

**EUREKA CHARTER TOWNSHIP  
DEMOLITION ORDINANCE #88**

**AN ORDINANCE TO REGULATE THE DEMOLITION OF  
BUILDINGS AND STRUCTURES WITHIN EUREKA  
CHARTER TOWNSHIP; TO REQUIRE A TOWNSHIP  
DEMOLITION PERMIT AND TO PRESCRIBE PENALTIES  
FOR THE VIOLATION OF THE PROVISIONS OF THIS  
ORDINANCE.**

THE CHARTER TOWNSHIP OF EUREKA (the “Township”) ORDAINS:

**Section 1.     Title.**

This Ordinance shall be known and may be cited as the “Eureka Charter Township Demolition Ordinance.”

**Section 2.     Purpose and Intent.**

This Ordinance is designed and intended to regulate and require permits for the demolition of buildings and structures. The Township Board finds that this Ordinance is essential to the health, safety, and welfare of property owners and residents of the Township and is necessary for the protection of properties within the Township.

**Section 3.     Demolitions.**

A.     No building or structure exceeding three hundred (300) square feet shall be demolished or razed unless and until a demolition permit has been obtained from the Township. The Zoning Administrator shall be authorized to require a performance guarantee from the landowner in an amount, not to exceed one thousand dollars (\$1,000), for each one thousand (1,000) square feet (or fraction thereof) of floor area of the building or structure to be demolished or razed. Said guarantee shall be conditioned on the landowner completing the razing or demolition within such reasonable period as shall be prescribed in the Township permit and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, impose, including filling of excavations, proper termination of utility connections, and other applicable codes. The razing or demolition of buildings, including those three hundred (300) square feet or less, shall also comply with all applicable building codes.

B.     Unless the time limit is extended by the Zoning Administrator in writing, all demolition and cleanup work shall be fully completed within 30 days of the date that the demolition work physically commences.

C.     Within 60 days of the date that demolition has been completed, the site where the former building or structure was located shall be fully cleaned up, all remnants of the former building or structure shall be lawfully disposed of off of the property, the area shall be graded, and the area shall also be seeded with grass, rye, or other fast-growing ground cover.

D.     A demolition permit shall be valid for six months.

E.     The Zoning Administrator can attach reasonable conditions to a demolition permit.

F.     All demolition work shall be done in a lawful and safe manner. During demolition and subsequent clean up, the property owner shall ensure that all debris is confined

on the property and shall promptly collect any debris that blows or is otherwise spread to adjacent properties.

G. The application for a Township demolition permit shall be signed by all of the then-owners of the property involved. The Township may require proof of such ownership (including the last recorded deed of record) before issuing a demolition permit.

H. The Zoning Administrator shall have the authority to visit and inspect the site during the demolition process and also after all work on site has been fully completed. The property owner shall notify the Zoning Administrator when the demolition has been completed.

**Section 4. Nuisances are Prohibited.**

Any activity or use that is in violation of this Ordinance shall be a nuisance *per se*.

**Section 5. Penalties and civil infractions.**

A. Any person who disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any lawful permit issued under this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance *per se*.

B. A violation of this Ordinance is a municipal civil infraction, for which the fines shall be as follows:

1. Not less than \$100 nor more than \$500 for the first offense.
2. Not less than \$250 nor more than \$1,000 for the second or other subsequent offense.

For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision or other part of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses.

Such fines shall be levied in the discretion of the court and shall be in addition to all other costs, damages, expenses, and attorney fees incurred by the Township in enforcing this Ordinance. Each day that a violation occurs shall constitute a separate offense.

C. The following Township officials are authorized to issue citations for any violation of any provisions of this Ordinance which are hereby designated as municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who allegedly witnessed the infraction:

1. The Township Supervisor.
2. The Township Building Inspector.
3. The Township Zoning Administrator.
4. The Township Ordinance Enforcement Officer.
5. Any deputy of the Montcalm County Sheriff’s Department.

If a citation is based solely upon the complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized official, then the

citation may nevertheless be issued if the official has reasonable cause to believe that the violation has occurred and if the Township Attorney approves in writing the issuance of the citation, if such approval by the Township's attorney is required by law.

D. The civil fines, costs, assessments, damages, and/or expenses imposed against a person found responsible for violating this Ordinance shall be paid to the Township immediately upon entry of the court order. If any such fines, costs, assessments, damages, and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

E. In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

F. Any use or activity which is in violation of this Ordinance is declared to be a nuisance *per se*.

**Section 6. Severability.**

Should any section, portion, or part of this Ordinance be declared to be invalid or unconstitutional by a court of competent jurisdiction, that shall not affect the balance of this Ordinance which shall remain in full force and effect.

**Section 7. Repeal.**

Any ordinance or portion of an ordinance in conflict with this Ordinance is hereby deemed to be repealed to the extent of any such conflict.

**Section 8. This Ordinance shall complement and supplement the Eureka Charter Township Zoning Ordinance.**

The regulations contained in this Ordinance shall be in addition to (and not exclusive of) any provisions and regulations of the Eureka Charter Township Zoning Ordinance, as amended, or any other Township ordinance or code which may apply to demolitions.

**Section 9. Effective date.**

This Ordinance shall be effective upon the expiration of 30 days after this Ordinance appears in the local newspaper as provided by law.

The vote in favor to adopt this Ordinance was as follows:

YEAS: Rodney Roy, Linda Ruwersma, Cindy Hanson, Elaine Pendrick, Marty Posekany, Jeremy Austin, and Brad Kelley

NAYS: None

**APPROVED: November 12, 2018**

**PUBLISHED: November 19, 2018**

**EFFECTIVE: December 18, 2018**