

CHIKAMING TOWNSHIP

BUILDING ORDINANCE

Notice is hereby given that the following Ordinance is adopted pursuant to a resolution of intent adopted on January 6, 1965 and published January 13, 1965 in accordance with the provisions of Act 185 of the Public Acts of 1943, as amended.

AN ORDINANCE TO PREVENT THE ERECTION OF UNSAFE BUILDINGS, TO PROVIDE FOR FIRE PROTECTION, TO PRESERVE PROPERTY VALUES, TO PRESERVE THE PUBLIC HEALTH, TO PREVENT THE ERECTION AND MAINTENANCE OF NUISANCES, AND TO PROMOTE THE SAFETY, GOOD GOVERNMENT AND GENERAL WELFARE OF THE INHABITANTS BY REGULATING MATTERS CONCERNING THE OCCUPANCY, ERECTION, STRUCTURAL ALTERATION OR ENLARGEMENT, AND REPLACEMENT OF DWELLINGS, BUILDINGS AND STRUCTURES HEREINAFTER CONSTRUCTED IN THE UNINCORPORATED SECTIONS OF CHIKAMING TOWNSHIP.

The Township Board of Chikaming Township, Berrien County, Michigan, Ordains:

ARTICLE I.

SCOPE AND PURPOSE

The requirements of this Ordinance shall be held to be the minimum requirements in the interest of public health, safety, fire protection, and the preservation of property values for the construction of dwellings, buildings, and structures. Construction and equipment which vary from but equal or exceed these requirements will be given due credit and consideration, provided they are used appropriately and comply substantially with generally recognized acceptable standards, hereinafter adopted,

applicable to such dwellings, buildings, and structures.

ARTICLE II.

For the purposes of this Ordinance the definitions as set forth in Article XIV of the Chikaming Township Zoning Ordinance are hereby made applicable and by reference thereto are hereby adopted as a part of this Ordinance.

ARTICLE III.

Every dwelling hereafter erected shall have a horizontal area of not less than seven hundred and twenty (720) square feet of living space at finished grade, exclusive of porches, terraces, patios, areaways and garages.

ARTICLE IV.

All building materials and workmanship for the construction of dwellings, buildings and structures shall be of good quality, conforming to generally accepted standards. Except as may be otherwise provided in this Ordinance, the standards relating to materials and workmanship, hereinafter set forth, are declared to be a minimum acceptable good standard, and such minimum standards and all amendments hereafter made thereto, are hereby adopted by reference by the Township of Chikaming:

1. Federal Housing Administration Minimum Property Standards:

The Federal Housing Administration Minimum Property Standards are

hereby declared to be a minimum acceptable good standard for all dwellings including farm dwellings, and accessory buildings appurtenant thereto, such as private garages.

2. Other Standards: All building materials and workmanship for the construction of all other buildings and structures; except buildings or structures used for agricultural purposes (which are excluded from the provisions of this Ordinance) shall comply with the minimum acceptable good standards regularly used in the construction trade or industry for comparable buildings and occupancies; provided, however, that such buildings or structures shall comply with all statutes of the State of Michigan, in such cases made and provided, for the regulation of fire protection and public safety, as well as all applicable plumbing, sanitary and electrical requirements of this Ordinance, as hereinafter provided.

Complete printed copies of the Federal Housing Administration Minimum Property Standards, (F. H. A. No. 300), herein adopted by reference, are available for public use and inspection at the office of the Township Clerk.

ARTICLE V.

PLUMBING, WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS.

1. Plumbing: The objective of this section is to provide a properly designed and installed plumbing system including water, drainage and vent piping, fixtures and other appurtenances for dwellings, buildings and structures where people live, work or congregate and toilet facilities

are required for disposal of human wastes. Plumbing equipment and materials shall comply with and be installed in accordance with Articles I to XI inclusive of the Michigan State Plumbing Code. Every living unit shall contain at least a water closet, lavatory, bathtub or shower, kitchen sink and laundry tray. A combination sink and tray fixtures, or the installation of water and waste piping for a clothes-washing machine, may be provided in lieu of the laundry tray.

