

# TOWNSHIP OF HARTLAND

## ORDINANCE NO. 48

### DANGEROUS BUILDINGS

ADOPTED: May 6, 2003

EFFECTIVE: June 11, 2003

#### HARTLAND TOWNSHIP ORDAINS:

##### Section 1: Unlawful Conduct

It is unlawful for any owner, agent or other person in control thereof to keep or maintain any building or dwelling or part thereof which is a dangerous building as defined in this Ordinance.

##### Section 2: Definitions

- A. As used in this Ordinance, "Dangerous Building" shall mean any building or structure which has one or more of the following defects or is in one or more of the following conditions:
- (1) Any door, aisle, passageway, stairway or other means of exit does not conform to the state, county or Township Fire Code or the state, county or Township Building Code enforced within the Township.
  - (2) Any portion of the building or structure is damaged by fire, wind, flood, or by any other cause so that its structural strength or stability is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, or the state, county or Township Building Code enforced within the Township for a new building or structure, purpose or location.
  - (3) Any part of the building or structure is likely to fall or to become detached or dislodged, or to collapse and injure persons or damage property.
  - (4) Any portion of the building or structure has settled to such an extent that its walls or other structural portions have materially less resistance to wind than is required in the case of new construction

by the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, or the state, county or Township Building Code enforced within the Township.

- (5) The building or structure or any part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning of the building or structure is likely to fall or give away.
- (6) The building structure, or any part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is 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 an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, which because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, or is in a condition that the state, county or Township Building Inspector, Ordinance Enforcement Officer or health officer of the state or county determines is likely to cause sickness or disease or is likely to injure the health, safety, or general welfare of the people living in the dwelling.
- (9) 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.
- (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act 299 of the Public Acts of 1980, as amended, being Sections 339.2501 to 339.2515 of the Michigan Compiled Laws. For purposes of this subsection "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:
  - a. A building or structure as to which the owner or agent does both of the following:

- (1) Notifies the Livingston County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement by the owner or agent not more than thirty (30) days after the building or structure becomes unoccupied.
  - (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this Ordinance, the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, and the state, county or Township Building Code enforced within the Township.
- b. A secondary dwelling of the owner that is regularly unoccupied or a period of 180 days or longer each year, if the owner notifies the Livingston County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year.

An owner who has given the notice prescribed by this subsection shall notify the Livingston County Sheriff's Department not more than thirty (30) days after the dwelling no longer qualifies for this exception. As used in this subsection, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home, that is occupied by the Owner or a member of the Owner's family during part of a year.

- B. "Enforcing Agency" and "Township" shall mean the Township of Hartland.
- C. "state, county or Township Building Code" shall mean the code administered and enforced in the Township pursuant to the State Construction Commission Act, Act No. 230 of 1972, as amended.
- D. "Ordinance" shall mean the Dangerous Buildings Ordinance.
- E. "Ordinance Enforcement Officer" shall mean any officer designated under the Township's Ordinance Enforcement Officer Ordinance.

**Section 3: Notice; Contents; Hearing Officer; Filing of Notice with Hearing Officer; Service**

- A. Notice Requirement. Whenever the Township, through its Building Inspector or Ordinance Enforcement Officer, determines that the whole or any part of any building or structure is a dangerous building, as defined in Section 2, the Township Building Inspector or Ordinance Enforcement Officer shall issue a notice that the building or structure is a dangerous building.
- B. Parties Entitled to Notice. Such notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
- C. Contents of Notice. The notice shall specify the time and place of a hearing to be held before a Hearing Officer concerning whether the building or structure is a dangerous building, at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the Hearing Officer should not order the building or structure to be demolished or otherwise made safe, or properly maintained.
- D. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed personally, or by certified mail with return receipt requested, and addressed to the 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 upon a conspicuous part of the building or structure.

#### **Section 4: Hearing Officer**

The Hearing Officer shall be appointed by the Township Supervisor with the approval of the Township Board. The Hearing Officer may be removed at the discretion of the Township Board. The Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An elected official or employee of the Township shall not be appointed as a Hearing Officer.

