

Chapter 10

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Fire prevention and protection, ch. 14; nuisances, ch. 22; streets, sidewalks and other public places, ch. 30; subdivisions and other divisions of land, ch. 34; utilities, ch. 42; zoning, ch. 46.

State Law References: Authority to adopt ordinances for public health and safety, MCL 42.17, 42.1, 41.181.

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ARTICLE I.

IN GENERAL

Secs. 10-1--10-30. Reserved.

ARTICLE II.

CONSTRUCTION CODE*

* **State Law References:** Power to regulate construction of buildings, MCL 42.17; state construction code, MCL 125.1501 et seq.

Sec. 10-31. State construction code adopted.

The state construction code is hereby adopted by reference and shall be enforced by the building official.
(Ord. No. 18, § 2.01; Ord. No. 60, §§ 1.01--1.03)

State Law References: Adoption by reference, MCL 42.23.

Sec. 10-32. Enforcing agency.

Agency designated. Pursuant to the provision of the Michigan Mechanical and Michigan Plumbing Codes, in accordance with Section 8 B of Act 230, P.A., 1972, as amended, St. Joseph Charter Township is hereby designated as the enforcing agency to discharge the responsibility of St. Joseph Charter Township under

Act 230, P.A., 1972, as amended, State of Michigan. St. Joseph Charter Township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.
(Ord. of 10-20-2003, § 1)

Secs. 10-33--10-60. Reserved.

ARTICLE III.

FENCES

DIVISION 1.

GENERALLY

Sec. 10-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or to be occupied."

Fence means a constructed structure which is vertical to the terrain and consists of equally spaced vertical support members (posts), to which have been affixed horizontal and/or vertical materials which span the openings between the vertical support members (posts), thus forming an enclosure for limiting access to and from real property.

Hedge means a vertical, row-like obstruction consisting of living vegetation, excluding trees, which is cultivated and maintained for pleasing appearance and serves as an enclosure for limited access to and from real property. Such an obstruction normally provides obstruction to vision, but this is dependent upon the season of the year.

Open fence means a fence where the spacing between the vertical support members has been enclosed with either metal wire construction or wooden boards to render a structure that is predominately open and results in limited or no obstruction to vision.

Solid fence means a fence where the spacing between the vertical support members has been enclosed with either metal sheeting, fiberglass panels or typical wooden materials consisting of boards, panels, or stockade type posts rendering a structure without openings which results in total obstruction to vision.

Ventilated fence means a fence where the spacing between the vertical support members has been enclosed with either vertical or horizontal wooden boards spaced in such a manner that openings occur which are not less than four inches in width. The resulting structure is predominately closed and affords limited or complete obstruction to vision but allows passage of air and/or sunlight.

Ventilated wall means a wall which is constructed so as to permit the passage of light and air.

Wall means a constructed structure which is vertical to the terrain and consists of a suitable footing

(foundation) upon which a vertical structure has been placed using acceptable masonry techniques employing the use of brick, stone, or cement and/or a combination thereof, thus forming an enclosure for limiting access to and from real property.

(Ord. No. 21, §§ 2.01, 2.02)

Cross References: Definitions generally, § 1-2.

Secs. 10-62--10-80. Reserved.

DIVISION 2.

ADMINISTRATION AND ENFORCEMENT*

* **Cross References:** Administration, ch. 2.

Sec. 10-81. Appeals.

Any determination of the building official with respect to the application of any section of this article is subject to appeal to the township board. The appellant shall have seven days after receiving the notice of determination in which to appeal to the board. The township board will conduct a hearing at its next regular meeting.

(Ord. No. 21, § 5.01)

Secs. 10-82--10-100. Reserved.

DIVISION 3.

REQUIREMENTS AND RESTRICTIONS

Sec. 10-101. Prohibited fences.

(a) No person shall place or permit to be placed on any fence any spikes, barbed wire or sharp pointed cresting, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith, except for fences which enclose industrial property, provided the fence does not abut residentially zoned property.

(b) No person shall erect any fence, wall or hedge for the purpose of injuring the property of another by obstructing the view, shutting out the sunshine, hindering ventilation or causing inconvenience in any manner.

(c) No person shall erect an electric fence containing uninsulated electric conductors that may be exposed to human contact.

(Ord. No. 21, § 4.01)

Sec. 10-102. Time limit for completing construction.

Construction of fences shall be completed within 60 days from the start of construction.

(Ord. No. 21, § 4.02)

Sec. 10-103. Location.

Except as provided in this Code, fences may be located adjacent to a lot line, but shall be constructed and located entirely on the lot of the person responsible for the construction or erection of the fence.

