

Adopted March 10, 1998 - Effective April 16, 1998

Orleans Township Ordinance No. 42

DANGEROUS BUILDINGS ORDINANCE

AN ORDINANCE TO SECURE AND PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS OF THE TOWNSHIP OF ORLEANS, IONIA 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 DANGEROUS BUILDINGS; AND TO REPEAL ALL ORDINANCES OR PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF ORLEANS, COUNTY OF IONIA, MICHIGAN ORDAINS:

Section 1. Title. This ordinance shall be known and cited as the Orleans Township Dangerous Buildings Ordinance.

Section 2. Definitions. The following words shall be defined as indicated. Words that are used in this Ordinance but not defined in this Section shall be interpreted according to their normal and customary usage.

A. "Accessory Building" shall mean a separate building or structure on the same premises with a main building or structure, or attached as an integral part of the main building or structure, occupied or devoted to an accessory use, as defined in the Orleans Township Dwelling Ordinance, as amended.

B. "Building" or "Structure" shall mean a private dwelling, a two-family dwelling and any necessary building incidental to such a dwelling, including an Accessory Building.

C. "Dangerous Building" shall mean any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

1. A door, aisle, passageway, stairway or other means of ingress or egress does not conform to applicable fire codes, it shall be considered that such building does not meet the requirements of this Ordinance.
2. A portion of the building or structure 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 of the applicable State or local Building Code for a new building or similar structure, purpose or location.
3. A portion or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby potentially injure persons or damage property.
4. A 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 applicable State or local Building Code.
5. A building or structure or any part, thereof, 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 partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way.
6. A building or structure or any portion is manifestly unsafe for the purpose for which it is used for any reason whatsoever.
7. A 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 who might play therein to their danger, or becomes a harbor for vagrants, criminals or immoral

persons, or enables persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

8. 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 Township's health officer, or is likely to work injury to the health, safety or general welfare of those living or working within.
9. A 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.

D. "Health Officer" shall mean the individual designated by the Township Board to oversee health matters in the Township.

E. "Township" shall mean Orleans Township.

Section 3. Maintenance of Dangerous Buildings.

A. 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.

Section 4. Notices.

A. When the whole or any part of any building or structure is found to be a Dangerous Building as defined in this Ordinance, the Township building inspector shall issue a notice that the building or structure is a Dangerous Building. The 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 Township.

B. 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 or properly maintained.

C. 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 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.

Section 5. Hearing Officer.

A. A hearing officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor.

B. The building inspector 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 building inspector, the owner of the property, and any other interested party. Upon the taking of such testimony, the hearing officer shall render his decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe.

D. If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply with the order.

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 findings and a copy of his order with the Township Board 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 4.C.

Section 6. Township Board Hearing.

A. The Township Board shall fix a date not less than 30 days after the hearing by the hearing officer for a hearing to review the findings and order of the hearing officer. The Township shall give notice to the owner or party in interest in the manner prescribed in Section 4.C. of the time and place of the hearing. The hearing officer shall provide the Township Board with a copy of the hearing officer's findings and rules. 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. The Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

Section 7. Demolition of Dangerous Building; Property Lien.

A. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for demolishing the Dangerous Building or making it safe.

B. The cost of the demolition, of making the buildings safe, and to bring the building or structure in conformity with this Ordinance shall be reimbursed to the Township.

C. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Township 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 Township shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 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 Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

Section 8. Appeals. An owner or party in interest aggrieved by any final decision of the Township Board may appeal the decision or order to the Circuit Court for the County of Ionia by filing a petition for an order of superintending control within 20 days from the date of such decision.

Section 9. Penalties. A person who fails or refuses to comply with an order approved or modified by the Township Board within the time prescribed by the Board is guilty of a misdemeanor and shall be subject to a fine of not more than \$500.00 or imprisonment for more than 90 days, or both. Each day that a violation occurs shall be deemed a separate and distinct violation.

Section 10. Severability. The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 11. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 12. Effective date. This Ordinance takes effect 30 days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

Moved by Joyce E. Doty, seconded by Joel Noe, that the foregoing Ordinance be adopted.

Yeas: Frederick Chapman, Joyce E. Doty, Joel Noe and Herman Peterson

Nays: Jerry Gallagher

Absent: None

ORDINANCE DECLARED ADOPTED.

Fred Chapman
Fred Chapman, Supervisor

Joyce Doty
Joyce Doty, Clerk

CERTIFICATION

I hereby certify that this Ordinance was adopted by the Orleans Township Board in regular session held on March 10, 1998, and that it was published in Sentinel Standard on March 17, 1998. *published 4-16-98*

Joyce Doty
Joyce Doty

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