

CHESTER TOWNSHIP

OTTAWA COUNTY, MICHIGAN

ORDINANCE NO. 2003-03-01

DANGEROUS BUILDINGS ORDINANCE

An ordinance to promote the health, safety and welfare of the people of Chester Township ("Township"), Ottawa County, Michigan by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures regulated by this ordinance; to establish procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF CHESTER ("Township") ORDAINS:

SECTION I **TITLE**

This ordinance shall be known and cited as the Chester Township "Dangerous Buildings Ordinance."

SECTION II **DEFINITIONS OF TERMS**

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code.

2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum

requirements of the Housing Law of the state of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Township Building Code for a new building or structure, purpose or location.

3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.

4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the state of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Township Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used or intended to be used.

7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

9. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

10. A building or structure remains unoccupied for period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being Section 339.2501 *et seq.* of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:

(a) A building or structure as to which the owner or agent does both of the following:

(1) Notifies the County Sheriff's Department that the building or structure will remain unoccupied for period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of the state of Michigan, Act No. 167 of the public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Township Building Code.

(b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the County Sheriff's Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

B. "Enforcing agency" means this Township, through the Township Building Official, Zoning Administrator, and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being Section 125.1501 *et seq.* of the Michigan Compiled Laws, or adopted pursuant to any other state law.

SECTION III **PROHIBITION OF DANGEROUS BUILDINGS**

It shall be unlawful for any owner or agent thereof to keep, possess, own, or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

SECTION IV **PENALTIES FOR VIOLATION OF THIS ORDINANCE**

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance

and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

SECTION V
EXEMPTION FOR BONA FIDE FARM BUILDINGS

This Ordinance shall not apply to any building which is used or maintained in conjunction with a bona fide farming operation.

SECTION VI
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION VII
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of any such conflict; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code (or maintenance, electric, plumbing, or similar code) or Zoning Ordinance.

SECTION VIII
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication as required by law.

The above Ordinance was offered for enactment by Board Member Berenbrock and was supported by Board Member Creager at a regular meeting of the Township Board of the Township of Chester, held at the Chester Township Hall, on the 4th day of March, 2004, at 7:00 p.m., the vote being as follows:

YEAS: Creager, Redding, Kelly, Joiner, Berenbrock

NAYS: None

ABSENT/ABSTAIN: None

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Chester at a regular meeting held on March 4, 2004, pursuant to the procedures required by law.

Janice Redding
Township Clerk

10591 (001) 169023.02