

Chapter 13

BUILDINGS AND BUILDING REGULATIONS*

- Art. I. In General, §§ 13-1—13-30**
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ARTICLE I. IN GENERAL

Secs. 13-1—13-30. Reserved.

ARTICLE II. RESERVED

Secs. 13-31—13-70. Reserved.

ARTICLE III. PROPERTY MAINTENANCE CODE

Sec. 13-71. Adoption of property maintenance code.

That certain document, three (3) copies of which are on file in the clerk's office of the Village of Elkton being marked and designated as "The BOCA Basic Building Code, Eighth Edition, 1981," as published by Building Officials and Code Administrators (BOCA) International, Inc., be and is hereby adopted as the property maintenance code of the Village of Elkton in the State of Michigan for the control of buildings and structures as herein provided; and each and all of the regulations of the BOCA Basic Building Code, Eighth Edition, 1984, are hereby referred to, adopted, and made a part thereof, as if fully set out in this article.
(Ord. No. 82, § 1, 8-2-83)

Sec. 13-72—13-90. Reserved.

ARTICLE IV. DANGEROUS BUILDINGS

Sec. 13-91. Dangerous buildings; defined.

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- (a) Interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of the base;

***Cross references**—Accessory buildings, App. A, § 1003; performance standards, general provisions, App. A, § 1011.

- (b) Buildings exclusive of the foundation show thirty-three (33) per cent or more of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of the non-supporting, enclosing or outside walls or covering;
 - (c) Improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
 - (d) Buildings which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Elkton;
 - (e) Buildings which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
 - (f) Light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live therein;
 - (g) Inadequate facilities for egress in case of fire, or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;
 - (h) Parts thereof which are so attached that they may fall and injure members of the public or property;
 - (i) Buildings which because of their condition are unsafe, insanitary or dangerous to the health, morals, safety or general welfare of the people of this village; and
 - (j) Buildings existing in violation of any provision of the Building Code of this village or any provisions of the Fire Prevention Code or other ordinance of this village.
- (Ord. No. 54, § 1, 2-9-71)

Sec. 13-92. Duties of the village attorney.

The village attorney shall:

- (a) Prosecute all persons failing to comply with the terms of the notices provided for herein in section 13-94, subsections (e) and (f) and the order provided for in section 13-93, subsection (d);
- (b) Appear at all hearings before the building commissioner in regard to dangerous buildings;
- (c) Bring suit to collect all municipal liens, assessments, or costs incurred by the building commissioner in repairing or causing to be vacated or demolished dangerous buildings; and
- (d) Take such other legal action as is necessary to carry out the terms and provisions of this article.

(Ord. No. 54, § 7, 2-9-71)

Sec. 13-93. Duties of building commissioner.

(Appointed Council Trustee)

The building commissioner shall:

- (a) Upon receipt of a report of the building inspector as provided for in section 13-94, subsection (g) thereof, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said buildings as shown by the land records of the Recorder of Deeds of the County of Huron, and to appear before him on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspectors notice provided for in section 13-94, subsection (f);
- (b) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, shall offer relative to the dangerous building;
- (c) Make written findings of the fact from the testimony offered pursuant to subsection (b) as to whether or not the building in question is a dangerous building within the terms of section 13-93 hereof;
- (d) Issue an order based upon the findings of fact made pursuant to subsection (c) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, to repair, vacate or demolish any building found to be a dangerous building within the terms of this article, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the village as provided in subsection (e) hereof;
- (e) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (d) hereof, within ten (10) days, the building commissioner shall cause such building or structure to be repaired, vacated or demolished as the fact may warrant, under the standards herein before provided for in section 13-99 of this article, and shall with the assistance of the village attorney cause the costs of such repairs, vacate or demolition to be charged against the land on which the building existed as a municipal lien or cause the costs to be added to the tax duplicate as an assessment or to be levied as a special tax against the land on which the building stands or did stand, or to be recovered in a suit at law against the owner, provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of this village, the building commissioner shall notify the village attorney to take legal action to force the owner to make necessary repairs or demolish the building; and

- (f) Report to the village attorney the names of all persons not complying with the order provided for in section 13-93, subsection (d) hereof.

(Ord. No. 54, § 5, 2-9-71)

Sec. 13-94. Duties of building inspector.

*(Huron County
Bld. & Zoning Dept.)*

The building inspector shall:

- (a) Inspect or cause to be inspected semi-annually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of section 13-91 of this article;
- (b) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this village as probably existing in violation of the terms of this article;
- (c) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article;
- (d) Inspect annually buildings in the following sections of this village to determine whether they are dangerous buildings within the terms of section 13-91 of this article. Central business district and other areas as determined by the village council;
- (e) Notify in writing the owners, occupants, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, of any building found by him to be a dangerous building within the standards set forth in section 13-91 of this article, that:
 - 1. The owner must vacate or repair or demolish in accordance with the terms of the notice and this article;
 - 2. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; and
 - 3. The mortgage agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, may at his own risk repair, vacate or demolish said building or have such work or act done, provided, that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding ninety days (90) as may be necessary to do so, or to have done the work or act required by the notice provided herein.
- (f) Set forth in the notice provided for in subsection (e) hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding ninety (90) days as is reasonable;

- (g) Report to the building commissioners any noncompliance with the notice provided for in subsections (e) and (f) hereof;
- (h) Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings; and
- (i) Place a notice on all dangerous buildings that reads as follows:

“This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building, as shown by the land records of the Recorder of Deeds of the County of Huron. It is unlawful to remove this notice until such notice is complied with.”

