

CHAPTER 9
DANGEROUS BUILDINGS

Regulations to secure the public peace, health, safety, welfare, and convenience of the residents and property owners of the Township of Rives, Jackson County, Michigan, a municipal corporation, by the regulation of uncompleted, abandoned, dilapidated, or deteriorated buildings injurious to life or health, within said township; to provide penalties for the violation thereof; and to repeal all ordinances and parts of ordinances in conflict therewith.

Ord. No. 14 of 1979

SECTION 9.00 - TITLE

The provisions of this Chapter shall be known and cited as the Rives Township Dangerous Building Ordinance.

(Ord. No. 14 eff. Nov. 23, 1979, amended by Ord. No. 34 of 2002)

SECTION 9.01 - DANGEROUS BUILDING; UNLAWFUL

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in Section 9.02 of this Chapter.

SECTION 9.02 - DANGEROUS BUILDING DEFINED

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

- A.** Whenever any portion 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 P.A. 230, 1972, or any building code of the township wherein the building is located for a new building or similar structure, purpose or location.
- B.** Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- C.** Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- D.** Whenever the 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 as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.*

- E.** Whenever a building or structure used or intended to be used for dwelling purposes, 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 health officer, or is likely to work injury to the health, safety or general welfare of those living within.
- F.** 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 9.03 - NOTICE OF DANGEROUS AND UNSAFE CONDITION

- A.** When the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.
- B.** The notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last local tax assessment records.
- C.** 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.
- D.** The hearing officer shall be appointed by the Township Supervisor to serve at his pleasure. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.
- E.** All notices 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 ta records, at least 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 9.04 - DUTIES OF HEARING OFFICER; HEARING TO SHOW CAUSE; COSTS OF DEMOLITION OR MAKING BUILDING SAFE

- A.** The hearing officer shall take testimony of the enforcing agency, the owner of the property and any interested party. The hearing officer 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 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, agent or lessee to comply therewith.

- C.** If the owner, agent or lessee 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 legislative body of the township and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed in Section 9.03.
- D.** The legislative body of the township shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in Sec. 9.03 of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the legislative body of the township shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.
- E.** 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.
- F.** The owner or party in interest in whose name the property appears upon the last local tax assessment records 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 such township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by such township.

SECTION 9.05 - APPEAL

An owner aggrieved by any final decision or order of the legislative body under Sec. 9.04 may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of decision.

SECTION 9.06 - PENALTIES FOR VIOLATIONS

A person who violates any provision of this Chapter is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars, plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 600.8701 et.seq., as amended. The authorized local official is hereby authorized to issue and process municipal civil infraction citations in accordance with the Rives Township Municipal Civil Infractions Ordinance and as otherwise permitted by law. If a person is found responsible for a municipal civil infraction under this Chapter, a civil fine shall be assessed as follows:

1st offense - Minimum fine of one hundred (\$100.00) dollars and maximum of five hundred (\$500.00) dollars, plus costs;

1st repeat offense - Minimum fine of two hundred (\$200.00) dollars and maximum of five hundred (\$500.00) dollars, plus costs;

2nd repeat offense - Minimum fine of three hundred (\$300.00) dollars and maximum of five hundred (\$500.00) dollars, plus costs.

For the purpose of this section, a “repeat offense” means a second or subsequent violation of the same requirement or provision of this Chapter. Nothing in this subsection shall be interpreted as abrogating the Township’s right to proceed with an appropriate equitable action in the Jackson County Circuit Court to enjoin and/or abate any violation of the terms of this Chapter. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter. (Amended/Added by Ord. No. 34 of 2002)

SECTION 9.07 – ADOPTION HISTORY

The regulations in this Chapter were first made effective by adoption of Ordinance No. 14 on October 11, 1979 at a regular session of the Township Board. Ordinance No. 14 was amended by adoption of Ordinance No. 34 on June 4, 2002 to provide for municipal civil infraction penalties.