

**VILLAGE OF BERRIEN SPRINGS
ORDINANCE NUMBER 377**

AN ORDINANCE TO AMEND CHAPTER 16 ENTITLED "ENVIRONMENT", ARTICLE IV ENTITLED "ANTI-BLIGHT ORDINANCE," DIVISION 1 ENTITLED "BLIGHT REGULATION FOR RESIDENTIAL AREAS," SECTION 16-71 ENTITLED "ENFORCEMENT AND PENALTY" AND TO AMEND DIVISION 2 ENTITLED "BLIGHT REGULATION FOR COMMERCIAL AREAS," SECTION 16-78 ENTITLED "ENFORCEMENT AND PENALTY"

NOW THEREFORE, The Village of Berrien Springs ordains:

Section 1. Chapter 16 entitled "Environment," Article 4 entitled "Anti-Blight Ordinance," Division 1 entitled "Blight Regulation for Residential Areas," Section 16-71, entitled "Enforcement and Penalty," shall be amended to provide as follows:

ARTICLE IV. ANTI-BLIGHT ORDINANCE

DIVISION 1 - BLIGHT REGULATIONS FOR RESIDENTIAL AREAS

Section 16.71 Enforcement and Penalty

- (c) Notwithstanding subsection 16-71(b), the occupant and, if possible, the owner of any property upon which any of the causes of blight or blighting factors as set forth in section 16.70 above shall be notified in writing ("removal notice") to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the removal notice. Such removal notice may be served personally, or by first class mail postage prepaid, or by posting the notice in a conspicuous place on the property. In addition, once the removal notice described in this subsection has been given, it shall be deemed sufficient notice for as long as the causes of blight described in the 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. 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, 112 North Cass Street, Berrien Springs, Michigan 49103. The hearing shall be conducted as soon as reasonably possible after receipt of the request for a hearing. At such hearing, the village president, or his/her designee, shall hear statement, evidence or testimony offered at the hearing 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 factors 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 under subsection (e) of this section. If the village president, or his/her designee, determine that the blight or blighting factors exist, they may be removed pursuant to subsection (e) of this section.

Section 2. Chapter 16 entitled “Environment,” Article 4 entitled “Anti-Blight Ordinance,” Division 2 entitled “Blight Regulations for Commercial Areas,” Section 16-78(b) shall be amended to provide as follows:

ARTICLE IV. ANTI-BLIGHT ORDINANCE

DIVISION 2. - BLIGHT REGULATIONS FOR COMMERCIAL AREAS

Section 16-78 Enforcement and Penalty

- (b) The occupant and, if possible, the owner of any property upon which any of the causes of blight or blighting factors as set forth in this article in sections 16-73, 16-74, 16-75 and 16-76 are found to exist, shall 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 upon him. Such removal notice shall be served personally, or by first class mail postage prepaid or by posting the notice in a conspicuous place on the property. In addition, once the removal notice described in the subsection has been given, it shall be deemed sufficient notice for as long as the causes 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.

Section 3. Any and all other parts, sections or clauses contained in said Ordinance not otherwise amended by this Ordinance are hereby ratified and affirmed and remain in full force and effect.

Section 4. This Ordinance and its various parts, sections and clauses are hereby declared several. If any part, section or clause contained in this Ordinance is adjudged unconstitutional or otherwise legally invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 5. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

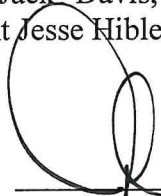
Section 6. The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

Section 7. This Ordinance shall take effect twenty (20) days after publication.

YEAS: Roll call vote: Kristin von Maur, Jack Davis, Lonna Johnson, Milt Richter,
Barry Gravitt, President Jesse Hibler

NAYS: None.

Dated: August 24, 2020



Jesse Hibler

Ordinance declared adopted:



Sheryl A. Kesterke, Village Clerk

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Berrien Springs and published in the *Journal Era*, a weekly newspaper published in the Village of Berrien Springs, in the issue of said newspaper dated and published on the 2nd date of September, 2020.



Sheryl A. Kesterke