(Ord. No. 54, § 4, 2-9-71)

Sec. 13-95. Duties of the fire department.

The employees of the fire department shall make a report in writing to the building inspector of any building or structures which are, may be, or are suspected to be dangerous buildings within the terms of this article. Such report must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the fire department.

(Ord. No. 54, § 11, 2-9-71)

Cross reference—Fire prevention and protection, Ch. 29.

Sec. 13-96. Duties of the police department.

All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this article. Such report must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the police department.

(Ord. No. 54, § 12, 2-9-71)

Cross reference—Officers and employees, Ch. 1, Art. II.

Sec. 13-97. Administrative liability.

No officer, agent or employee of the Village of Elkton shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the Village of Elkton as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the village attorney until final determination of the proceedings therein.

(Ord. No. 54, § 10, 2-9-71)

Sec. 13-98. Where owner is absent from village.

In cases, except emergency cases where the owner, occupant, lessee mortgagee is absent from the village, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mail and posting shall be deemed adequate service.

(Ord. No. 54, § 9, 2-9-71)

Sec. 13-99. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector and the building commissioner in ordering repair, vacation or demolition.

- (a) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (b) If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of the occupants, it shall be ordered to be vacated.
- (c) In any case where a dangerous building is fifty (50) per cent damaged, decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the village or statute of the State of Michigan, it shall be demolished.

(Ord. No. 54, § 2, 2-9-71)

Sec. 13-100. Dangerous buildings; nuisances.

All dangerous buildings within the terms of section 13-91 of this article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

(Ord. No. 54, § 3, 2-9-71)

Cross reference—Environment, Ch. 25, Art. III.

Sec. 13-101. Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined herein is immediately repaired, vacated or demolished, the building inspector shall report such facts to the building commissioner and the building commissioner shall cause the immediate repair, vacate or demolition of such dangerous building. The cost of such emergency repair, vacate or demolition of such dangerous

building shall be collected in the same manner as provided in section 13-93, subsection (e) hereof.

(Ord. No. 54, § 8, 2-9-71)

Sec. 13-102. Violations; penalties for disregarding notices or orders.

(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this article to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding two hundred dollars (\$200.00) for each offense and a further sum of ten dollars (\$10.00) for each day such failure to comply continues beyond the date fixed for compliance.

(b) The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding two hundred dollars (\$200.00) for each offense and a further sum of ten dollars (\$10.00) for each day such failure continues beyond the date fixed for compliance.

(c) Any person removing the notice provided for in section 13-94, subsection (i) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding two hundred dollars (\$200.00) for each offense.

(Ord. No. 54, § 6, 2-9-71)

Secs. 13-103—13-130. Reserved.

ARTICLE V. SATELLITE DISHES*

Sec. 13-131. Definitions.

Front yard. The term front yard shall mean that area which extends toward the street beyond the established building line.

Rear yard. The term rear yard shall mean that area extending from the rear of the building to the rear lot line.

Residential property. The term residential property shall mean all that property designated as Residence "R-1" District and Multiple Family "R-2" District as defined in the zoning ordinance of the Village of Elkton.

Side yard. The term side yard shall mean that area extending from the full length of the side of the building between the building and the side lot line.

***Cross reference**—Franchises, App. B.

Television satellite dish. The term television satellite dish shall mean every device capable of receiving television signals from satellites.

(Ord. No. 87, § 1, 4-2-85)

Cross reference—Zoning, App. A.

Sec. 13-132. Prohibition on front and side yards.

No person, firm or corporation shall install, place, attach or park, whether permanent or temporary, any television satellite dish on any front or side yard of any residential property within the village.

(Ord. No. 87, § 2, 4-2-85)

Sec. 13-133. Placement setback.

A television satellite dish may be placed in a rear yard of a residential property so long as it is placed not less than four (4) feet from the property line.

(Ord. No. 87, § 3, 4-2-85)

Sec. 13-134. Public nuisance.

The presence of a television satellite dish on any front or side yard of residential property in violation of the terms of this article is hereby declared to be a public nuisance.

(Ord. No. 87, § 4, 4-2-85)

Cross reference—Environment, Ch. 25, Art. III.

Sec. 13-135. Penalties.

Any person, firm or corporation who shall violate or assist in the violation of any provision of this article shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for a period not to exceed ninety (90) days or both such fine and imprisonment. Every day that such violation shall continue, shall constitute a separate and distinct violation under the provisions of this article.

(Ord. No. 87, § 5, 4-2-85)

Secs. 13-136—13-139. Reserved.