2. Water Supply: The objective of this section is to provide each dwelling or building where people live, work or congregate with a continuing and sufficient supply of safe and palatable water under adequate pressure. When service from an acceptable public water supply is not available or feasible, an individual water system will be considered acceptable provided it is installed in accordance with standards established for such systems by the Federal Housing Administration Minimum Property Standards, except as to quantities of water required by such standards.

3. Sewage Disposal Systems: The objective of this section is to provide an adequate and safe sewage-disposal installation for dwellings and buildings where people live, work or congregate and a disposal system for human wastes is required, which system shall be located and constructed so as to avoid contaminating any existing or future water source supply. All equipment and materials used in the exterior sewage disposal system including effluent sewer, septic tanks, tile absorption fields, seepage pits and absorption beds shall comply with and be installed in accordance with the Federal Housing Administration Minimum Property Standards. No effluent sewer may be discharged into open ditches, ^{ponds,} /or county drains.

Complete printed copies of the Michigan State Plumbing Code, prepared by the State Plumbing Board, and the Federal Housing Administration Minimum Property Standards, (F. H. A. No. 300), hereby adopted and made a part of this Ordinance by reference are available at the office of the Township Clerk for inspection and examination.

ARTICLE VI.

ELECTRICAL INSTALLATIONS

The objective of this section is to provide each dwelling, building or structure, where such a system is desirable or necessary, with a system of wiring, equipment and appurtenances properly installed to safely supply electrical energy for adequate illumination and efficient power for the operation of appliances and equipment considered essential and appropriate to the use and occupancy made of the premises. All equipment and materials shall comply with and be installed in accordance with the National Electrical Code, which is adopted and made a part of this Ordinance by reference. Complete printed copies of the National Electrical Code, prepared by the National Fire Protection Association, are available for public inspection and examination in the office of the Township Clerk.

ARTICLE VII.

GAS INSTALLATIONS

The objective of this section is to provide each dwelling, building or structure, where such a system is desirable or necessary, with a

system of gas piping, equipment and appurtenances properly installed, together with proper venting and safeguards, for the operation of appliances and gas-fired equipment considered essential and appropriate to the use and occupancy made of the premises. All such material and equipment shall comply with and be installed in accordance with the Federal Housing Administration Minimum Property Standards, (F. H. A. No. 300) hereby adopted and made a part of this Ordinance by reference. Complete printed copies of these standards are available at the office of the Township Clerk for inspection and examination.

ARTICLE VIII.

PREFABRICATED BUILDINGS

Prefabricated dwellings, buildings and structures that comply with all the requirements of this Ordinance are permitted for use and occupancy in Chikaming Township.

ARTICLE IX.

TEMPORARY BUILDINGS, TRAILERS AND STRUCTURES.

No basement, cellar, garage, cabin, trailer or other temporary structure shall hereafter be erected and occupied for living or sleeping purposes anywhere in Chikaming Township, except during the construction of a residential dwelling under the terms and conditions provided by Section 3 and Section 6 (d) of Article VIII of the Chikaming Township Zoning Ordinance. Nothing in this section shall be construed to prohibit the parking of trailers in any state licensed trailer coach park.

ARTICLE X.

NON-CONFORMING USES

The lawful use of dwellings, buildings and structures existing at the time of the adoption of this Ordinance may be continued without enlargement, although such use does not conform with the provisions of this Ordinance, but if such non-conforming use is discontinued for a period of two (2) years, the future use and occupancy of such dwellings, buildings and structures shall be regulated by the provisions of this Ordinance, and all the standards thereof made applicable to such use. Provided, however, that nothing in this section shall be construed as permitting the continued use and occupancy of any dwelling, building or structure after the adoption of this Ordinance where such use or occupancy shall be declared to be in violation of the provisions of this Ordinance relating to fire protection, public health and safety or where such continued use shall be declared to be a public nuisance.

ARTICLE XI.

MISCELLANEOUS STRUCTURES USED IN CONSTRUCTION.

Truck bodies, vans, street cars, bus bodies, trailers and similar structures are forbidden as an entire or part construction of any dwelling, building or structure; provided however, that lumber or other materials from any of the above structures may be used in construction, provided compliance with the provisions of this Ordinance is obtained.

ARTICLE XII.

