

## **TITLE 8: LAND USAGE**

### **CHAPTER**

- 80: ACCEPTANCES AND VACATIONS**
- 81: BUILDING REGULATIONS**
- 82: CIVIL INFRACTIONS**

### **CHAPTER 80: ACCEPTANCES AND VACATIONS**

### **SECTION**

- § 80.01 ACCEPTANCE PROCEDURE**
- § 80.02 VACATION PROCEDURE**

#### **§ 80.01 ACCEPTANCE PROCEDURE**

All streets, alleys, and parcels of land accepted by the city for public use shall be accomplished by City Council resolution in accordance with the provisions of the Charter of the city.

#### **§ 80.02 VACATION PROCEDURE**

All streets and alleys vacated by the city and turned over to private ownership shall be accomplished by City Council resolution in accordance with the provisions of the Charter of the city.

## CHAPTER 81: BUILDING REGULATIONS

### SECTION

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### § 81.01 ADOPTION BY REFERENCE

- (A) Pursuant to Section 9 of Act 230, P.A. 1972, as amended, the building, electrical, mechanical and plumbing officials of the city are designated as the enforcing agents to discharge the responsibilities of the city under Act 230, P.A., 1972, as amended, State of Michigan. The city assumes responsibility for the administration and enforcement of the Act through its corporate limits.
- (B) The latest edition of "Michigan Building Code", as amended, is adopted by the City Council for the construction and control of buildings and structures.

### § 81.02 BLIGHT CONDITIONS, AUTHORITY FOR ENACTMENT AND DEFINITIONS

This chapter is enacted pursuant to Public Act 167 of 1917; Public Act 344 of 1945; and Public Act 208 of 1949, each as amended, and in the enforcement and interpretation of this chapter the definitions contained in those Acts shall apply, consistent with the letter and spirit of the Acts.

*(Ord. 107, passed 10-9-73)*

### § 81.03 PURPOSE

The purpose of this chapter is to prevent, reduce or eliminate blight or potential blight in the city by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist. The following uses, structures or activities are causes of blight which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city, owned, leased, rented or occupied by such person, firm or corporation.

- (A) The storage on any property, except in a completely enclosed building, of building material, unless there is a valid building permit issued by the city for construction at that location and the materials are intended for use in connection with that construction. Building materials shall include but shall not be limited to lumber, brick, concrete or cinder blocks, plumbing material, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- (B) The storage or accumulating of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in a manner as not to create a nuisance, for a period not to exceed 15 days. The term *JUNK* shall include parts of machinery or motor vehicles, boat hulls, unused stoves or other appliances stored in the open, remnants of wood, metal or any other materials or other cast-off material of any kind, whether or not the material can be put to any reasonable use.
- (C) The existence of any structure or part of a structure or premises which, because of fire, wind or other natural disaster or physical deterioration is dangerous to the health, safety or welfare of others.
- (D) The existence of any vacant dwelling, garage, or accessory building which is not kept securely locked, or neatly boarded up and otherwise protected to prevent entrance by trespassers.
- (E) Any partially completed structure, unless it is in the course of construction in accordance with a valid building permit issued by the city and provided the construction is completed within a reasonable time.

*(Ord. 107, passed 10-9-73)*

### § 81.04 MAINTAINING SANITARY CONDITIONS OF DWELLINGS REQUIRED

- (A) The owner or occupant of every dwelling shall provide properly covered receptacles of non-absorbent material for holding garbage, refuse, ashes, rubbish and other waste matter.
- (B) Every dwelling and premise shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or other matter, except as provided in subsection (A) above. The owner of every dwelling shall be responsible for keeping the entire building and premise in a sanitary condition and free from vermin. The owner shall be responsible for complying with the provisions of the section, except that the tenants shall also be responsible for the cleanliness of those parts of the premises that they occupy and control.

*(Ord. 107, passed 10-9-73) Penalty, see Ch. 82*

### **§ 81.05 DECLARATION OF PUBLIC NUISANCE**

The storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials, and/or the maintenance of blighted structures or premises within the city tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, the increase of fire and traffic hazards, is contrary to the public peace, health, safety and general welfare of the community and are declared to be public nuisances.