(Ord. No. 21, § 4.03)

Sec. 10-104. Maintenance.

Any fence, wall or hedge constructed or erected in the township shall have a pleasing, aesthetic appearance and shall be maintained in a safe and acceptable manner, conforming to the height requirements of the district in which it is located.

(Ord. No. 21, § 4.05)

Sec. 10-105. Terraces and soil retaining walls.

Only solid wall construction shall be permitted for the purpose of forming a terrace or soil retaining wall along property lines. When such walls are constructed, adequate and proper drainage must be provided so as to not damage neighboring property.

(Ord. No. 21, § 4.07)

Sec. 10-106. Variation in height.

Any variations in fence height above the natural grade of the property must be with the approval of the building official or township board in consideration of neighboring property and effects thereon. No such variation shall allow a height above grade prohibited by the zoning regulations (chapter 46).

(Ord. No. 21, § 4.08)

Sec. 10-107. Double frontage lots.

Where double frontage lots exist, the side of the lot facing the local roadway shall be considered the front yard, and the side of the lot facing a collector or arterial roadway shall be considered the back yard, and each shall conform to all applicable requirements described in this Code. Where necessary to preserve the aesthetic quality of the township, the township may require landscaping in conjunction with the erection of any fence.

(Ord. No. 21, § 4.09)

Sec. 10-108. Supports to be on inside of fence.

All fences shall be constructed with any and all supporting structures or devices on the inside of the fence.

(Ord. No. 21, § 4.10)

Secs. 10-109--10-130. Reserved.

ARTICLE IV.
HOUSING CODE
DIVISION 1.
GENERALLY

Sec. 10-131. Enclosed garage required for single-family dwellings.

Each single-family dwelling henceforth constructed shall include a fully enclosed private garage, either attached or detached.
(Ord. No. 63, § 8.13)

Secs. 10-132--10-150. Reserved.

DIVISION 2.
RENTAL INSPECTION ORDINANCE

Sec. 10-151. Occupancy permit.

An occupancy permit is required before any new tenant moves into a rental dwelling. The permit will indicate

- (a) If occupancy is now allowed,
- (b) Maximum number of occupants permitted,
- (c) Defects that must be repaired, and
- (d) If a re-inspection is required.

Failure to comply with the conditions of the occupancy permit voids the permit. It is a misdemeanor to permit a rental dwelling to be occupied without a valid occupancy permit.
(Ord. No. 71, § 1; Ord. of 7-7-2003, § 1)

Sec. 10-152. Inspections.

Before an occupancy permit is issued, a housing inspection must be completed. To arrange an inspection, telephone the inspection department, (269) 429-7703.

One inspection of the rental dwelling will be made in any 24-month period with a registration charge (see township fee schedule) to the homeowner. All additional inspections, including re-inspections will be charged to the homeowner at a set rate (see township fee schedule). If the property is occupied when inspected, there will be an additional \$50.00 inspection fee. If inspection fees are not paid in a timely manner, (resulting

occupancy permits will become void).
(Ord. No. 71, §§ 2, 3; Ord. of 7-7-2003, §§ 2, 3)

Sec. 10-153. Rental registration.

All property owners/agents must register all rental dwellings with the St. Joseph Charter Township Building Department. There is a charge per unit (see township fee schedule). All newly acquired rental dwellings must be registered within ten days of acquisition.

To register a rental unit, telephone or contact the inspection department.

Renewal. Rental registration must be renewed before any new tenant moves into a rental dwelling or registration must be renewed two years from date of original registration, whichever occurs first. Renewal charge is based on regular registration fees.
(Ord. No. 71, § 4; Ord. of 7-7-2003, §§ 4, 8)

Sec. 10-154. Housing Code.

The applicable code is the MRC Michigan Residential Code 2000, as amended. A copy of this Code is available at the Township Hall.
(Ord. of 7-7-2003, § 5)

Editors Note: An ordinance adopted July 7, 2003 amended Ordinance No. 71. Therefore, section 10-154 was amended to read as herein set out. Formerly, such section pertained to International Property Maintenance Code adopted and derived from Ord. No. 71, § 5. See article VIII for the Property Maintenance Code provisions.

Sec. 10-155. Code provisions.

