

CHAPTER 662  
Offenses Relating to Property

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CROSS REFERENCES

Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913

Theft generally - see M.C.L.A. Sec. 750.356 et seq.

Malicious destruction of property - see M.C.L.A. Secs. 750.377a, 750.377b

Malicious destruction of trees - see M.C.L.A. Sec. 750.382

Property destruction by animals - see GEN. OFF. 606.02

Possession of stolen property - see GEN. OFF. 666.01(8)

Property destruction generally - see GEN. OFF. 666.01(14)

Defacing building numbers - see B. & H. 1424.07

**662.01 INJURY OR DESTRUCTION OF PUBLIC PROPERTY.**

No person shall use, destroy, injure, tamper with, convert, deface or remove any real or personal property of the City without first being authorized to do so by the City Council.

(Ord. 2001-07. Passed 7-9-01.)

**662.02 TRESPASSING.**

No person shall:

- (a) Willfully enter or remain upon the lands or premises of another, without lawful authority, after having been forbidden to do so by the owner or occupant, or agent or servant of the owner or occupant. No person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or his or her agent or servant, shall neglect or refuse, without lawful authority, to depart therefrom.
- (b) Willfully enter or remain upon the lands or premises of another, without lawful authority, after having been warned of the owner's regulations

governing access to and use of the property through the conspicuous posting of informational signs which state that trespassing is prohibited;

- (c) Stand, idle or sit, either in person or within a motorized vehicle, in or about any store, shop, business or commercial establishment, and/or its premises and private parking lot, if such standing, idling or sitting causes interference or disorder with the normal course of business of the store, shop, business or commercial establishment, or in any way tends to hinder or impede the passage of pedestrians or vehicles enroute to or from the establishment or premises.

#### **662.03 CAMPING ON VACANT LOTS.**

No person shall make use of any tent or similar facility for camping or for any other purpose, unless such tent or similar facility is located on a lot that is immediately adjacent, and the users have access, to a dwelling house that has bathroom and water closet facilities that comply in all particulars with City and State building and housing code requirements. The above described shall not be used for more than a total of fourteen consecutive days in any calendar year.

(Ord. 2015-06. Passed 9-14-15.)

#### **662.04 DOCKAGE RENTAL IN RESIDENCE DISTRICTS.**

No person shall rent any dockage space, i.e. space for the use or storage of watercraft of any kind, on the Pigeon River, in any R-1 or R-M Residence District in the Village, as the same are established in the Planning and Zoning Code.

#### **662.05 DANGEROUS BUILDINGS.**

(a) Definition. As used in this section, "dangerous buildings" means all buildings or structures which have any or all of the following defects:

- (1) Those buildings or structures having interior walls, or other vertical structural members, that list, lean, or buckle, to such extent that a plumb line passing through the center of gravity falls outside of the middle third of the base.
- (2) Those buildings or structures which, exclusive of the foundation, show thirty-three percent or more damage or deterioration of the supporting members, or fifty percent of damage or deterioration of the nonsupporting, enclosing or outside walls or covering.
- (3) Those buildings or structures, which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to the life, safety or general health and welfare of the occupants or the people of the city.

- (5) Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein.
- (6) Those buildings or structures having light, air and sanitation facilities inadequate to protect the health, safety or general welfare of human beings who live therein.
- (7) Those buildings or structures having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication.
- (8) Those buildings or structures having parts so attached that they may fall and injure members of the public or property.
- (9) Those buildings or structures, which because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the city.

(b) Standards for repair, vacation or demolition. The following standards shall be followed in substance by the Building Inspector and the Village Council in ordering repair, vacation or demolition.

- (1) If the dangerous building can reasonably be repaired so that it will no longer exist in the violation of the terms of this section, it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of the occupants, it shall be ordered vacated.
- (3) If the dangerous building is more than fifty percent damaged, it is determined a fire hazard, cannot be repaired or is erected in violation of the terms of this section or any ordinance of this city or statute of the state, it shall be demolished.

(c) Nuisances. All dangerous buildings are declared to be public nuisances and shall be repaired, vacated or demolished as provided in this section.

(d) Duties of the Building Inspector. The Building Inspector shall:

- (1) Inspect or cause to be inspected any building, wall or structure reported (as provided for in this section) by the Zoning Administrator, Fire or Police Departments of this Village as probably existing in violation of the terms of this section.
- (2) Notify in writing the owner, his or her agent, occupant, lessee, mortgagee, and all other persons having an interest in the building or structure, as shown by the records in the County Registrar of Deeds office, determined to be a dangerous building that:

- A. The owner shall vacate, repair or demolish the dangerous building in accordance with the terms of the notice and provisions of this section.
  - B. The occupant or lessee must vacate the building or shall have it repaired in accordance with the notice and remain in possession.
  - C. The mortgagee/agent or other persons having an interest in the building, as shown by the land records in the County Registrar of Deeds office, may at his or her own risk repair, vacate, or demolish the building to have such work done; provided, however, that any person notified to repair, vacate or demolish any building shall be given such reasonable time, not exceeding ninety days, as may be necessary to do so, or to have done the work required by the notice issued under the provisions of this section.
- (3) Set forth in the notice provided for in division (d)(2), a description of the building or structure determined unsafe, a statement of the particulars resulting in such determination, and an order requiring such building or structure to be placed in such condition so it will comply with the provisions and terms of this section, within such length of time, not exceeding ninety days, as is reasonable.
  - (4) Report to the Village Council any noncompliance with the notice provided for in divisions (d)(2) and (d)(3).
  - (5) Appear at all hearings conducted by the Village Council and testify as to the condition of any building or structure determined to be a dangerous building.
  - (6) Place a notice on all dangerous buildings to read as follows:  
"This building has been determined to be a dangerous building by the Building Inspector of the Village of Caseville. This notice must remain on this building until the building is repaired, vacated or demolished in accordance with the notice that has been given the owner/owners, occupant/occupants, their agent, or lessee/mortgagee/agent, and all other persons having an interest in this building as shown by the records in the Registrar of Deeds office for Huron County. It shall be unlawful to remove this notice until the requirements are complied with."
- (e) Duties of the Village Council. The Village Council shall:
- (1) Upon receipt of a report from the Building Inspector, as provided for in division (d), give written notice to the owner/agent, occupant, mortgagee, lessee and all other persons having an interest in such building as shown by the land records in the County Register of Deeds office, to appear before the Council on a specified date to show cause why the building or structure, determined to be a dangerous building, should not be repaired, vacated, or demolished in accordance with the statement or particulars set forth in the Building Inspector's notice provided for in division (d).

- (2) Hold a hearing and hear such testimony, as the Building Inspector or the owner/agent, occupant, mortgagee, lessee, or any other person having an interest in such building, as shown by the land records in the County Register of Deeds office, shall offer relative to the designated dangerous building or structure.
  - (3) Make written findings of facts from the testimony offered pursuant to the division (e)(2) as to whether or not the building or structure in question is determined a dangerous building.
  - (4) Issue an order, based on the findings of facts made pursuant to division (e)(3), commanding the owner/agent, occupant, mortgagee, lessee and all other persons having an interest in such building, as shown by the land records in the County Registrar of Deeds office, to repair, vacate or demolish the building found to be dangerous within the terms of this section.
  - (5) If the owner/agent, occupant, mortgagee, lessee or any other person served with the order provided for in division (e)(4), fails to comply with such order within ten days or such other period as allowed by the Village Council, the Council shall cause such building or structure which has been determined dangerous, to be repaired, vacated or demolished as the findings of facts may warrant and shall cause the costs of such repairs, vacation or demolition to be charged against the land on which the building existed as a municipal lien, or cause the costs to be added to the tax duplicate as an assessment, or cause such costs to be levied as a special tax against the land, or such costs shall be recovered in a lawsuit against the owner. It is provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of this Village the Village Council shall request the Village Attorney to take legal action in an effort to force the owner to make necessary repairs or demolish the building.
  - (6) Report to the Village Attorney the names of all persons not complying with an order issued under the provision of division (e)(4).
- (f) Duties of the Village Attorney. The Village Attorney shall:
- (1) Prosecute all persons failing to comply with the terms of any notice and/or order issued under the provisions of this section.
  - (2) Appear at all hearings held before the Village Council in regard to any building structure reported to be dangerous.
  - (3) Bring suit to collect all municipal liens, assessments, or costs incurred by the Village Council for repairs, vacation or demolition of a dangerous building.
  - (4) Take such other legal action as may be necessary to enforce the terms and provisions of this section.

(g) Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated or demolished, the Building Inspector shall report such facts to the Village Council, and the Village Council shall cause the immediate repair, vacation or demolition of such building or structure. The cost of such emergency repair, vacation or demolition shall be collected in the same matter as provided for in division (d).

(h) When owner is absent from Village. In cases, except emergency cases, where the owner/agent, occupant, lessee, mortgagee is absent from the village, all notices and/or orders provided for by this section shall be sent by registered mail to the owner/agent, occupant, mortgagee, lessee and all persons having an interest in such building, as shown by the land records in the County Registrar of Deeds office, at the last known post office address of each, and a copy of such notice and/or order shall be posted in a conspicuous place on the dangerous building to which it relates. Such mail and posting shall be deemed adequate service.  
(Ord. 2002-07. Passed 10-14-02.)

#### **662.06 DEVICES IN PUBLIC RIGHT-OF-WAY.**

No person, firm, or corporation shall place or install on Main Street in the Business District (defined as the area along Main Street from Caseville Road to State Street) any mailbox, express mailbox, vending machine or maintain any fences, gates, bars or pipes within the public right-of-way.  
(Ord. 2003-04. Passed 2-10-03.)

#### **662.07 PUBLIC TENNIS COURTS; USE AND RESTRICTIONS.**

Any public tennis court in the Village of Caseville shall be only used for tennis, unless permission is given by the Village Council to use otherwise. No other use (including but not limited to skateboarding, roller skating and roller blades) is allowed.  
(Ord. 2009-06. Passed 5-11-09.)

#### **662.99 PENALTY.**

(a) Any person failing to comply with the provisions of this chapter, with the exception of Section 662.06 and Section 662.07, shall be guilty of a misdemeanor and subject to the penalty provisions of Section 202.99 of the General Code. A person removing the notice provided for in Section 662.05(d)(6) shall be guilty of a misdemeanor.

(b) A person who violates Section 662.06 and / or Section 662.07 is responsible for a municipal civil infraction subject to payment of a civil fine of not more than one hundred dollars (\$100.00), reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this article shall be subject to increased fines as provided by division (c) below.

(c) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of Section 662.06 and 662.07. As used in this chapter, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 18-month period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense that is a first repeat offense shall be no less than one hundred and fifty dollars (\$150.00) plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than two hundred and fifty (\$250.00) plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Ord. 2002-07. Passed 10-14-02; Ord. 2003-04. Passed 2-10-03; Ord. 2009-06. Passed 5-11-09.)