan at a regular meeting hereof held on the

YES:

NO:

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Albert L. Strukel  
Village President

  
Bernadine Tilbury  
Village Clerk