

ORDINANCE NO. 6
Michigamme Township Dangerous Buildings Ordinance

TOWNSHIP OF MICHIGAMME
MARQUETTE COUNTY, MICHIGAN

SECTION I: TITLE

Michigamme Township Dangerous Buildings Ordinance

SECTION II: DEFINITIONS

A. Dangerous Building

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.

1. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being section 125.401 et seq. of the Michigan Compiled Laws , or the Michigan Residential, or Building Codes for a new building or structure, purpose or location.
2. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
3. 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 Housing law of the State of Michigan, Act No.167 of the Public Acts of 1917, as amended, being Section 125.40 1 et seq. of the Michigan Compiled Laws, or the Michigan Residential or Building Codes.
4. The building or structure, or a 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 some other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is like to fall or give way.
5. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.

6. 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.

7. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, deterioration, decay, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

8. 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.

B. "Enforcing agency" means Michigamme Township, through the Township Supervisor, and/or such other official(s) or agency as may be designated by the Michigamme Township Board to enforce this ordinance.

SECTION III: PROHIBITION OF DANGEROUS BUILDINGS

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 IV: NOTICE OF DANGEROUS BUILDING; HEARING

A. Notice requirement

Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is found to be dangerous.

B. Parties entitled to notice

The notice shall be served on each owner of or party with interest in the building or structure in whose name the property appears on the last local tax assessment records of Michigamme Township.

C. Contents of notice

The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity

at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, 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 either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the Notice.

SECTION V: DANGEROUS BUILDING HEARING OFFICER; DUTIES, HEARING; ORDER

A. APPOINTMENT OF HEARING OFFICER

The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. 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 a member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

B. FILING DANGEROUS BUILDING NOTICE WITH HEARING OFFICER

The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. HEARING TESTIMONY AND DECISION

At a hearing prescribed by this Ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision, either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

D. COMPLIANCE WITH HEARING ORDER

If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section II.A.10 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, shrubs.

E. NONCOMPLIANCE WITH HEARING OFFICER ORDER/REQUEST TO ENFORCE ORDER

If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under Section V. D. of this Ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that 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, agent, or lessee in the manner prescribed in Section IV.D. of this Ordinance.

SECTION VI: ENFORCEMENT HEARING BEFORE THE TOWNSHIP BOARD

The Township Board as applicable shall fix a date not less than 30 days after the hearing prescribed in Section V.C. of this Ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent, or lessee in the manner prescribed in Section IV.D. of this Ordinance 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 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 within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board deems 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 will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section. Such demolition shall adhere to Marquette County and State of Michigan Demolition Codes.

SECTION VII: IMPLEMENTATION AND ENFORCEMENT OF REMEDIES

A. Implementation by order by Township

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board as applicable, the Township Board may, at its discretion, contract for the demolition of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of costs

The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or the 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. Notice of costs

The owner or party in interest whose name the property appears upon the last local tax assessment records shall be notified by the Township assessor of the amount of the costs of the demolition, of making the structure safe, or of maintaining the exterior of the building or structure or the grounds adjoining the building or structure, by first-class mail at the address shown on Township records.

D. Lien for unpaid costs.

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 cost, in the case of a single-family dwelling or a 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. A lien provided for in this subsection 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 No. 206 of the Public Acts of 1893, as amended, being sections 211.1 et seq. of the Michigan Compiled Laws.

E. Court Judgment for Unpaid Costs

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 or structure or grounds adjoining the building or structure. In the case of a single-family dwelling or a 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. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment

A judgment in an action brought pursuant to Section VII.E of this Ordinance may be enforced against assets of the owner other than the building or structure in question.

G. Lien for Judgment Amount

In the case of a single-family dwelling or a two family dwelling, the Township shall have a lien for the amount of a judgment obtained pursuant to Section VII.E. 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 which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed and recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION VIII: APPEAL OF TOWNSHIP BOARD

An owner aggrieved by any final decision or order of the Township Board, as applicable, under Section VI of this Ordinance 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 the decision.

SECTION IX. VIOLATIONS:

Any person who violates the provisions of this ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty. Failure to comply with this ordinance shall be enforced by Michigamme Township as described in Michigamme Township Civil Infractions Ordinance. Any non-payment of fines within a tax year shall result in said fees attached to the annual tax bill.

Section XI. SEVERABILITY

The sections of this ordinance shall be deemed severable, and should any section, clause paragraph, or provision thereof be deemed unconstitutional or contrary to the laws of the State of Michigan and thereafter voided by any court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any other part thereof other than that part or section so declared to be unconstitutional or invalid.

SECTION XII. REPEALER:

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this Ordinance shall not be construed to abrogate expressly or by implication any provision of the Michigan Construction Code. Any proceeding pending, including prosecutions for violations or actions to enforce orders for the demolition, making safe, or maintaining the exterior of a building or adjoining grounds, under any previous ordinance being repealed shall not be affected by this Ordinance and may be continued pursuant to said previous ordinance.

Michigamme Township Board

By: _____ Date July 25, 2013

Alvar Maki Township Supervisor

By: _____ Date July 25, 2013

Jean Howe Township Clerk

Township Clerk Certification

I, HEARBY CERTIFY that the above ordinance is a true copy of the ordinance adopted by the Michigamme Township Board at its meeting held on the 25th day of July, 2013.

Vote 5 ayes 0 nays

Board members voting aye Tembreull, Perry, Skytta, Howe, Maki

Board members voting nay _____

I, FURTHER CERTIFY THAT THIS ORDINANCE WAS:

Published in the Mining Journal: _____

Filed with the Marquette County Clerk: _____

Jean Howe, Township Clerk