

DANGEROUS BUILDING ORDINANCE

Ensley Township Newaygo County, Michigan Ordinance No. 06-2

Adopted: August 1, 2006
Effective: September 10, 2006

THE PURPOSE OF THE ORDINANCE IS TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE OF RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF ENSLEY, NEWAYGO COUNTY OF MICHIGAN, BY REGULATING DANGEROUS BUILDINGS OR STRUCTURES INJURIOUS TO LIFE OR HEALTH; TO PROVIDE FOR THE APPOINTMENT OF A HEARING OFFICER, TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORINANCE; TO PROVIDE FOR ASSESSMENT OF THE COST OF MAKING SAFE OR DEMOLISHING DANGEROUS BUILDINGS; AND TO REPEAL ALL ORDINANCES OR PARTS OF AN ORDINANCE THAT ARE IN CONFLICT.

THE TOWNSHIP OF ENSLEY ORDAINS:

Section 1. Title

Ensley Township Dangerous Building Ordinance.

Section 2. Definition of Terms

The following words and terms shall have the meanings stated.

- A. "Dangerous building" means any building or structure that has one or more of the following defects or conditions.
1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Ensley Township Fire Code or Ensley Township Building Code.
 2. A building or structure that does not meet the minimum requirements of the Housing Law of the State of Michigan, MCL S125.401 et.seq, PA 167, 1917, as amended, or Ensley Township Building Code for a new building, structure, purpose or location, because damage by fire, wind, flood, or other cause renders structural stability substantially less than before the event.
 3. Parts of the building or structure are likely to fall or collapse and cause injury to people or property.
 4. Portions of the building or structure have substantially less resistance to wind and snow load than required by new construction by the Ensley Township Building Code.
 5. The building or structure is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to yield, because of dilapidation, deterioration, decay, faulty construction, or from removal or movement of a portion of the ground necessary for the support.
 6. The building or structure, or a part of the building or structure is evidently unsafe for the purpose for which it is used.

7. The building or structure because of dilapidation or damage from wind, fire, or flood, becomes an attractive nuisance to children, a harbor for vagrants, criminals, or immoral persons, or the building or structure may be used for committing a nuisance or an unlawful or immoral act.
 8. A building or structure along with adjoining grounds used or intend to be used for dwelling purposes, that because of dilapidation, decay, damage, faulty construction, or arrangement is unfit for human habitation, or in a condition that the Newaygo County Health Department determines is likely to cause sickness or disease, or is likely to injure the health, safety and general welfare of people living in the dwelling.
 9. A vacant building or structure, dilapidated, exposed to the elements, and accessible by an open door or window to trespassers.
 10. A building or structure which remains unoccupied for 180 consecutive days or longer, not listed as being available for sale, lease, or rent with a real estate broker licensed under MCL S 339.2501 et seq., or not publicly offered for sale by owner. This does not apply to the following:
 - a. A building or structure as to which the owner or agent does both of the following:
 1. Notifies the Newaygo County sheriff’s Department and Ensley Township Building Inspector that the building or structure will remain unoccupied for 180 consecutive days. Notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 2. Maintain the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of the State of Michigan MCL S 125.401 et.seq. or the Ensley Township Building Code.
 - b. A secondary dwelling used by the owner or member of the owner’s family as a summer or vacation home, or hunting cabin, for less than half of the year, and that remains unoccupied for 180 consecutive days where the owner has given the notice prescribed by this subparagraph. The owner shall notify the Newaygo County Sheriff’s Department and Ensley Township Building Inspector not more than 30 days after the dwelling no longer qualifies for this exception.
 11. The term “dangerous building” also includes any sign, fence, shed, lean-to, cellar, or other structure, which becomes so rotten, broken, or dilapidated that it becomes a danger to people and property.
- B. “Enforcing Agency” means Ensley Township, through the Township Building Inspector and additional officials(s) or agency the Township Board designates to enforce this ordinance.
- C. “Ensley Township Building Code” means the building code administered and enforced by the township.

Section 3 Prohibition of Dangerous Buildings

It is unlawful for an owner or agent to keep or maintain any building or structure which is a dangerous building as defined in this Ordinance.

Section 4 Notice of Dangerous Building

- A. When a building or structure is found to be a dangerous building, the Township Building Inspector shall issue a notice to the building owner or party whose name appears on the last local tax assessment records of the Township.
- B. The notice shall specify the time and place for the hearing for the dangerous building, and information be included that the person to whom the notice is directed shall have the opportunity either in person or in writing, to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- C. All notices required by this Ordinance shall be in writing, and served upon the person to whom they are directed personally, or by Certified Mail, Return Receipt Requested, addressed to the owner or party in interest at the address shown on the tax records at least 30 days before the date of the said hearing. A copy of the notice shall be posted on a conspicuous part of the dangerous building or structure at least 30 days prior to the hearing date, in addition to personal service and mailing the notice.

