

Chapter 4 – DANGEROUS AND DILAPIDATED BUILDINGS

Section 1. Purpose

The purpose of this Chapter is to regulate and prohibit the existence of dangerous and/or dilapidated buildings within Eureka Charter Township. Furthermore, it is the intent and purpose of this Chapter to promote the health, safety, and welfare of the people of Eureka Charter Township by regulating the maintenance, repair, alteration, health, safety, and improvement of buildings and structures and to establish remedies and provisions for the enforcement of this Chapter.

Section 2. Definitions of Terms

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

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

“Dangerous or dilapidated building” – means any building or structure, residential or otherwise, that has one or more of the following defects or conditions or is in one or more of the following conditions:

- a. A door, aisle, passageway, stairway or other means of exit does not work or conform to the Fire Code or Building Code as enforced by Montcalm County.
- b. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the state of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Building Code for a new building or structure, purpose or location.
- c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
- d. 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 or the elements than is required in the case of new construction by the Housing Law of the state of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Building Code.
- e. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, fire damage, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for any

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.

- f. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used or intended to be used.
- g. The building or structure is damaged by fire, ice, rain, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- h. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, which because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that a Township official or the health officer of Montcalm County determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
- i. A building or structure is vacant, dilapidated and open at the door, wall, roof, or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- j. Any portion of a building or structure is open to the elements, whether such opening occurs due to a broken, missing, or dilapidated door, wall, roof, window or other structural or exterior component of the building.
- k. The exterior paint, vinyl or aluminum siding, brick, wood, or other exterior component of a building or structure is in such disrepair, a dilapidated fashion, or such poor condition that the exterior building materials of the building or structure involved are directly exposed to the elements, insects, mold, or fungus.
- l. A deck, porch, walkway, or similar structure or item attached to a building or structure is unreasonably slippery and is likely to cause a person to slip or fall due to moss, deterioration, slimy or slippery material, or similar slippery condition.
- m. A mobile home or trailer is involved that is dilapidated, unsafe, rundown or unhealthy.

“Enforcing agency” – means Eureka Charter Township, through the Zoning Administrator, Zoning Enforcement Officer, and/or such other official(s) or agency as may be designated by the Township Board to enforce this Chapter.

Section 3. Prohibition of Dangerous or Dilapidated Buildings

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

Section 4. Exemption for Bona Fide Farm Buildings

This Chapter shall not apply to any non-dwelling building which is actively and regularly used or maintained in conjunction with a bona fide ongoing farming operation and complies with the Michigan Right to Farm Act.