The code established reasonable minimum standards for the maintenance and use of existing structures inclusive of dwellings. Some of the standards are:

- (1) *Number of permitted occupants.* A bedroom must have 70 square feet of floor area for the first occupant and additional 50 square feet of floor for each additional occupant. If the bedroom count permits three to five occupants, there also must be at least 120 square feet in the living room, 80 square feet in the dining room and 50 square feet in the kitchen. If the bedroom count allows six or more occupants, there also must be 150 square feet in the living room, 100 square feet in the dining room and 60 square feet in the kitchen.
- (2) *Premises:* The term "premises" includes the land and building(s). The premises must be free from garbage and rubbish and in good repair. The exterior of the structure shall be in good repair and structurally sound. Every foundation, exterior wall, roof and all other exterior surfaces, shall be maintained in a workmanlike state of maintenance and repair.

All windows, other than fixed window sash, shall be capable of being easily opened with the opened sash being held open with window hardware. Every window and exterior door shall be weather stripped. Window and door screens are required April 1 to December 1.

Floor, walls, ceilings and other interior surfaces shall be maintained in a good repair. Peeling

paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated.

All bathroom and kitchen floor surfaces shall be substantially impervious to water so as to be easily kept clean and sanitary.

No lockset on a door shall be over 48 inches above the floor.

- (3) *Light and ventilation.* Every habitable room shall have at least one window. The window area shall be at least eight percent of the floor area. Of the required window area, at least 45 percent must be openable. Cooking is not permitted in any sleeping room.
- (4) *Plumbing.* All plumbing fixtures shall be in proper operating condition and shall be adequate for personal cleanliness and disposal of human waste. Hot water heaters shall have a P.T.R. valve piped with metal pipe to within four inches of the floor.
- (5) *Mechanical.* All mechanical equipment, including furnaces, shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed or intended.

All habitable areas shall have sufficient heat to maintain a temperature of 70 degrees Fahrenheit.

- (6) *Electrical.* Any condition contributing to a hazard caused by inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, etc., shall be eliminated. At least two separate remote receptacles are required in each habitable room. Every receptacle in a laundry area, bathroom or in near proximity to water, must be grounded or equipped with G.F.I. The use of a grounding adapter is prohibited unless the wiring is in conduit. In event of overfusing, Type "S" fuses of the appropriate size shall be installed.
- (7) *Fire safety.* For each floor above the second floor, there shall be at least two separate and independent exits. Every sleeping room in a basement shall have at least one window or exterior door for rescue or egress and at least two independent exits. Smoke detectors are required in all sleeping areas.
- (8) *Responsibility of tenants.* Every tenant shall maintain that portion of the premises occupied, in a clean and sanitary condition.

(Ord. of 7-7-2003, § 6)

Sec. 10-156. Violation, penalty, enforcement.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any of these provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than (\$50.00) and no more than (\$500.00), and upon failure to pay such fine such person shall be imprisoned in the County Jail of Berrien County, Michigan, for a period not exceeding 90 days. The continued violation of any provision of this division shall be deemed to constitute a separate offense each and every day such violation shall continue.

(Ord. of 7-7-2003, § 7)

Secs. 10-157--10-180. Reserved.

ARTICLE V.

SWIMMING POOLS

Sec. 10-181. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Swimming pool means a body of water, in an artificial or semi-artificial receptacle or other container, either in-ground or aboveground, used or intended to be used for private, public or semipublic swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated or maintained by any person, whether he be an owner, proprietor, possessor, lessee, tenant, licensee or renter, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by motels, hotels, schools, clubs, fraternal organizations, societies, community associations, cooperatives or others.

(Ord. No. 51, § 2.01)

Cross References: Definitions generally, § 1-2.

Sec. 10-182. Enclosure.

Every swimming pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates. If a picket fence is erected or maintained, the horizontal dimension between pickets shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a closing and latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. This requirement shall be applicable to all new swimming pools which have a depth of 18 inches or more of water at any point. No person in possession of land within the township, either as owner, proprietor, possessor, lessee, tenant, licensee or renter, upon which is situated a swimming pool having a depth of 18 inches or more of water at any point shall fail to provide and maintain such fence or wall as provided in this section.

(Ord. No. 51, § 3.01)

Sec. 10-183. Nuisances and health hazards.

No swimming pool shall become a health nuisance or health hazard.

(Ord. No. 51, § 3.02)

Cross References: Nuisances, ch. 22.

Sec. 10-184. Pool filling procedure.