#### **Section 5: Hearing; Testimony; Decision; Order; Nonappearance or Noncompliance; Review; Order to Show Cause; Cost**

- A. Filing of Notice. The Township shall file a copy of the notice that the building or structure is a dangerous building with the Hearing Officer.
- B. Hearing Testimony and Decision. The Hearing Officer shall take testimony of the Township Building Inspector, and/or Ordinance Enforcement Officer

or other person requested by the Enforcing Agency, the owner of the property, and any interested party. Not more than five (5) days after completion of the hearing, the Hearing Officer shall render his/her decision either closing the proceedings or ordering the building or structure to be demolished, otherwise made safe, or properly maintained.

- C. Order; Compliance with Order. If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner or party in interest to comply therewith. If the building or structure is a dangerous building under Section 2.A of this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building, including but not limited to, the maintenance of lawns, trees, and shrubs.
- D. Noncompliance with Order. If the owner or party in interest fails to appear or neglects or refuses to comply with the order issued under Section 5.C, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five (5) days after noncompliance by the owner, and request that the necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner or party in interest in the manner prescribed in Section 3 of this Ordinance.

## **Section 6: Enforcement Hearing**

The Township Board shall fix a date, not less than thirty (30) days after the hearing prescribed in Section 5 for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner or party in interest in the manner prescribed in Section 3 of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the order should not be enforced. The Township Board shall either approve, disapprove, or modify the order. If the Township Board approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner or party in interest shall comply with the order within sixty (60) days after the date of the hearing under this Section 6. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure is greater than the state equalized valuation of the building or structure, the owner or party in interest shall comply with the order of demolition within twenty-one (21) days after the date of the hearing under this Section 6.

## **Section 7: Implementation and Enforcement of Remedies**

- A. Implementation of Order by Township. In the event that the owner or party in interest does not comply with the decision of the Township Board, the Township Board may in its discretion, contract for the demolition, making safe, or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- B. Reimbursement of Costs. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure, 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 appears.
- C. Notification of Costs; Lien for Unpaid Costs. The owner or party in interest in whose name the property appears on the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or maintaining the exterior of the building, structure or grounds adjoining the building or structure, by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within thirty (30) days after mailing by the assessor of the notice of the amount of the cost, the Township shall have a lien for the cost incurred by the Township to bring the property into conformance with this Ordinance. The lien shall not take effect until notice of the lien is filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens or encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax act, Act 206 of the Michigan Public Acts of 1893, as amended, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.
- D. Court Judgment for Unpaid Costs; Lien. 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 the demolition, of making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure. The Township shall have a lien on the property for the amount of the judgment obtained pursuant to this Subsection 7.D. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over previously filed or recorded liens and encumbrances. The lien provided for in this subsection shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax act, Act 206 of the Michigan Public Acts of 1893,

as amended, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.

- E. Enforcement of Judgment. A judgment in an action brought pursuant to Subsection 7.D may be enforced against any assets of the owner including, but not limited to, the building or structure.
- F. Lien for Judgment Amount. The Township shall have a lien for the amount of a judgment obtained pursuant to Subsection 7.D of 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 whom 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 provided by law and the lien does not have priority over previously filed or recorded liens and encumbrances.

## **Section 8: Penalties**

Violations of the provisions of this Ordinance shall constitute a municipal civil infraction. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in the Hartland Township Municipal Civil Infractions Ordinance, unless otherwise specified in the Code of Ordinances. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, including attorney fees, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered. Each violation shall be considered a separate offense.

## **Section 9: Judicial Review**

An owner or party in interest aggrieved by any final decision or order of the Township Board under Section 6 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty-one (21) days from the date of the decision.

## **Section 10: Validity and Severability**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 11: Repealer Clause**

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 12: Effective Date**

This Ordinance shall be effective thirty (30) days after publication.