*(Ord. 107, passed 10-9-73) Penalty, see Ch. 82*

### **§ 81.06 AUTHORITY TO ENFORCE**

This chapter shall be enforced by the City Manager or their designee.

*(Ord. 107, passed 10-9-73)*

### **§ 81.07 ABATEMENT PROCEDURE**

The owner and the occupant of any premises which any of the causes of blight or blighting factors set forth in § 81.03 are found to exist shall be notified in writing to remove or eliminate such causes within ten days after service of notice. The notice may be served personally or by certified mail, return receipt requested to the owner and to the occupant. If the owner or occupant cannot be served personally or by certified mail, a copy of the notice shall be posted in a conspicuous place on the premises. Additional time may be granted by the enforcement officer.

*(Ord. 107, passed 10-9-73)*

### **§ 81.08 APPEAL**

(A) Appeals shall be heard by the City Council at their next regular meeting providing the appellant has filed written notice of an appeal no less than one week prior to that meeting. The appellant shall appear before the Council and show cause, supporting the appeal. Any officer of the city or any resident may also appear and present any facts they have pertinent to the matter involved.

(B) After hearing the appeal the City Council may uphold the notice, uphold the notice with modifications or conditions, or dismiss the notice.

*(Ord. 107, passed 10-9-73)*

### **§ 81.09 NUMBERING BUILDINGS, ADDRESSES; PLAN**

All buildings, excluding detached accessory structures located on any within the city shall be assigned an address by the City according to the following

(A) Addresses for streets running north and south starting north of Colby Street shall begin in the 100's and ascend to the north. Addresses for streets running north and south starting south of Colby Street shall begin in the 100's and ascend to the south.

(B) Addresses for streets running east and west starting east of Mears Avenue shall begin in the 100's and ascend to the east. Addresses for streets running east and west starting west of Mears Avenue shall begin in the 100's and ascend to the west.

- (C) Even numbered addresses shall be assigned on the north and west side of streets. Odd numbered addresses shall be assigned on the south and east side of streets.  
(Ord. 3, passed 6-18-47)

**§ 81.10 DISPLAY OF STREET NUMBERS**

The numbers assigned to premises in accordance with this chapter shall be prominently displayed by the owner or occupant to be visible from the center of the street on which the premises front.  
(Ord. 3, passed 6-18-47; Am. Ord. 3A, passed 12-10-85; Am. Ord. 96-02, passed 9-24-96) Penalty, see Ch. 82

**§ 81.11 PLATS TO BE KEPT BY CITY CLERK TO SHOW NUMBERS**

For the purpose of facilitating correct numbering, plats of all streets, within the city showing the proper numbers of all lots or houses fronting upon all streets, shall be prepared and kept on file in the office of the City Clerk.  
(Ord. 3, passed 6-18-47)

**§ 81.12 FAILURE TO NUMBER BUILDING**

- (A) Any person who neglects or refuses to number any building owned or occupied by them shall be subject to a penalty.
- (B) Penalty

Section	Description	First Offense	Second Offense	Third Offense
81.12	Failure to Number Building	\$100.00	\$200.00	\$400.00

(Ord. 3, passed 6-18-47; Am. Ord. 3A passed 12-10-85)

**§ 81.13 ABATEMENT OF DANGEROUS BUILDINGS, PURPOSE AND SCOPE**

- (A) The purpose of this section is to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, where buildings or structures which from any cause endanger the life, health, property, safety of the general public or their occupants may be required to be repaired, vacated or demolished. **The purpose of this section is not to create or otherwise establish or designate any particular class or group who will or should be especially protected or benefited by the terms of this subchapter.**
- (B) The provisions of this section shall apply to all dangerous buildings, which are now in existence or which may become dangerous in this jurisdiction.  
(Ord. 99-3, passed 7-13-99)

**§ 81.14 ALTERATIONS, ADDITIONS AND REPAIRS**

Buildings or structures which are required to be repaired under the provisions of this section shall be subject to the provisions of § 81.01.  
(Ord. 99-3, passed 7-13-99)

## **§ 81.15 GENERAL DEFINITIONS**

For the purpose of this section, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code.

