

Part 100

**100.000 DANGEROUS BUILDINGS ORDINANCE\***  
**Ord. No. 63**

An ordinance to secure the public peace, health, safety, and welfare of the residents and property owners of the Village of Hopkins, Allegan County, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE VILLAGE OF HOPKINS ORDAINS:

**100.001 Short title.**

Sec. 1. This Ordinance shall be known and cited as the Village of Hopkins Dangerous Buildings Ordinance.

**100.002 Definitions.**

Sec. 2. As used in this ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- a. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the Building Codes or fire codes effective within the Village, it shall be considered that such building does not meet the requirements of this ordinance.
- b. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements for a new building or similar structure, purpose or location.

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\*Cross references—Building code, Pt. 115; dangerous structures, § 77.001(7).

- c. Whenever any portion of a member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- d. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Building Codes of the Village.
- e. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to fall or give way.
- f. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- g. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or others who might play or enter therein to their danger, or as to afford a harbor for vagrants, or criminals, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts.
- h. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer of the County of Allegan, or is likely to work injury to the health, safety or general welfare of those living or working within.

- i. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

### **100.003 Prohibition.**

Sec. 3. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

### **100.004 Notice.**

Sec. 4.

- a. When the whole or any part of any building or structure is found to be in a dangerous condition, the Village Council shall issue a notice of the dangerous condition.
- b. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Village.
- c. The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- d. All such notices required by this ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by Certified Mail—Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy

thereof shall be posted upon a conspicuous part of the building or structure at least ten (10) days prior to the hearing date.

#### **100.005 Hearing officer.**

##### **Sec. 5.**

- a. The Village President is hereby designated as the Hearing Officer to conduct the identified hearing.
- b. The Village Council shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
- c. At any hearing held, the hearing officer shall take testimony of the Village Council, the owner of the property, and any other interested party. Upon the taking of such testimony the hearing officer shall render his/her decision either closing the proceedings or ordering the building to be demolished or otherwise made safe. A report of the proceedings shall be provided to the Village Council at the next regularly scheduled meeting.
- d. If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he/she shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- e. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his/her findings and a copy of the order with the Village Council and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section 4d.

**100.006 Hearing.**

Sec. 6. Upon receiving the findings and order of the hearing officer, the Village Council shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section 4d. of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Village Council shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

**100.007 Failure or refusal of owner to comply.**

Sec. 7. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Village Council, the Village Council may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the Village Assessor who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Village shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party of interest fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village.

**100.008 Appeal.**

Sec. 8. An owner or party in interest aggrieved by any final decision of the Village Council may appeal

the decision or order to the Circuit Court for the County of Allegan, by filing a petition for an order of superintending control within twenty (20) days after the date of such decision.

**100.009 Repeal.**

Sec. 9. All ordinances or parts thereof in conflict with the provisions of this ordinance are to the extent of any such conflict hereby repealed.

Part 101

101.000

**BURNING OF TRASH AND WASTE**

**Ord. No. 62**

An ordinance to regulate and control the burning of waste material, refuse, and debris, to regulate and control the placement of trash burning containers within the Village of Hopkins, and providing for penalties for the violation thereof.

THE VILLAGE OF HOPKINS ORDAINS:

**101.001 Definitions.**

Sec. 1.

- a. "*Person*" shall mean any legal entity, including an individual, corporation, or association.
- b. "*Incinerator*" shall mean any metal can, wire frame container or device used in connection with the destruction or disposal of trash by fire.
- c. "*Garbage*" is waste resulting from the processing, handling, preparation, sale, or consumption of food.
- d. "*Trash*" is all waste material, refuse, debris, including but not limited to grass and leaves, twigs, tree branches or shrubs, but does not include material to be burned for the purpose of cooking food.

**101.002 Burning of waste material, etc.—Unlawful.**

Sec. 2. It shall be unlawful for any person, firm, or corporation to burn or cause to be burned any waste material, refuse, or debris within the Village of Hopkins unless done in accordance with the provisions hereof.

**101.003 Burning prohibited outside of buildings.**

Sec. 3. The burning of garbage upon any premises outside of buildings within the Village of Hopkins is prohibited.

**101.004 Approved incinerators and containers.**

Sec. 4. Burning is permitted in incinerators of 55 gallon capacity or less having suitable metal covers or screening so as to prevent the dispersal of sparks and burning materials to neighboring buildings or property. Incinerators larger than 55 gallon capacity are permitted providing that:

- a. The combustion chamber of the incinerator is completely enclosed and vented through a chimney or stack;
- b. The incinerator is designed and constructed to prevent the emission of noxious odors;
- c. The incinerator will not emit contaminants to such an extent as to be detrimental to the health or welfare of the community.

**101.005 Location.**

Sec. 5. Burning is prohibited within twenty (20) feet of any building or public roadway.

**101.006 Time.**

Sec. 6. Burning is prohibited between the hours of 9 P.M. and 7 A.M.

**101.007 Nuisances.**

Sec. 7. No burning is permitted at any time or place of any materials which when burning gives off foul or obnoxious odors or a dense smoke or when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof.

**101.008 Limited burning of leaves.**

Sec. 8. The burning of leaves is permitted during the months of October, November, April and May of each calendar year if such burning is done on the premises and not on paved streets or in public road-



ways and if such burning is conducted in such a manner that it is not detrimental to the health and welfare of others.

**101.009 Violation; penalty.**

Sec. 9. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punishable by a fine of not more than One Hundred (\$100.00) Dollars or imprisonment for a period of ninety (90) days, or both such fine and imprisonment in the discretion of the court.

**101.010 Severability.**

Sec. 10. Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.



Parts 102–114. Reserved.