The procedure for filling swimming pools shall be as follows:

- (1) The property owner shall contact the township office for service and shall sign a hold harmless agreement with the township before any work is begun.
- (2) The township office will forward the request to the fire chief in whose water district the pool is located.
 - a. Notification of intent to use hydrants must be made to the respective city's water department, prior to use, by the fire chief, and should be made during normal working hours. Persons to contact are the water superintendent of the City of Benton Harbor and the water superintendent of the City of St. Joseph.
 - b. At no time are hydrants to be used for filling without having a control valve located between the hydrant and the hose for safety.
 - c. At no time are hydrants to be opened by anyone other than authorized personnel.
- (3) The respective fire chief will select two volunteer firefighters from his department to perform the actual work, and a record of their activities, such as time spent, volume of water used and other pertinent information, will be forwarded to the township office for billing purposes.
- (4) The township office will bill the property owner or requester in accordance with the current fee schedule.
- (5) Payment in advance will be required.
- (6) The township office will forward, quarterly, to the respective city clerks of St. Joseph and Benton Harbor, two-thirds of the monies collected for water used only, accompanied by an invoice with the requester's name, address and volume of water used.

(Ord. No. 51, § 4.01)

Secs. 10-185--10-210. Reserved.

ARTICLE VI.

BUILDING NUMBERS

Sec. 10-211. Violations; penalty.

If the owner or occupant or person in charge of any house or building refuses to comply with the terms of this article by failing to affix the numbers assigned within 30 days after notification, or by failing within such period of 30 days to remove any old numbers affixed to such house or structure elsewhere which may be confused with the number assigned thereto, the owner or occupant shall be deemed to have committed a civil infraction and may be punished by paying a fine of not less than \$10.00 for every day that the situation is not rectified after receiving a written citation from the township police department for such failure to comply.

(Ord. No. 73)

Sec. 10-212. Assignment of address number for new parcels and structures.

(a) All persons creating new parcels, or additional residences on existing parcels, shall obtain an address notification form duly issued by the township.

(b) No utility company operating in the township shall furnish utility services to any new structure or parcel until it has been issued a valid address on an address notification form issued by the township. For purposes of this section, the term "new structure" is defined as a commercial building, house or apartment newly constructed being occupied for the first time that will require an installation inspection to obtain service. The subscriber will be required to provide proof that an address notification form has been obtained and a proper address has been issued.

(c) Applicants shall apply for the address notification form from the township office. Applications may be made via telephone or in writing to the township office, which will furnish the applicant with sufficient copies of the address notification form necessary to present copies to the utility companies and the United States Postal Service, if requested by the utilities and the Postal Service. When a request is made for an address, the approximate location will be obtained from the resident.

(d) As soon as is practically possible after a request is made for an address to the township office, an address shall be issued and the necessary form filled out. The township shall maintain a record of all addresses issued.

(Ord. No. 73)

Sec. 10-213. Display of numbers.

(a) The owner or occupant or person in charge of any house, building, apartment, or other structure to which a number has been assigned shall:

(1) Within 30 days after receipt or notification of such number, affix the number in a conspicuous place.

(2) Remove any different numbers which might be mistaken for or confused with the number assigned to the property by the issuing authority.

(b) Each occupied building or structure shall display the number assigned to the frontage on which the front entrance is located. In case the principal building or structure is occupied by more than one business or family dwelling unit, each separate front entrance shall display a separate number. Where suite or lot numbers are assigned, the suite or apartment number shall also be displayed in the same manner as the house number.

(c) Numerals indicating the official numbers assigned to each principal building, or each front entrance to such building, shall be posted in a manner as to be legible and distinguishable from the street or road on which the property is located, with numbers painted or applied not less than three inches in height.

(d) Mailboxes shall be marked with the house number.

(e) If the structure is not visible from the street or road on which it is located, a sign or number post shall be erected which will allow the numbers to be displayed vertically from the top down.
(Ord. No. 73)

Secs. 10-214--10-240. Reserved.

ARTICLE VII.

DANGEROUS AND UNSAFE STRUCTURES*

* **State Law References:** Dangerous buildings, MCL 125.538.

Sec. 10-241. Dangerous buildings prohibited.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in section 10-242.

(Ord. No. 63, § 14.11)

State Law References: Similar provisions, MCL 125.538.

Sec. 10-242. "Dangerous building" defined.

(a) As used in this article, the term "dangerous building" means a building or structure 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 approved fire code of the township.
- (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 this article or the state construction 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 law or the state construction 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 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.
 - (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 or criminals, or enables persons to resort to the building or structure for committing a nuisance or an unlawful 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 county health officer or the township 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 a 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 Public Act No. 299 of 1980 (MCL 339.2501 et seq.).
- (b) For purposes of this article, the term "building or structure" includes, but is not limited to, a commercial building or structure.
 - (c) This section does not apply to either of the following:
 - (1) A building or structure as to which the owner or agent does both of the following:
 - a. Notifies the township police that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the township police by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 - b. Maintains the exterior of the building or structure and adjoining grounds in accordance with law and the state construction code.
 - (2) 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 police 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 subsection shall notify the police not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, the term "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 a year.