Section 5 Hearing Officer

- A. A Hearing Officer shall be appointed and serve at the pleasure of the Township Board. The Ensley Township Zoning Administrator may serve as the Hearing Officer if so appointed.
- B. Notice of dangerous building shall be filed with the Hearing Officer by the Building Inspector.

Section 6 Hearing

- A. After receiving the findings and order of the Hearing Officer, the Township Board shall set a date for hearing to review the findings and order of the Hearing Officer, and shall give notice to the owner or party in interest as described in Section 4 concerning the time and place of the hearing. The hearing shall afford the owner or party in interest an opportunity to show cause why the findings and order of the Hearing Officer should not be upheld and the building or structure demolished or otherwise made safe. The Township Board, shall approve, disapprove, or modify the order for demolition or making safe of the dangerous building or structure.
- B. During the hearing, the Hearing Officer shall take testimony from the Building Inspector, the owner of the property, and any other interested party. Following testimony, the Officer shall render a decision either to close the proceedings or ordering the building or structure to be demolished or otherwise made safe.
- C. If the Hearing Officer determines that the dangerous building or structure should be demolished or otherwise made safe, the Officer shall so order, stating a time in the order with which the owner or party in interest shall comply.
- D. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Hearing Officer shall file a report of the finding along with a copy of the order with the Township Board and request that necessary action be taken to demolish or otherwise make safe the dangerous building or structure. A copy of the findings, order or the Hearing Officer, and request for action from the Township Board shall be served on the owner or party in interest in the manner described in Section 4(D)

Section 7 Implementation

- A. If determined that the dangerous building is required to be made safe, the owner shall cause the buildings to be secured as determined by the Building Inspector. At a minimum, either OSB or plywood shall be used to seal all doors, windows and secure all entry points. If not possible because of severe damage, the vicinity may be required to be fenced with appropriate signs prohibiting entry.

- B. Following a determination by the Building Inspector that the building or structure is satisfactorily secured, the owner is required within one (1) year to obtain a permit to either complete renovations to bring the building or structure to code requirements determined by the Building Inspector, or demolish the dangerous building.

Section 8 Failure to Comply

Failure or refusal of the owner or party in interest to comply with the decision of the Township Board may result in the Township Board contracting for the demolition or making safe of the dangerous building. Cost for 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. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified on the amount of the cost by first class mail at the address shown on the record. If the owner or party in interest fails to pay the lien within 30 days after mailing by the assessor of the notice of the amount, the assessor shall add the amount to the next tax roll of the Township and the amount shall be collected in the same manner as provided by law for the collection of taxes by the Township.

Section 9 Appeal: Immediate Danger

- A. Owner's or party's in interest aggrieved by the final decision of the Township Board may appeal the decision or order to the Circuit Court for the County of Newaygo by filing a petition for an order of superintending control within 20 days after the date of the decision.
- B. If the Building Inspector believes an immediate danger exists to the public because a dangerous vacant building or structure is left open to casual entry, the Building Inspector may give notice by personal service to the owner of record as shown on the current tax roll, or by leaving the notice at his or her place of residence as shown on the current tax roll, and also similarly serving any other interested persons (as shown on the tax roll) pertaining to a hearing on the matter to be held no sooner than 24 hours after implementation of service. The purpose of the hearing shall be to consider the request of the Building Inspector that the Township is authorized to go on the property expressly to board up or making the premises secure from casual entry immediately.
- C. The Hearing Officer shall consider the urgency of the matter following testimony from the Building Inspector, owner (if appearing) and other interested person who may appear as to whether a real danger exists to persons, including minors who might enter the building or structure, and whether there is evidence that unauthorized persons are or have entered the premises. Finding that an immediate danger exists by the building or structure remaining open to casual entry, the Hearing Officer may authorize work necessary to be done immediately by the Township to make the premises secure. The cost to secure the property shall be paid by the property owner within 30 days of billing by the Township. If the costs are not paid, the Township may file suit, or take other action allowed by law to compel payment.

Section 10 Severability

The provisions of the Ordinance are severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable by a court of competent jurisdiction, the remainder of the Ordinance shall continue with full force and effect.

Section 11 Repeal

This Ordinance shall not be interpreted to repeal expressly or by implication any provision of the Township Building Code; however, all ordinances or parts of ordinances in conflict with this ordinance are repealed

Section 12 Effective Date

This Ordinance shall become effective thirty (30) days after its publication, or a summary thereof, in a newspaper of general circulation within Ensley Township.

Certification of Adoption

This is to certify the above referenced Ordinance was adopted by the Ensley Township Board, at a properly advertised meeting of the Board held at the Ensley Township Hall, on August 1, 2006.

Motion to Adopt by: Richard Bergman

Supported by: John VanderMeulen

Members Voting for Adoption: Faye Folkema
 Steve Knox
 Cynthia Harwood
 John VanderMeulen
 Richard Bergman

Members Voting Against Adoption: None

By: Cynthia Harwood, Clerk

Dated: August 1, 2006