NUISANCES PROHIBITED

It is hereby declared to be unlawful for any owner, land contract purchaser or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Township of Chikaming. The Township Board of Chikaming Township and the duly authorized attorney for the Township, may prosecute violators under the provisions of this Ordinance, order the abatement of such nuisances or proceed in any court of competent jurisdiction for injunction, mandamus, abatement or any other appropriate action for the enforcement of the provisions of this section. The following acts, dwellings, buildings and structures are hereby declared to be a nuisance per se, however, this enumeration shall not be deemed to be exclusive:

1. Owners and Occupants Responsible for Premises being Kept Clean: All owners, land contract purchasers or persons who manage, lease, rent or occupy any premises whatsoever shall be equally responsible for keeping said premises in a clean and habitable condition and shall take all necessary precautions to prevent any unsightly nuisance as herein declared, or condition detrimental to public health from arising thereon, and particularly to take all reasonable precautions to prevent the throwing, placing, depositing or leaving on any street, highway, alley, public place, or on any private place or premises any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery, abandoned motor vehicles or abandoned household goods or effects, where such throwing, placing or depositing is likely to be dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects or

rodents. The term "abandoned motor vehicles" as used anywhere in this Ordinance shall mean any vehicle or parts of such vehicles not bearing a currently valid license plate registration number.

2. Dangerous or Damaged Structures, Excavations, Stagnant Ponds or Pools of Water: All buildings, walls and other structures which have been damaged by fire, decay or shall otherwise be deemed unsafe, all excavations remaining unfilled or uncovered for a period of thirty (30) days or longer and all ponds and pools of stagnant water which are situated so as to endanger the safety of the public or to attract or endanger children are deemed to be a public nuisance.

3. Open Storage: The open storage of unused household goods, building materials, supplies, construction machinery, abandoned motor vehicles and equipment of any kind or sort whatsoever on any occupied or unoccupied lot in a built-up section of a residential zone is prohibited, except that building materials and equipment may be so stored during a specified construction period as shown by the existence of a valid building permit given for the erection, structural alteration or enlargement of a building on the site where such materials and equipment are stored.

4. Unfinished Buildings or Structures: It shall be unlawful to permit any unfinished building, dwelling or structure to stand unfinished and uncompleted where such use shall constitute a menace to public health and safety, attract and endanger children or create an unreasonable detraction from the quality of the neighborhood so as to result in blight, deterioration and the depressing of property values in the district. After written notice that such a violation exists is given to the person who is the owner of record or land contract purchaser of such property, such person

shall within thirty (30) days begin completion of construction or undertake the completion of repairs to such unfinished building or raze the building and clear and clean up the site, and proceed to the final abatement of such use within a reasonable time. Compliance with all existing building codes and sanitary requirements of Chikaming Township, sanitary regulations of Berrien County, and applicable State Regulations are a pre-requisite to the completion or restoration of any building under this section.

5. Maintenance of Dwellings, Buildings and Structures: Every owner, land contract purchaser or occupant of any dwelling, building or structure in a built-up section of a residential zone shall be responsible for keeping and maintaining the premises in a clean, neat, sanitary, structurally sound, safe, habitable and usable condition in order to prevent the premises from becoming a nuisance. It shall be unlawful for any such owner or occupant to allow any building or structure in a built-up section of a residential zone to become dilapidated or permit weeds or other noxious vegetation to grow upon the premises and trash, rubbish, refuse, or abandoned vehicles to accumulate on the property. Such owner or occupant shall be responsible: For Maintaining suitable and safe means of ingress and egress; for fire protection; for adequate sanitary facilities on the premises; for preventing over-crowding and for providing proper ventilation and light. Whenever any such dwelling, building or structure shall be deemed uninhabitable or unfit for use, by the Township Building Inspector, the Township Health Officer, the Township Fire Chief, the Berrien County Sanitarian or any or all of such public officials, it shall thereupon be deemed a public nuisance, and it shall thereafter be

unlawful for any person to use or occupy the premises until put into a safe, structurally sound, sanitary and habitable condition. After written notice that such violation exists is given to the owner of record, land contract purchaser or occupant of such property, such person shall within thirty (30) days thereof; restore and repair such structure so that it complies with the requirements of all existing building codes and sanitary regulations of Chikaming Township, applicable sanitary regulations of Berrien County, and all State laws and regulations relating to fire protection, safety and sanitation, or raze the building and clear and clean up the site and proceed to the final abatement of such use within a reasonable time.