**BUILDING CODE.** Refers to § 81.01

**DANGEROUS BUILDING.** Any building or structure deemed to be dangerous under the provisions of § 81.17 of this code.

**BUILDING OFFICIAL.** Includes the City Manager and building inspector, or their authorized representatives.  
(Ord. 99-3, passed 7-13-99)

## **81.16 ENFORCEMENT**

### (A) General

- (1) The building official is authorized to interpret and enforce the provisions of this section and the Building Code.
  - (2) The building official is authorized to make inspections and take action as may be required to enforce the provisions of this section.
  - (3) When it is necessary to make an inspection to enforce the provisions of this section, or when the building official has reasonable cause to believe that there exists a condition which is contrary to or in violation of this section which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this section, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or the other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- (B) All buildings or portions which are determined to be dangerous as defined in this section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.
- (C) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this subchapter.
- (D) All buildings or structures within the scope of this section and all construction or work for which a permit is required shall be subject to inspection by the building inspector in accordance with and in the manner provided by § 81.01.
- (E) Decisions or determinations made by the building official may be appealed to the Construction Board of Appeals.  
(Ord. 99-3, passed 7-13-99)

## § 81.17 DEFINITION OF DANGEROUS BUILDINGS

For the purpose of this section, any building or structure which has any or all of the conditions or defects described below shall be deemed to be a dangerous building, providing that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

- (A) Wherever any door, aisle, passageway, stairway or other means of exit is not sufficient width or size or is not maintained as to provide safe and adequate means of emergency exit.
- (B) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of emergency exit.
- (C) Whenever the stress in any materials, member or portion, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- (D) Whenever any portion has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- (E) Whenever any portion or member or appurtenance is likely to fail, or to become detached or dislodged, or to collapse and injure persons or damage property.
- (F) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- (G) Whenever any portion has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earth tremors than is required in the case of similar new construction, or whenever its exterior or supporting walls lean to such an extent it manifestly presents a dangerous condition.
- (H) Whenever the building or structure, or any portion is likely to partially or completely collapse, because of
  - (1) Dilapidation, deterioration or decay;
  - (2) Faulty construction;
  - (3) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
  - (4) The deterioration, decay, or inadequacy of its foundation; or
  - (5) Any other cause.

- (I) Whenever, for any reason, the building or structure, or any portion, is manifestly unsafe for the purpose for which it is being used.
- (J) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (K) Whenever a vacant building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become
  - (1) An attractive nuisance to children;
  - (2) A harbor for vagrants, criminals or immoral persons; or as to
  - (3) Enable persons to resort for the purpose of committing unlawful acts.
- (L) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations, as specified in the Building Code or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings, which violation would have a causal relationship to the dangerous condition of the structure or building.
- (M) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the:
  - (1) Strength;
  - (2) Fire resisting qualities or characteristics; or
  - (3) Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (N) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by a city, county or state health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.
- (O) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
- (P) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law, in equity jurisprudence or in accordance with § 81.05.
- (Q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure is abandoned for a period in excess of six months so as to constitute such building or portion an attractive nuisance or hazard to the public. For the purpose of this section, a building or structure shall be deemed abandoned if it is in a state of



disrepair or destruction with no apparent occupancy by habitation or other attendance for a period of six months. (Ord. 99-3, passed 7-13-99)

## **§ 81.18 NOTICES AND ORDERS OF BUILDING OFFICIAL**

### **(A) General.**

- (1) When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.
- (2) The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
  - (a) The street address and a legal description sufficient for identification of the premises upon which the building is located.
  - (b) A statement that the building official has found the building dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of § 81.17 of this section.
  - (c) A statement of the action required to be taken as determined by the building official.
    - i. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all the circumstances, provided, the work shall be completed within six months.
    - ii. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable, but not in excess of 30 days.
    - iii. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
  - (d) A statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official:
    - i. Will order the building vacated and posted to prevent further occupancy until the work is completed, and

ii. May proceed to cause the work to be done and charge the costs against the property or its owner.

(e) A statement advising

i. That any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the Construction Board of Appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 60 days from the date of service of such notice and order; and

ii. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

i. Service of the notice and order shall be made upon the owner, occupant, and any person or business entity having a legal interest in the building or property known by the building official either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt requested. If the person fails to receive a mailed notice, said person shall be sent a second notice by mail or may be notified by person service. The failure of the person to receive notice shall not affect the validity of any proceedings.

