

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

Section 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.

Section 10-31. State construction code adopted.

The state construction code, Public Act 230 (MCL 125.1501 – 1531 et seq) is hereby adopted by reference and shall be enforced by the building official or his or her designee and all subsequent amendments of the state construction code are hereby adopted by reference pursuant to MCL 42.23, and any revisions shall be numbered in such manner as necessary to refer to corresponding sections of the subsequent edition. Any violations of the state construction code or the following sub-codes shall be a municipal civil infraction.

- 1) Michigan Building Code (R408.30401) which applies to construction, alteration of buildings or structures or any attached buildings, except of detached one- and two-family dwellings and townhouses.
- 2) Michigan Residential Code (R408.30501) which addresses the design and construction of one- and two-family dwellings and townhouses.
- 3) *Section 10-31 3 is amended to read as follows:* National - Michigan Electrical Code (R408.30801) which regulates the installation and use of electrical systems or material.
- 4) Michigan Mechanical Code (R408.30901) which regulates the design, installation, maintenance, alteration, and inspection of mechanical systems.
- 5) Michigan Plumbing Code (R408.30701) which regulates the installation and use of plumbing systems or plumbing materials.
- 6) Michigan Rehabilitation Code for Existing Buildings (R408.30551) which addresses repair, alterations and additions to existing buildings.
- 7) *Section 10-31 7 is amended to read as follows:* Michigan Energy Code (R408.31001) which addresses energy requirements.
- 8) Premanufactured Unit Rules (R408.31101) which addresses rules for premanufactured units.

(Ord. No. 18, 2.01; Ord. No. 60, 1.01--1.03; Ord. of 4-21-08, 5, 4-11-2022)

State Law References: Adoption by reference, MCL 42.23.

Section 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)

Article III. Fences

Division 1. GENERALLY

Section 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.

Section 10-62--10-80. Reserved.

Division 2. ADMINISTRATION AND ENFORCEMENT*

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

Section 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)

Section 10-82--10-100. Reserved.

Division 3. REQUIREMENTS AND RESTRICTIONS

Section 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)

Section 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)

Section 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)

Section 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)

Section 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)

Section 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)

Section 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)

Section 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)

Section 10-109--10-130. Reserved.

Article IV. Housing Code

Division 1. GENERALLY

Section 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)

Section 10-132—10-149 Reserved

Division 2. RENTALS AND RENTAL INSPECTION ORDINANCE

Section 10-150. Rentals.

Section 10-150 is amended to read as follows: A regular, long-term rental dwelling shall be rented for no less than 30 consecutive days in order to retain the long-term rental status.

(04-11-2022)

Section 10-151. Occupancy permit.

Section 10-151 is amended to read as follows: An occupancy permit is required prior to any newly registered rental being occupied and every two years following the required inspection. 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, 4-11-2022)

Section 10-152. Inspections.

Section 10-152 is amended to read as follows: 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 inspection fee schedule as listed on the township. 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, 4-11-2022)

Section 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)

Section 10-154. Housing Code.

Section 10-154 is amended to read as follows: The applicable code is the MRC Michigan Residential Code 2015 and all subsequent editions as adopted by the State of Michigan. A copy of this Code is available at the Township Hall.

(Ord. of 7-7-2003, 5, 4-11-2022)

Editor's 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.

Section 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 operable. 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)

Section 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)

Section 10-157. Short term rental criteria for special events.

The criteria for special event short term rentals shall be as follows:

- (1) Township Board will determine any event that would qualify a "special event " .
- (2) An annual 14 day limitation will apply to special event short term rental units.
- (3) Our Township Assessor will receive a copy of special event short term rental registrations.
- (4) Exceeding the annual 14 day limit for special event short term rentals will result in loss of homestead exemption .
- (5) Special event short term rental units must be registered at least 14 days in advance and will require an inspection by the building inspector.
- (6) All rental applications will use same registration form.
- (7) Maximum number of occupants permitted for special event short term rental will be stated on the application, to be determined using square footage requirements for dwellings governed by the building code.
- (8) Registration fee for special event short term rentals shall be at current rates.
- (9) A resident or local manager must be named and a contact number provided for renter contact and inspection purposes.
- (10) Emergency information (house address, name/phone number of contact person) must be posted inside the door of each Special event short term rental.
- (11) In the event a house is located in a development that has an Association or Architectural & Rules Committee, a copy of a request, and this criteria list, must be forwarded to them.
- (12) A special event short term rental approval will include an expiration date for a specific time frame.

(Ord. of 1-9-2012)

Section 10-158--10-180. Reserved.