6. Vacant Commercial Buildings - Duty to Maintain: The owner or other person legally responsible shall have the duty to maintain any empty, unused or unrented commercial or industrial buildings in a neat, clean and structurally sound manner to prevent the premises from becoming a nuisance. Such vacant buildings shall have all windows glazed or neatly boarded up and shall be kept securely locked at all times. It shall be the owner's responsibility to keep the building free from all signs and posters not specifically authorized by such owner.

ARTICLE XIII.

ADMINISTRATION

A. ENFORCEMENT;

This Ordinance shall be administered and enforced by the Township Building Inspector, who may also serve as the Township Zoning Administration in the discretion of the Township Board. All appeals from

any order, requirement, decision or determination made under this Ordinance by the Township Building Inspector shall be taken to the Township Zoning Board of Appeals under the rules and procedures established for appeals by the Chikaming Township Zoning Board of Appeals and the Chikaming Township Zoning Ordinance. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the rules, regulations or provisions relating to the construction, erection or alteration of dwellings, buildings or structures so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

B. BUILDING PERMITS:

1. After this Ordinance takes effect, it shall be unlawful within the Township of Chikaming to proceed with the moving, erection, structural alteration or enlargement, of any dwelling, building or structure without first obtaining a building permit therefor; provided, however, that no permit shall be required for the repair of any dwelling, building or structure. Repair as used in this Ordinance shall mean the ordinary maintenance required to preserve the building in its original condition. The installation of a new roof, installation of new eaves-troughs or their replacement, installation of insulation, the replacement of screens and sash and the replacement of steps are examples of repairs as used in this section.

2. Building permits shall be issued by the Township Building Inspector upon written application duly made and shall be valid

for a period of no longer than one (1) year, whereupon they shall automatically lapse by limitation; provided, however, any building permit under which no work is done within six (6) months of issuance shall expire at the end of such six (6) months' period by limitation, but shall be renewable under re-application and payment of the original fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

3. It shall be the duty and responsibility of all architects, contractors and other persons having charge of the erection, construction or movement of any building or structure subject to the provisions of this ordinance, before undertaking any such work to determine that a proper permit has been granted therefore; and all persons performing such work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner and to the same extent as the owner of the premises.

4. Written applications in duplicate for building permits shall be filed with the Township Building Inspector, signed by the person, firm, co-partnership or corporation requesting the same, or by his or its duly authorized agent.

5. Applications shall contain the following information:
Address of applicant; legal description and dimensions of the lot, lots or acreage; nature of the proposed construction or alteration upon the lot, lots or acreage affected; the estimated cost; use presently being made of the structure affected; and the proposed use thereof. To each copy of the application shall be attached a clearly legible and accurate copy of a plan drawn to scale showing the lot dimensions and the location

on the lot, of the proposed construction or alteration. The Township Building Inspector is hereby authorized and empowered to refuse to receive any application as herein provided unless the same shall comply substantially with the requirements herein set forth.

6. Each separate application for a building permit shall be accompanied by a fee calculated as follows:

For the first \$1000.00 and each \$1000.00 thereafter, in costs of construction, modification, or fractional part thereof, a fee of \$2.00 shall be charged.

All fees received by the Township Building Inspector for the issuance of building permits shall be promptly transmitted to the Township Treasurer, and said Treasurer shall place the same in the separate fund known as the Township Zoning and Building Ordinance Fund, which fund shall be used solely for the administration of the Zoning and the Building Ordinance as directed by the Township Board.

7. Upon the receipt of applications for building permits as herein set forth, the Township Building Inspector shall immediately examine the same to determine whether or not the proposed construction, structural alteration or enlargement, and the proposed use shall conform to the terms of this Ordinance, as well as all Zoning and Health Ordinances or regulations of Chikaming Township, any health and sanitation codes of Berrien County, or similar requirements of State Law, and upon determining affirmatively thereafter issue a building permit to the applicant in a manner and form as shall have been approved by the Township Board; such permit shall be affixed to one of the applications and returned to the applicant, and a copy of the permit shall be affixed to the second of the copies of the application and retained permanently as part of the

record of the Township Building Inspector. If it shall be determined that for any reason the building permit requested in such application may not be issued, the Township Building Inspector shall return one copy of the application, with the fee deposited, to the applicant, with a written statement or memorandum as to the reason for not issuing such permit.