(B) Recordation of notice and order. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the Muskegon County Register of Deeds a certificate describing the property and certifying:

(1) That the building is a dangerous building and

(2) That the owner has been so notified.

Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the Muskegon County Register of Deeds certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

(C) Repair, vacation, demolition. The following standards shall be followed by the building official (and by the Construction Board of Appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

(1) Any building declared a dangerous building under this code shall be made to comply with one of the following:

(a) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

(b) The building shall be demolished at the option of the building owner; or

(c) If the building does not constitute an immediate danger to the life, limb, property, or safety of the public it may be vacated, secured, and maintained against entry.

- (2) If the building or structure is in such condition as to make it immediately dangerous to the life, health, property or safety of the public or its occupants, it shall be ordered to be vacated.

(D) Notice to vacate.

- (1) Every notice to vacate shall, in addition to being served as provided in § 81.18(A) (3), be posted at or upon each exit of the building and shall state that it is a misdemeanor to occupy this building, or to remove or deface this notice; and the emergency and specifying the conditions which necessitate the posting.
- (2) No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any notice after it is posted until the required repairs, demolition or removal have been completed and certificate of occupancy issued pursuant to the provisions of the building code.

*(Ord. 99-3, passed 7-13-99)*

## **§ 81.19 CONSTRUCTION BOARD OF APPEALS**

(A) CREATION AND MEMBERSHIP

There is hereby established a Construction Board of Appeals (referred to in this Article as Board) which shall perform duties and exercise powers as provided in Public Act 230 of 1972, as amended, in such a way that public safety is secured and justice done. The Board shall consist of three members appointed by the City Council. Members shall be qualified by experience or training to perform the duties of the Board. Employees of the City may not serve as a member of the Board. The terms of office for members and shall be for two years. Vacancies for unexpired terms shall be filled for the remainder of the term.

(B) POWERS AND DUTIES OF THE BOARD

- (1) The Board shall perform duties and exercise powers as provided in Public Act 230 of 1972, as amended.
- (2) Any interested person or that person's authorized agent may appeal in writing to the Board if the building official refuses to grant a building permit or makes any other decision related to Public Act 230, the Building Code, or the City's dangerous building ordinance.
- (3) The filing of an appeal does not stay a stop construction order or prevent the City from seeking an order in a court of competent jurisdiction enjoining the violation of a stop construction order. The filing of an appeal shall act as a stay upon an order, determination, decision, or determination unless the City establishes that immediate enforcement is necessary to avoid substantial peril to life or property.
- (4) The Board shall hear the appeal and render and file its decision with a statement of reasons for that decision no more than 30 days after submission of the appeal. Failure by the Board to hear an appeal and file a decision within 30 days is a denial of the appeal. Decision of the Board shall become effective immediately upon rendering its decision.

- (5) The Board may grant a specific variance to the Code if the literal requirement would result in an exceptional, practical difficulty to the applicant and if both of the following are satisfied:
  - (a) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required of the Code, and
  - (b) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment to the Code with respect to the condition reasonably or practical or desirable.
- (6) The Board may attach conditions in connection with granting of a variance that in its judgment is necessary to protect the health, safety, and welfare of the people. The breach of a condition shall automatically invalidate the variance and any permit, license, and certification granted on the basis of it. In no case shall more than the minimum variance be granted than is necessary to alleviate the exceptional, practical difficulty.

(C) PROCEDURES

- (1) The Board shall elect from its membership a Chairperson. The Chairperson shall run the meetings of the Board, may administer oaths, and compel the attendance of witnesses.
- (2) The concurring vote of a majority of the members of the Board shall be necessary to render a decision in favor of an applicant.
- (3) Meetings of the Board shall be held at the call of the Chairperson or City Clerk at such times as the Board may specify. The Board shall not conduct business unless a majority of the members of the Board are present.
- (4) Minutes shall be taken and kept on file of each meeting. The Board shall record into the minutes all findings, conditions, facts, and other relevant factors, the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and all official actions.
- (5) All meetings and records shall be open to the public in accordance with Public Act 267 of 1976 and Public Act 442 of 1976, both as amended. The City Clerk or their authorized designee shall act as recording secretary to the Board, including recording the minutes, legal notices, and property notices.
- (6) The Board may call on any City departments for assistance in the performance of its duties. It shall be the responsibility of such departments to render assistance as may reasonably be required.

