

Ordinance No. 1991-3 Dangerous Building

VILLAGE OF SOUTH RANGE DANGEROUS BUILDING ORDINANCE

An ordinance pursuant to MCL 67.1(c)(s)&(z); MSA 5.1285(1)(c)(s)&(z) to abate nuisances, preserve the public health, provide for the regulation, removal and alteration of hazardous and dangerous buildings, to provide a hearing process prior to such removal or alteration, to provide for the imposition of a lien on premises to recover the costs thereof and to provide penalties for violation hereof.

THE VILLAGE OF SOUTH RANGE ORDAINS:

SECTION I.

This ordinance shall be known as the Village of South Range Dangerous Building Ordinance.

SECTION II.

As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- a. Whenever any portion has been damaged by deterioration, 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 a catastrophe or deterioration and is less than the minimum requirements of the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Code of Houghton County.
- b. Whenever any portion or member or appurtenance is likely to fall or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- c. Whenever any 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 Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Code of the County of Houghton.
- d. Whenever the building or structure or any part, 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 reasons, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fail or give way.
- e. Whenever for any reason the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- f. When the building or structure has been so damaged by wind or flood, or has become so dilapidated or deteriorated as to become attractive nuisance to children who might play therein to their danger, or as to afford harbor for vagrants, criminals or immoral persons, or to enable persons to resort thereto for the purposes of committing a nuisance or unlawful or immoral acts.
- g. Whenever any 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.

SECTION III.

It shall be unlawful for any owner or agent thereof to keep or permit to exist any building or part thereof which is a dangerous building as defined in this ordinance.

SECTION IV.

- ~~a. When the whole or any part of any building or structure is found to be in a dangerous condition, the Village Marshall shall issue a notice of the dangerous condition.~~
- ~~b. Such notice shall be directed to the owner or party in interest of the building in whose name the property appears on the last local tax assessment records of the Village.~~

~~e. The notice shall specify the time and place of a hearing on the condition of the building or structure, at which time the person to whom the notice is directed shall have the opportunity to show cause to the Village Marshall why the building or structure should not be ordered to be demolished or otherwise made safe.~~

~~d. All such notices required by this ordinance shall be in writing and shall be served upon the person to whom they are directed, or in lieu of personal service, may be mailed Certified Mail — Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records at least ten (10) 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 in a conspicuous part of the building or structure.~~

SECTION V.

~~a. At any hearing held, the Village Marshall shall take testimony of the owner of the property, and any other interested party. Upon the taking of such testimony, he shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.~~

~~b. If it is determined by the Marshall 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 of interest to comply therewith.~~

~~c. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Village Marshall shall cause a report of his findings and a copy of his order with the South Range Village Council 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 shall be served on the owner or party in interest in the manner prescribed in Section IV(d).~~

SECTION VI.

~~Upon receiving the findings and order of the Village Marshall, the South Range Village Council shall fix a date for hearing, to review the findings and order and shall give notice to the owner or party in the manner prescribed in Section IV(d) of the time and place of hearing. At the hearing, the owner or party of interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Council shall either approve, disapprove or modify the order for demolition or making safe the building or structure and establish time limits for such demolition or corrective action.~~

SECTION VII.

~~In the event of a failure or refusal of the owner or party in interest to comply with the decision of the South Range Village Council, the Council may, at its discretion, contract for the demolition or making safe of dangerous building. The cost of the demolition or making safe of the building shall be a lien against the real property and shall be reported to the assessing officer of the Village. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Village 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 thirty (30) days after the mailing by the assessor of the notice of the amount thereof, the assessor shall certify the unpaid amount on the next tax roll of the Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village.~~

SECTION VIII.

An owner or party of interest aggrieved by any final decision of the Village Council may appeal the decision or order to the Circuit Court for the County of Houghton by filing a petition for an order of superintending control within twenty-eight (28) days from the date of such decision.

SECTION IX.

a. This ordinance shall become effective on May 1, 1991.

b. This ordinance was adopted by the Village Council of the Village of South Range at a Regular Meeting thereof on the 4th day of April, 1991.

SECTIONS IV, V, VI, AND VII Repealed and amended with Ordinance 2000-1. Expanded dangerous building enforcement authority, added Administrator role, and strengthened lien and cost recovery procedures