8. The holder of any building permit shall cause the Township Building Inspector to be notified upon completion of the forms for the footings prior to pouring the footings. Upon receipt of such notification the Inspector shall satisfy himself that the forms are satisfactorily constructed and that the corners and boundaries of the lot and the location thereon of the proposed buildings are accurately designated and if the same shall meet the requirements of this Ordinance, shall issue his written approval thereof, and the applicant shall thereafter be authorized to proceed in accordance with the building permit. Thereafter, the Inspector shall periodically inspect the progress of the construction; provided, however, that every building shall receive at least three inspections, as follows: (1) when the forms for footings are set ready for pouring; (2) when all plumbing, electrical and heating work has been roughed-in; and, (3) when the building has been completed. Should the Building Inspector determine that the construction is not proceeding according to the plan filed, or is in violation of any provisions of this Ordinance, he shall so notify in writing the holder of the building permit or his agent, and further construction shall be stayed until correction of the defects set forth have been accomplished and approved by the Building Inspector upon notice and request for re-inspection duly made.

9. Should the building permit holder fail to comply with the requirements of the Township Building Inspector at any inspection

stage, the latter shall make a record in writing of such failure and shall forthwith cancel the building permit issued, and shall cause a copy of notice of such permit cancellation to be mailed to the applicant and another copy thereof be securely posted upon or affixed to the construction not conforming to the Township Building Inspector's requirements, and such mailing and posting shall be considered as service of the notice upon the permit holder of cancellation thereof and no further work upon a construction shall be undertaken or permitted until a valid building permit shall thereafter have been issued.

10. It shall be the duty of the Township Building Inspector to report any erection, alteration and/or enlargement of a building in the Township, contrary to the provisions of this Ordinance, and any and all building permit cancellations, to the Township Clerk, who shall bring same to the attention of the Township Board at the next meeting thereof. The Township Board shall thereupon order, or cause the Township Building Inspector to order, the abatement of such violation under the provisions of this Ordinance or under the provisions of any statute in such case made and provided.

C. CERTIFICATE OF COMPLIANCE:

Within five (5) days after receiving written notification of completion of a dwelling, building or structure in compliance with the provisions of this Ordinance, the Township Building Inspector shall inspect the premises. If he finds that the dwelling, building or structure and uses are in conformity with this Ordinance and all other applicable Codes and regulations appertaining thereto, he shall issue the owner a Certificate

of Compliance. It shall be unlawful for any occupancy to begin until the Certificate of Compliance has been issued.

ARTICLE XIV.

VIOLATIONS PENALTY

Any person who shall violate any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine not to exceed One Hundred Dollars (\$100) and the costs of prosecution, or in default of the payment thereof, by imprisonment in the County Jail of not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance, nor prevent Chikaming Township Officials from proceeding with any other remedy available by law for the enforcement of this Ordinance as hereinbefore provided.

ARTICLE XV.

INTERPRETATION

In interpreting and applying the provisions of this Ordinance, all standards shall be held to the minimum requirements for the promotion of fire protection, public safety, health, convenience, comfort, preservation of property values, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements,

covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of a building or premises, or requires larger open spaces than are imposed or required by other Ordinances, Rules, Regulations or Permits, or by Easement, Covenants or Agreements, the provisions of this Ordinance shall control.

ARTICLE XVI.

VALIDITY

Should any section, clause or provision of this Ordinance be declared by the Court 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.

ARTICLE XVII.

AMENDMENTS

Amendments to this Ordinance may be made according to law.

ARTICLE XVIII.


REPEAL

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance, are hereby repealed.

ARTICLE XIX.

EFFECTIVE DATE

This Ordinance was adopted on the 6th day of January, 1965 and shall become effective thereon on the _____ day of _____, 1965.


Lena Abrahamsen, Clerk


Herbert Seeder, Supervisor