**§ 81.20 ENFORCEMENT**

(A) Compliance:

- (1) After any order of the building official or the Construction Board of Appeals made pursuant to this section shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey the order. Any person who fails to comply with any order is guilty of a misdemeanor and subject to penalties outlined in Chapter 155.
- (2) If the person to whom the order is directed shall fail, neglect or refuse to obey the order, the building official may:
  - (a) Cause such person to be prosecuted under §81.20(A)(1) or
  - (b) Institute any appropriate action to abate the building as a public nuisance in the Muskegon County Circuit Court.
- (3) Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this section becomes effective:
  - (a) The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DO NOT ENTER  
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official  
City of Whitehall

- (b) No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
- (B) Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete the repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend the time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.
- (C) No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of the City, persons having an interest or estate in such building or

structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code. Violation of this provision is a misdemeanor and shall subject the person to penalties as outlined in Chapter 82 and injunctive relief requested by the city in the Circuit Court for the county.

*(Ord. 99-3, passed 7-13-99)*

### **§ 81.21 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION**

When any work of repair or demolition is to be done pursuant to the order of the Circuit Court, the cost of such work may be made a lien against the property involved or may be made a personal obligation of the property owner if ordered by the Court.

*(Ord. 99-3, passed 7-13-99)*

### **§ 81.22 RECOVERY OF COST OF REPAIR OR DEMOLITION**

If the Circuit Court orders that the charge shall be a personal obligation of the property owner, the attorney for the city shall collect the same on behalf of the city by use of all appropriate legal remedies.

## **CHAPTER 82: CIVIL INFRACTIONS**

### **SECTION**

#### **§ 82.01 AUTHORIZED CITY OFFICIAL**

#### **§ 82.02 VIOLATIONS; CIVIL INFRACTIONS; SANCTIONS; NUISANCE; INJUNCTIVE RELIEF**

#### **§ 82.03 MUNICIPAL CIVIL INFRACTION**

#### **Cross-references:**

*General Penalty, § 11.00*

*Municipal civil infractions see Ch. 23*

### **§ 82.01 AUTHORIZED CITY OFFICIAL**

The appointed Building Inspector, Plumbing Inspector, and Heating Inspector are each respectively hereby designated as an authorized city official to issue municipal civil infraction citations for violations under Chapter 81 of Title 8, directing alleged violators to appear in court or municipal civil infraction violations notices directing alleged violators to appear at the City Municipal Ordinance Violations Bureau, as provided by the code of ordinances of the city.

*(Ord. 95-05, passed 8-8-95)*

**§ 82.02 VIOLATIONS; CIVIL INFRACTIONS; SANCTIONS; NUISANCE; INJUNCTIVE RELIEF**

(A) Violations:

- (1) Whenever, by the provisions of this chapter, the performance of any act is required, the performance of any act is prohibited, or wherever any regulation, dimension or limitation is imposed on the use of or upon any land, or on the erection or alteration, or the use or change of occupancy of structure, or the uses within such structure, a failure to comply with the provisions of this chapter shall constitute a violation of this chapter.
- (2) Any violation of any provision of this chapter or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Plumbing Inspector or Heating Inspector issued in pursuance of this chapter shall be a municipal civil infraction. A **VIOLATION** includes any act which is prohibited or made or declared to be unlawful or an offense under Chapter 81 of Title 8 and any omission or failure to act where the act is required.
- (3) Every day on which a violation exists shall constitute a separate violation and a separate offense.

(B) Unless a violation of this code is specifically designated as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(C) The penalty for a misdemeanor violation shall be a fine not exceeding \$500 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this chapter.

*(Ord. 95-05, passed 8-8-95)*

**§ 82.03 MUNICIPAL CIVIL INFRACTION**

(A) A person who violates any provision of Chapter 81, of Title 8 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided by § 11.00 of the code of ordinances.

*(Ord. 95-05, passed 8-8-95)*