Article V. Swimming Pools

Section 10-181. Definitions.

Section 10-181 is amended to read as follows: 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, or hot tub or jacuzzi, either in-ground or aboveground, used or intended to be used for private, public or semipublic swimming or wading or soaking 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, hot tub or jacuzzi and also all swimming pools, hot tubs or jacuzzies 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, 4-11-2022)

Cross References: Definitions generally, 1-2.

Section 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)

Section 10-183. Nuisances and health hazards.

A swimming pool shall be maintained in a clean and sanitary manner with the proper chemicals and maintenance to prevent a nuisance or health hazard. Pools not maintained shall be drained and properly covered or removed. If an outdoor pool is removed the area shall be filled with sand and top soil to prevent a fall hazard.

(Ord. No. 51, 3.02, 4-11-2022)

Cross References: Nuisances, ch. 22.

Section 10-184. Pool water filling procedure.

Section 10-184 , 2, and 6 are amended to read as follows: The procedure for water filling of swimming pools shall be as follows:

- (1) The property owner shall contact the township office for service and shall complete an *Application to Fill Swimming Pool and Receipt for Charges* form 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 City of St. Joseph's water superintendent, prior to use, by the township's fire chief or the fire chief's designee, and should be made during normal working hours.

- 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, to the city clerk of St. Joseph, the requester's address along with a portion of the amount collected by the township. The city's portion of the township's pool fill fee will be a customary amount agreed on by both the township and the city and may change with written approval from both the city and the township.

(Ord. No. 51, 4.0, 4-11-2022)

Section 10-185--10-210. Reserved.

Article VI. Structure Numbers

Section 10-211. Purpose.

The purpose of this article is to mandate that all structures in St. Joseph Charter Township have visible structure numbers and to protect the health and welfare of all St. Joseph Charter Township citizens in case of emergency and to establish violation of this article as a municipal civil infraction.

(Ord. of 6-2-08, 3)

Section 10-212. Structure numbering required.

All premises or structures shall bear a distinctive street number in accordance with and as designated by the street numbering system historically established and assigned by the Township and adopted by Berrien County as the "Berrien County Universal House Numbering System".

(Ord. of 6-2-06, 4)

Section 10-213. Display of numbers.

All persons, firms, corporations or other legal entities owning or occupying any structure or premises in St. Joseph Charter Township shall affix the correct number to the front of said structure, facing the street and at or near the principal entrance thereof in such position to be plainly visible from the street. Numbers so affixed shall be not less than four inches in height and shall be posted in a manner as to be legible and distinguished from the street or road on which the property is located.

(Ord. of 6-2-08, 5)

Section 10-214. Posting of designated address numbers.

The owner or occupant or person in charge of any house, building, apartment or other structure or

premises to which a number has been assigned shall:

- 1) Within 30 days after receipt of 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 such property by the issuing authority.
- 3) Mailboxes shall be marked with the house number.
- 4) If the structure is not visible from the street or road on which it is located, a sign or number posted shall be erected which will allow the numbers to be displayed.

(Ord. of 6-2-08, 6)

Section. 10-215. Compliance

In the event that the owner or occupant or person in charge of any house, building or structure 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 said period of 30 days to remove any old numbers affixed to such or structure elsewhere which may

be confused with the number assigned thereto, said owner or occupant shall be deemed to have committed a municipal civil infraction and may be punished by paying a fine of no greater than \$100.00, plus costs not to exceed \$500.00 and damages, expenses and other sanctions as authorized under Chapter 87 of Public Act 236 of 1961, being MCL 600.8701 et seq. Costs shall include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction.

(Ord. of 6-2-08, 7)

Section 10-216--10-240. Reserved.

Article VII. Dangerous and Unsafe Structures*

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

Section 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.

Section 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.

Section 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 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.

Section 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.

Section 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.

Section 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.

Section 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*

Editor's Note: Formerly, Ord. No. 71, 5, adopted the 2000 edition of the International Property Maintenance Code.

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

Section 10-261 is amended to read as follows: The International Property Maintenance Code published by the International Code Council is hereby adopted, and all subsequent editions of the International Property Maintenance Code are hereby adopted by reference pursuant to MCL 42.23, and any revisions shall be numbered in such a manner as necessary to refer to corresponding sections of the subsequent edition. Any violations of the International Property Maintenance Code shall be a municipal civil infraction.

(Ord. No. 22, 1, 7-14-2003; Ord. of 4-21-08, 6)

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

Section 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)

Section 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)

Section 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 \$400.00 and costs not to exceed \$500.00.

(Ord. No. 22, 4, 7-14-2003)