

## **DANGEROUS STRUCTURES**

**Ordinance No.** \_\_\_\_\_ .

**Adopted:** \_\_\_\_\_ ,2001

An Ordinance enacted to provide for the exercise of certain municipal powers of the Township of Fairfield and to promote the Health, Safety and Welfare of persons and property in the Township and to provide penalties for the violation of the provisions thereof, and to repeal all Ordinances and regulations or parts thereof in conflict with this Ordinance.

THE TOWNSHIP BOARD OF FAIRFIELD TOWNSHIP, LENA WEE COUNTY, MICHIGAN,  
ORDAINS:

### **4.24.1 Dangerous Structures**

Sec. 1. No person shall maintain any structure within the Township, which is dangerous, unsafe, or a menace to the health, morals, or safety of the public.

### **4.24.2 Definitions**

Sec. 2. "Dangerous Structure" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

- a. Inadequate means of ingress and/or egress in case of fire or panic, including, but not limited to, doors, aisles, passageways, stairways or fire escapes which do not conform to the Township Building Code.
- b. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Township Building Code.
- c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse injuring persons or damaging property.
- d. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Township Building Code.
- e. The building or structure is damaged by fire, wind, or flood, or is otherwise dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or unlawful or immoral act.
- f. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human

habitation, is in a condition that is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of the occupants or the general public.

- g. A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or minors.
- h. A building or structure whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- i. A building or structure which, exclusive of the foundation, shows 33 percent or more damage or deterioration of the supporting member or members or 50 percent damage or deterioration of the non-supporting enclosing or outside walls or covering.
- j. A building or structure which has improperly distributed loads upon floors or roofs or in which the floors or roofs are overloaded, or which have insufficient strength to be reasonably safe for the purpose intended.

#### **4.24.3 Dangerous Structures - Notice and Hearing**

Sec. 3. The Township Board shall issue a notice and hold a public hearing on any alleged dangerous structure as follows:

- a. The Township Board, Building Inspector or Ordinance Enforcement Officer shall issue a notice if a building, structure or adjoining grounds is deemed to be a dangerous structure.
- b. The notice shall be sent by certified mail, return receipt requested or served personally on each owner of the property or party in interest as appearing on the last local tax assessment records of the Township.
- c. The notice shall specify the date, time and place of a public hearing before the Township Board on whether the building, structure or adjoining grounds is a dangerous structure at which hearing the person to whom the notice is addressed will have the opportunity to show cause why the Township Board should not order the building, structure or adjoining grounds to be demolished or otherwise made safe or properly maintained.
- d. After the public hearing the Township Board may condemn the building, structure or adjoining grounds by giving notice to the owner or party in interest detailing in what respects the building, structure or adjoining grounds is a public nuisance and requiring the owner or party in interest to alter, demolish or remove the building or structure or maintain the adjoining grounds. The notice shall state a reasonable time, not to exceed sixty (60) days within which such alterations, demolition or repairs must be completed. The notice may also specify a time within which work is to be started.

#### **4.24.4 Dangerous Structures - Abatement**

Sec. 4. If, at the expiration of any time limit in the notice, the owner or party in interest has not complied with the requirements of the notice, the Township Board, in its discretion, may *move* to carry out the requirements of the notice by contracting with an individual or company to abate the nuisance by demolition, making safe or maintaining the exterior of the building, structure or adjoining grounds.

#### **4.24.5 Dangerous Structures - Emergency Abatement**

Sec 5. The Township Board or Township Building Inspector, may authorize immediate abatement of any dangerous building, structure or adjoining grounds, if the public safety requires immediate action.

#### **4.24.6 Notice of Costs**

Sec. 6. The owner or party in interest in whose name the property is held according to the last local tax assessment records shall be notified by the Township Assessor of the amount of the costs of the demolition; making the building or structure safe; maintaining the exterior of the building or structure; or maintaining the adjoining grounds, by first class mail at the address shown on the Township records.

#### **4.24.7 Reimbursement of Costs**

Sec. 7. The actual costs of the demolition; making the building or structure safe; of maintaining the exterior of the building or structure; or maintaining the adjoining grounds, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property is held.

#### **4.24.8 Lien for Unpaid Costs**

Sec. 8. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the costs, then in the case of a single family or two family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law and does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.

#### **4.24.9 Court Judgment for Unpaid Costs**

Sec. 9. In addition to other remedies under this Ordinance, the Township may bring an action against the owner of the building or structure for the full cost of demolition; making the building or structure safe; maintaining the exterior of the building or structure; or maintaining the adjoining grounds. In case of a single-family or two family dwelling, the Township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided by law and does not have priority over previously filed and recorded liens and encumbrances.

#### **4.24.10 Enforcement of Judgment**

Sec. 10. A judgment in an action brought pursuant to this ordinance may be enforced against assets of the owner other than the building or structure.

#### **4.24.11 Lien for Judgment Amount**

Sec. 11. In the case of a single family or two family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to this Ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as required by law and does not have priority over previously filed or recorded liens or encumbrances.

#### **4.24.12 Sanction for Nonconformance with Order**

Sec. 12. Any person or other entity who fails or refuses to comply with an order approved or issued by the Township Board pursuant to this Ordinance within the time prescribed in the notice or order is responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine of not more than \$500.00 plus costs which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues shall constitute a separate and distinct violation.

#### **4.24.13 Prior and Inconsistent Ordinances Repealed**

Sec. 13. All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

#### **4.24.14 Severability**

Sec. 14. This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

#### **4.24.15 Effective Date**

Sec. 15. This Ordinance shall become effective immediately upon publication as required by law following adoption by the Township Board.