

VILLAGE OF AUGUSTA

ORDINANCE NO. 84

ADOPTED DECEMBER 12, 1966

EFFECTIVE JANUARY 3, 1967

UNSAFE BUILDINGS AND PREMISES

An Ordinance defining Unsafe Buildings or structures; to provide for their removal or repair; to provide penalties for the violation hereof.

By authority vested in the Village Council of Augusta by the General Building Laws of the State of Michigan, as amended.

THE VILLAGE OF AUGUSTA, KALAMAZOO COUNTY, MICHIGAN, ORDAINS:

Section No. 1. Right of Condemnation. All buildings or structures that are or hereafter shall become unsafe, unsanitary or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare shall be deemed unsafe buildings or structures. All unsafe buildings shall be taken down and removed or made safe and secure, as the building official may deem necessary and as provided in this ordinance. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this ordinance.

Section No. 2. Examination and Record of Damaged Building. The Village building inspector shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard; and he shall cause the report to be filed in a docket of unsafe structures and premises, stating the use of the building, the nature and estimated extent of damages, if any, caused by collapse or failure and such other particulars as may be appropriate.

Section 2a. Standards to be used in the enforcement of this ordinance as set forth in the Uniform Building Code as amended, and the State of Michigan fire regulations as to buildings and structures.

Section No. 3. Notice of Unsafe Buildings. If an unsafe condition is found in a building or structure, the building inspector shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure that is deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the building inspector his acceptance or rejection of the terms of the order.

Section No. 4. Restoration of Unsafe Building. A building or structure deemed unsafe by the building inspector may be restored to a safe condition provided no change of use or occupancy is contemplated or compelled by reason of such reconstruction or restoration, except that if the damage or cost of reconstruction or restoration is in excess of fifty percent (50%) of its replacement value, exclusive of foundations, such buildings shall be made to comply in all respects with the requirements for materials and methods of construction of buildings of the Village Building Code.

Section No. 5. Order to Show Cause. If such owner, agent or person in control of an unsafe building shall refuse or neglect to comply with the said notice from the building inspector, such person shall be ordered to show cause before the Village Council at a time and place to be specified in said order why the Village Council should not order the unsafe building to be torn down or otherwise made safe. A copy of the order shall be served upon the respondent not less than ten days before the date of hearing.

Section No. 6. Posting Notice. If the person addressed with a notice of unsafe building or an Order to Show Cause cannot be found within the Village after diligent search, then such notice or order shall be sent by registered mail to the last known address of such person, and a copy of the notice or order shall be posted in a conspicuous place on the premises, and such procedure shall be deemed the equivalent of personal notice.

Section No. 7. Disregard of Notice. Should the owner, his agent, lessee or other interested party after the hearing, fail to remedy the unsafe conditions, the building inspector or his assistants, with the sanction of the Village Council, shall proceed to have torn down or otherwise made safe the unsafe condition and shall report the facts and the costs of doing this work to the Supervisor who shall order the cost paid to the one performing the work, and shall assess the sum against the property in question.

Section No. 8. Penalties. Any such owner, agent or person in charge who fails to comply with the notice of the building inspector after a hearing before the Village Council, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding One Hundred (\$100.00) Dollars or by imprisonment in the county jail for not exceeding ninety(90) days or by both such fine and imprisonment in the discretion of the Court.

Section No. 9. The provisions of this Ordinance are separable and should any section, paragraph, sentence or word be held to be invalid by any court

of competent jurisdiction the remaining terms of the Ordinance shall not be affected thereby.

Section No. 10. Effective Date. This Ordinance shall be effective on the 3rd day of January, 1967.

Doris Brooks
Doris Brooks

Clerk of the Village of Augusta.

Ordinance No. 84 was offered by Trustee Mason, supported by Trustee Kelly.

Voting on said Ordinance was as follows:

AYES: Trustees Kelly, Rarick, Mason and Wheeler

ABSENT: Trustees McPeck and Shirley

I, Doris Brooks, Clerk of the Village of Augusta, did post notice of said Ordinance at the following places on the 13th day of December, 1966: U. S. Post Office, Askler's Pharmacy and Village Hall Bulletin Board. I further certify that said Ordinance was published in the Galesburg Argus Newspaper on the 22nd day of December, 1966.

Doris Brooks
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