

ORDINANCE NO. 79.

AN ORDINANCE RELATIVE TO THE TEARING DOWN OF BUILDINGS AND/OR REMOVAL OF BUILDINGS FROM ANY LOT OR LOTS IN THE VILLAGE OF CALUMET AND LEAVING UNGUARDED EXCAVATIONS, VAULTS, CELLARS AND/OR FOUNDATIONS THAT LEAVES THE PREMISES A NUISANCE BY REASON OF BEING DANGEROUS TO LIFE, LIMB OR PUBLIC HEALTH.

The Village of Calumet ordains:

SECTION 1. It shall be unlawful for any person, copartnership or corporation to tear down and remove any building from any lot and/or remove the building from any lot within the corporate limits of the Village of Calumet and leave any excavation, vault or cellar that shall be damp, unwholesome, offensive or filthy or covered during any portion of the year with stagnant water or shall be in any condition that may be dangerous to life, limb or public health, unless within fifteen (15) days of the removal of the building or buildings the owner, lessee or other person having torn down and/or removed any such building shall fill in the excavation or cellar and level off the foundation to the level of the lot, and in case of failure of such person, firm or corporation to level off the foundation and fill with sand or earth the excavation, vault or cellar within fifteen (15) days after service of a notice by the Village Marshall of the violation of this ordinance, such person, firm or corporation shall be liable for the penalty prescribed by this ordinance.

SECTION 2. Any owner, lessee or other person having torn down and removed any building on any lot within the corporate limits of the Village of Calumet before the effective date of this ordinance, and the lot or lots from which said buildings have been removed shall be declared a nuisance by the Village Council, shall be notified by the Marshall of the Village of Calumet, in writing, to level off any foundation that may be standing on said lot to the level of the lot and to fill in any excavation, vault or cellar on said lot with sand or earth, and in case of the failure of such person or persons to level off said foundation and fill said excavation, vault or cellar with sand or earth within fifteen (15) days after service of notice, such person or persons shall be liable to the penalty prescribed by this ordinance.

SECTION 3. Any person, copartnership or corporation intending to tear down and/or remove any building from any lot or lots within the corporate limits of the Village of Calumet, shall, before doing so, apply to the Clerk of the Village of Calumet for a permit.

SECTION 4. Should any provision or section of this ordinance be held to be invalid for any reason, such holding shall not be construed as effecting the validity of any remaining portion of this ordinance.

SECTION 5. Any violation of the provisions of this ordinance shall be punished by a fine of not exceeding One Hundred (\$100.00) Dollars and not less than Ten (\$10.00) Dollars and costs of prosecution, and default of payment thereof, offender may be imprisoned in the County jail at Houghton, Michigan for a period not exceeding thirty (30) days or both such fine and imprisonment at the discretion of the Court.

This ordinance shall take effect twenty (20) days after its adoption by the Village Council.

Adopted and approved by the Village Council of the Village of Calumet this 4th day of SEPT. A. D. 1945.

George A. Broda
Village President

Wm. H. H. H. H.
Village Clerk

FIRST AMENDMENT TO ORDINANCE NO. 79


AN ORDINANCE RELATIVE TO THE TEARING DOWN OF BUILDINGS AND/OR REMOVAL OF BUILDINGS FROM ANY LOT OR LOTS IN THE VILLAGE OF CALUMET AND LEAVING UNGUARDED EXCAVATIONS, VAULTS, CELLARS AND/OR FOUNDATIONS THAT LEAVE THE PREMISES A NUISANCE BY REASON OF BEING DANGEROUS TO LIFE, LIMB OR PUBLIC HEALTH.

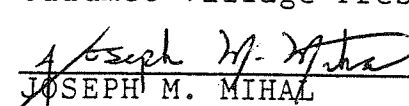
The Village of Calumet ordains that Ordinance No. 79 dated September 4, 1945 is hereby amended to change Section 3 thereof to read as follows:

"A person, co-partnership or corporation intending to demolish, tear down or remove any building from any lot or lots within the corporate limits of the Village of Calumet shall, before doing so, apply to the Clerk of the Village of Calumet for a demolition permit as provided herein. There shall be a 120 day waiting period between the time that a demolition permit is applied for and the permit itself is granted in order that the Calumet Downtown Development Authority and/or the Calumet Planning Commission may work with the property owner to find alternatives to demolition of the structure. This 120 day waiting period may be waived or shortened by the Calumet Village Council in instances of potential public danger or nuisance in which it would be contrary to the public good to wait 120 days to remove the building. If the Calumet Village Council, the Calumet Downtown Development Authority or the Calumet Planning Commission has not acted to preserve the building or find alternatives to demolition within the 120 day period, the demolition permit shall be automatically granted to the petitioner."