(Ord. No. 63, § 13.01)

Cross References: Definitions generally, § 1-2.

State Law References: Similar provisions, MCL 125.539.

Sec. 10-243. Notice of dangerous building.

(a) Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the building official shall issue a notice that the building or structure is a dangerous building.

(b) The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency under section 125 of the Housing Law of Michigan (MCL 125.525). If an owner, agent, or lessee is not registered under such section, the notice shall be served on each owner of or party in interest in the building or structure 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 whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(d) The hearing officer shall be appointed by the township supervisor to serve at his pleasure. The hearing officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building official, or member of a community housing organization. An employee of the township shall not be appointed as hearing officer. The building official shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(e) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

(Ord. No. 63, §§ 13.02, 14.03)

State Law References: Similar provisions, MCL 125.540.

Sec. 10-244. Hearing; issuance of order; enforcement of order; payment of costs incurred by township.

(a) At a hearing prescribed by section 10-243, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner, agent, or lessee to comply with the order. If the building is a dangerous building under section 10-242(a)(10), the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building, including, but not limited to, the maintenance of lawns, trees, and shrubs.

(c) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (b) of this section, the hearing officer shall file a report of the findings and a copy of the order with the township board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the township board has established a board of appeals pursuant to section 141c of the Michigan Housing Law (MCL 125.541c), the hearing officer shall file the report of the

findings and a copy of the order with the board of appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 10-243.

(d) The township board or the board of appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in section 10-243 for a hearing on the findings and order of the hearing officer and shall give notice to the owner, agent, or lessee in the manner prescribed in section 10-243 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The township board or the board of appeals shall either approve, disapprove, or modify the order. If the township board or board of appeals approves or modifies the order, the township board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. In the case of an order of demolition, if the township board or the board of appeals determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection.

(e) The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure, incurred by the township to bring the property into conformance with this article shall be reimbursed to the township by the owner or party in interest in whose name the property appears.

(f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the township shall have a lien for the cost incurred by the township to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under Public Act No. 206 of 1893 (MCL 211.1 et seq.).

(g) In addition to other remedies, the township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(Ord. No. 63, § 14.12)

State Law References: Similar provisions, MCL 125.541.

Sec. 10-245. Enforcement of judgment against other assets of owner.

(a) A judgment in an action brought pursuant to section 10-244(g) may be enforced against assets of the owner other than the building or structure.

(b) The township shall have a lien for the amount of a judgment obtained pursuant to section 10-244(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.
(Ord. No. 63, § 14.06)

State Law References: Similar provisions, MCL 125.541a.

Sec. 10-246. Noncompliance with order.

A person who fails or refuses to comply with an order approved or modified by the township board or board of appeals under section 10-244 within the time prescribed by that section is guilty of a misdemeanor.
(Ord. No. 653, § 14.11)

State Law References: Similar provisions, MCL 125.541b.

Sec. 10-247. Appeal to circuit court.

An owner aggrieved by any final decision or order of the township board or the board of appeals under section 10-244 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

State Law References: Similar provisions, MCL 125.541b.

Secs. 10-248--10-260. Reserved.

ARTICLE VIII.

INTERNATIONAL PROPERTY MAINTENANCE CODE*

* **Editors Note:** Formerly, Ord. No. 71, § 5, adopted the 2000 edition of the International Property Maintenance Code.

Sec. 10-261. Code and amendments and revisions adopted.

The International Property Maintenance Code as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of St. Joseph Charter Township, in the State of Michigan; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 10-262 of this article.

(Ord. No. 22, § 1, 7-14-2003)

State Law References: Authority to adopt technical regulations by reference, MCL 42.23.

Sec. 10-262. Revisions and insertions.

The following sections are hereby revised:

Section 101.1 St. Joseph Charter Township

Section 103.6 Pursuant to the fee schedule presently in force.

Section 303.14 The applicable dates are from April 1st to November 1st each year.

Section 602.3 The applicable dates are from September 1st to June 1st each year.

Section 602.4 The applicable dates are from September 1st to June 1st each year.
(Ord. No. 22, § 2, 7-14-2003)

Sec. 10-263. Survival of rights and remedies.

Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 10-262 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.
(Ord. No. 22, § 3, 7-14-2003)

Sec. 10-264. Civil infraction penalties.

Any violation of the Property Maintenance Code shall be a municipal civil infraction punishable by a fine not to exceed \$100.00 and costs not to exceed \$500.00.
(Ord. No. 22, § 4, 7-14-2003)