ARTICLE VI. ANTI-BLIGHT ENFORCEMENT**Sec. 13-140. Purpose.**

It is the purpose of this article to prevent, reduce, or eliminate blight, potential blight, blighting factors or causes of blight within the Village of Elkton by the prevention or elimination of contributing environmental factors and causes of blight which exist or which may in the future exist in the Village of Elkton.

(Ord. No. 101, 11-14-94)

Sec. 13-141. Definitions.

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

Blighted structure. Any dwelling, garage, outbuilding, accessory building, factory, shop, store, office building, warehouse, sign or other structure or part of a structure which:

- (1) Because of fire, wind, other natural disaster or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;
- (2) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Village of Elkton, County of Huron;
- (3) Is not structurally sound;
- (4) Is not covered by a water-resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration;
or
- (5) Any structure which could be defined as dangerous under chapter 13, article IV, (Dangerous buildings) of this Code.

Building material. Any lumber, bricks, concrete, cinder blocks, plumbing materials and fixtures, electrical wiring or equipment, heating/cooling ducts or equipment, shingles, mortar, cement, plaster, gypsum board, nails, screws, or other material commonly used in the structure or repair of any buildings or structures.

Enforcement officer. The village building inspector or code official, any village police officer, or any other person designated by the village council to enforce the provisions of this article.

Firewood. Any timber, split logs, stumps, tree remnants, branches or other material used for the purpose of fueling a wood-burning stove for heating a building or structure.

Garbage. The organic (animal and/or vegetable) waste resulting from the handling, preparation, cooking and consumption of food.

Hazardous materials. Any explosive, acidic or caustic substance, flammable liquid, oil, chemical or any other substance, or residues of same, which is or could be defined as toxic or dangerous by statute of the State of Michigan or United States; or which could pose danger or

potential danger to persons, animals, vegetation or the environment, if spilled or stored in violation of state or federal statute or manufacturer's instructions, or where, in the opinion of the enforcement officer, is otherwise stored improperly or in inadequate containment facilities or structures.

Junk. Any abandoned, discarded, unusable or unused objects or equipment including, but not limited to: furniture, household appliances, barrels, tanks, implements, parts of motor vehicles, tires, machinery, cloth, rubber, bottles, cans, plastic, any metals, boxes, cartons, crates and papers.

Person. Any natural person, firm, association, partnership or corporation.

Premises. A lot, plot or parcel of land including the buildings or structures thereon.

Rubbish. Combustible and noncombustible waste materials, except garbage, including, but not limited to: residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, leaves, yard trimmings, cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Vacant buildings. Any building or structure which is unoccupied and which is not securely locked, with the windows not glazed or neatly boarded up and protected against the elements and from the entry of vandals, curious children, or rodents and/or other animals.

(Ord. No. 101, 11-14-94)

Sec. 13-142. Prohibited conduct.

Except as may otherwise be permitted by the holding of a specific license, permit or by any other village ordinance, no person in the village shall:

- (1) Store, accumulate or permit the storage or accumulation of garbage, junk, hazardous materials or rubbish on premises owned, leased, operated, rented or occupied by him.

Exceptions:

- a. Materials intended for recycling shall be excepted from this provision, provided that the same shall be stored in a rodent-proof receptacle or other approved container, or out of public view so as not to create a public nuisance. Storage of such materials shall not exceed thirty (30) days.
 - b. If lawn trimmings, leaves and/or vegetable waste are to be utilized for "backyard composting" purposes, then such materials shall be placed in an enclosure that does not create a public nuisance.
- (2) Store, accumulate or permit the storage or accumulation of any building materials on property owned, leased, operated, rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event to exceed sixty (60) days.

Exception: Building materials that are stored in a building or enclosure are exempt from this subsection, provided said materials are not in view of the general public.

- (3) Maintain or permit the maintenance or existence of any blighted structure on property owned, leased, operated, rented or occupied by him.
- (4) Store or permit the storage of firewood on property owned, leased, operated, rented or occupied by him except in a neat, orderly stack to a height no greater than five (5) feet from grade. The storage of firewood shall be restricted to the rear yard or interior side yard of the premises. A stack of firewood shall not be used effectively as a fence so as to circumvent the fence ordinance.

(Ord. No. 101, 11-14-94)

Sec. 13-143. Notice and enforcement.

(a) Before commencing prosecution under this article, the enforcement officer shall notify the violator(s) of the existence of a violation under section 13-142 above. Such notice shall be in writing and served upon the violator(s) either personally or by certified or registered mail, return receipt requested, sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. If the letter is returned with receipt showing that the letter has not been delivered, notice shall be deemed to have been served by the posting of a copy thereof in a conspicuous place in or about the premises affected by such notice.

(b) The violator(s) shall be given ten (10) days from the date of the personal service or receipt of the notice in which to remedy the violation.

(c) Each day that a violation under this article continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

(Ord. No. 101, 11-14-94)

Sec. 13-144. Penalty.

Failure to comply with the notice given by the enforcement officer within the time allowed shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

(Ord. No. 101, 11-14-94)

Chapters 14–20

RESERVED

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