

Chapter 4

BUILDINGS AND BUILDING REGULATIONS*

- Art. I. In General, §§ 4-1 – 4-25
- Art. II. Building Code, §§ 4-26 – 4-45
- Art. III. Dangerous Buildings, §§ 4-46 – 4-51

ARTICLE I. IN GENERAL

Secs. 4-5 – 4-25. Reserved.

ARTICLE II. BUILDING CODE

Sec. 4-26. Adoption of Michigan State Construction Code.

The Michigan State Construction Code as established by Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq. MSA 5.2949(1) et seq.), as amended, is hereby adopted. Such code includes the building, electrical, plumbing and mechanical codes.

State law reference – Authority to adopt technical code by reference, MCL 117.3(k), MSA 5.2073(k).

Sec. 4-27. Enforcing Agency.

Pursuant to the provisions of the state construction code adopted in this article the building official of the village is hereby designated as the enforcing agency to discharge the responsibilities of the village under Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949 (1) et seq.), as amended. The village hereby assumes responsibility for the administration and enforcement of the act throughout its corporate limits.

Sec. 4-28 Fees.

Fees required under the state construction code adopted in this article shall be as prescribed by resolution of the village council.

Sec. 4-29-4.45. Reserved.

ARTICLE III. DANGEROUS BUILDINGS

Sec. 4-46. Definition.

* **Cross references** – Mobile homes and recreational vehicles, Ch. 8; nuisances, Ch. 9; planning, Ch. 12; streets, sidewalks and other public places, Ch. 14; water and sewers, Ch. 17; zoning, Ch. 18.

State law references – State Construction Code Act, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

As used in this article, the term “dangerous building” means any building or structure which has any of the following defects or is in any of the following conditions:

- (1) Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of any building code of the village for a new building or similar structure.
- (2) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (3) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the building code of the village.
- (4) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.
- (5) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- (6) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants or criminals, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or illegal acts.
- (7) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to work injury to the health, safety or general welfare of those living within.
- (8) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(Ord. No. 40 § III, 4-4-77)

Cross reference – Definitions and rules of construction generally, § 1-2.

Sec. 4-47. Municipal Civil Infraction.

An owner or agent thereof who keeps or maintains any dwelling or part thereof which is a dangerous building is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided by section 1-9(c)(2) of this Code.

(Ord. No. 40, § II, 4-4-77; Ord. No. 62 § 2,8-12-96)

Sec. 4-48. Issuance of Notices.

- (a) Notwithstanding any other provisions of this article, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the building inspector shall issue a notice of the dangerous and unsafe condition.
- (b) Such notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last local tax assessment records.
- (c) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- (d) The hearing officer shall be appointed by the village president to serve at his pleasure. The building inspector shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.
- (e) All notices shall be in writing and shall be served upon the person to whom they are directed personally or in lieu of personal service may be mailed by certified mail, return receipt requested, and addressed to such owner or party in interest at the address shown on the tax record, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served; in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building.

(Ord. No. 40, § IV, 4-4-77)

Sec. 4-49. Hearing; Abatement Procedure.

- (a) The hearing officer shall take testimony of the building inspector, the owner of the property and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- (b) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner to comply therewith.
- (c) If the owner fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the village council and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner in the manner prescribed in section 4-48.
- (d) The village council shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner in the manner prescribed in section 4-48 of the time and place of the hearing. At the hearing the owner shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the village council shall either approve,

disapprove or modify the order for the demolition or making safe of the building or structure.

- (e) The cost of the demolition or making the building or structure safe shall be a lien against the real property and shall be reported to the assessing officer of the village who shall assess the cost against the property on which the building or structure is located.
- (f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the village.

(Ord. No. 40, § V, 4-4-77)

Sec. 4-50. Appeals.

An owner aggrieved by any final decision or order of the village council under section 4-49 may appeal the decision or order the circuit court for the county by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

(Ord. No. 40 § VI, 4-4-77)

Sec. 4-51. Legal Injunction.

Legal proceedings to enjoin the violation of any of the provision of this article may be brought in any court of competent jurisdiction in the name of the village. Such action shall be taken only as authorized by the Village Council.

(Ord. No. 40, § VI, 4-4-77)