The remainder of Ordinance No. 79 remains in full force and effect, except for the change indicated above, which is hereby incorporated into and made a part of Ordinance No. 79 twenty (20) days after adoption by the Calumet Village Council and publication in the local newspaper, as provided by law.

This amendment to Ordinance No. 79 was adopted and approved by the Calumet Village Council at a regular meeting held on the 21 day of November, 1995.


RUSSELL R. ERKKILA
Calumet Village President


JOSEPH M. MIHAL
Clerk

VILLAGE OF CALUMET

COUNTY OF HOUGHTON

SECOND AMENDMENT TO ORDINANCE NO. 79

The Village Council of the Village of Calumet ordains the following amendment to Ordinance No. 79 of the Village ordinances:

Sections 3 and 5 of Ordinance No. 79, dated September 4, 1945, and amended on November 21, 1995, are amended as follows:

“SECTION THREE. A person, co-partnership or corporation intending to demolish, tear down or remove any building from any lot or lots within the corporate limits of the Village of Calumet shall, before doing so, apply to the Clerk of the Village of Calumet for a demolition permit as provided herein. There shall be a 180 day waiting period between the time that a demolition permit is applied for and the permit itself is granted in order that the Village of Calumet Downtown Development Authority and/or the Village of Calumet Planning Commission may work with the property owner to find alternatives to demolition of the structure. This 180 day waiting period may be waived or shortened by the Calumet Village Council in instances of potential public danger or nuisance in which it would be contrary to the public good to wait 180 days to remove the building. If the Calumet Village Council, the Village of Calumet Downtown Development Authority or the Village of Calumet Planning Commission has not acted to preserve the building or find alternatives to demolition within the 180 day period, the demolition permit shall automatically be granted to the petitioner.


“SECTION FIVE. Any violation of the provisions of this Ordinance shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars per day for each day when a violation occurs or imprisonment for not more than thirty (30) days or both. Each day when a violation occurs or continues shall be deemed a separate offense but all fines assessed for such violations shall not exceed Five Thousand (\$5,000.00) Dollars. For purposes of this section, each day when demolition continues in contravention of this act constitutes a separate violation and each day after

demolition is complete shall constitute a separate violation subject only to the limitation set forth above of a total amount of Five Thousand (\$5,000.00) Dollars of fines for any property where such violations occur."


In all other respects, Ordinance No. 79, as amended, remains in full force and effect.

This Amendment shall be effective twenty (20) days after adoption by the Calumet Village Council and publication in a local newspaper of general circulation in Houghton County, as provided by law.

Passed and adopted by the Village Council of the Village of Calumet, Houghton County, Michigan, on this 19th day of April, 2005.


ANTHONY BAUSANO
Village President

Attest:


JOYCE BAUSANO
Village Clerk

YEAS:	7
NAYS:	0
ABSENT:	0

I hereby certify that the foregoing is a true and complete copy of the Second Amendment to Ordinance No. 79, duly adopted by the Village Council of the Village of Calumet, County of Houghton, State of Michigan, at a regular meeting held on April 19, 2005, and that this meeting was conducted and public notice of this meeting was given

pursuant to and in full compliance with the Open Meeting Act, being Act No. 267, Public Acts of Michigan, 1976, and that the minutes of this meeting were kept and will be or have been made available as required by this Act.

I further certify that the following members were present at the meeting: _____
Anthony Bausano, Joseph Mihal, Ethan Nordwall, Paul Fredrickson, Kim Andersen
James Flood, Abe Voelker


and that the following members were absent: none

I further certify that member Voelker moved for adoption of the ordinance amendment and that member Nordwall supported this motion.

I further certify that the following members voted for adoption of the ordinance: Anthony Bausano, Joseph Mihal, Ethan Nordwall, Paul Fredrickson, Kim Andersen, James Flood, Abe Voelker

and that the following members voted against adoption of the ordinance: None.

I further certify that the ordinance amendment has been recorded in the ordinance book of the Village of Calumet and that such recording has been authenticated by the signatures of the Village President and Village Clerk.


JOYCE BAUSANO
Village Clerk