WHITE OAK TOWNSHIP
Ingham County, Michigan

Ordinance No. 18

Dangerous Buildings

An ordinance to promote the health, safety and welfare of the people of White Oak Township, Ingham County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF WHITE OAK, INGHAM COUNTY, MICHIGAN, ORDAINS :

Section I: Title

This ordinance shall be known and cited as the White Oak Township Dangerous Buildings Ordinance.

Section II: Definition of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

“Dangerous building” means any building or structure, residential or otherwise, which has one or more of the following defects or is in one or more of the following conditions:

1) A door, aisle, passageway, stairway or other means of exit does not conform to the Michigan Fire Prevention Code PA 207, as amended July 2002 or the current Michigan Mechanical, Plumbing, Building, Residential Electrical and Rehabilitation for Existing Buildings Code.

2) 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 current Michigan Mechanical, Plumbing, Building, Residential Electrical and Rehabilitation for Existing Buildings Code for a new building or structure, purpose or location.

3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.

4) 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 current Michigan Mechanical, Plumbing, Building, Residential Electrical and Rehabilitation for Existing Buildings Code.

5) 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 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 way.

6) The building or structure, or a 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, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or 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.

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 that is not currently under construction with an active White Oak Township building permit 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, Public Act 299 of 1980, (MCL 339.2501, et seq.), or is not publicly offered for sale by the owner. This subdivision 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:

i) Notifies the Township Building Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

ii) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance, the Township Zoning Ordinance, and the current Michigan Mechanical, Plumbing, Building, Residential Electrical and Rehabilitation for Existing Buildings Code.

b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Township Building 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 subparagraph shall notify the Township Building Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, “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 year.

“Enforcing agency” means this township, through the County or State Police, Township Zoning Administrator, and/or such other official(s) or agency as may be designated by the 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

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 a dangerous building.

Parties Entitled to Notice. The 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 of the township.

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.

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 10 days before the date of the hearing included in the notice.

Section V: Dangerous Building Hearing Officer; Duties; Hearing; Order

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 member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

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.

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.

Compliance with Hearing Officer 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 and shrubs.

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 IV.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: Implementation and Enforcement of Remedies

Implementation of 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 Hearing Officer as applicable, 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.

Reimbursement of Costs. The costs 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, 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.

Notice of Costs. The owner or party in interest in 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 building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the Township records.

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, Public Act 206 of 1893, as amended, (MCL 211.1, et seq.).

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 for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

Enforcement of Judgment. A judgment in an action brought pursuant to Section VI.E. of this ordinance may be enforced against assets of the owner other than the building or structure.

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 VI.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 or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Section VII: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board, as applicable, under Section VI of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than $500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section VIII: Appeal of Hearing Officer Decision

An owner aggrieved by any final decision or order of the Hearing Officer 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: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section X: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the current Michigan Mechanical, Plumbing, Building, Residential Electrical and Rehabilitation for Existing Buildings Code.

Section XI: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

WHITE OAK TOWNSHIP

By: Original signed by Dorwin Marshall

Dorwin Marshall, Supervisor

By: Original signed by Leela Vernon

Leela Vernon, Clerk

I, Leela Vernon, Clerk of the Township of White Oak, hereby certify that the foregoing Ordinance was adopted on the 11 th day of January, 2010.