

ORDINANCE 53

(Dangerous Dwellings)

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE CHARTER TOWNSHIP OF AUSABLE BY PROVIDING FOR THE REGULATION AND REMOVAL OR REHABILITATION OF DANGEROUS DWELLINGS WITHIN THE TOWNSHIP; TO ESTABLISH ADMINISTRATIVE REQUIREMENTS AND TO ESTABLISH REMEDIES AND FIX PENALTIES FOR THE VIOLATION THEREOF.

Effective September 22, 1989

THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:

SECTION 1.

This Ordinance is enacted pursuant to Act 359 of 1947, as amended, and Act 215 of 1985, as amended.

SECTION 2.

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 3.

SECTION 3.

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 door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the Township, it shall be considered that such-dwelling does not meet the requirements of this Ordinance.
- B. 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 this Ordinance or any building code of the Township for a new building or similar structure, purpose or location.
- C. Whenever any portion, member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure or damage property.
- D. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this Ordinance or the building code of the Township.
- E. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.
- F. Whenever for any reason whatsoever the building or structure or any portion is manifestly

unsafe for the purpose for which it is used.

- G. 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.
- H. Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidations, decay, damage, age, 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 District #2 Health Department, or its successors, or is likely to cause injury to the health, safety or general welfare of those living within.
- I. 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 4. NOTICE

- A. Notwithstanding any other provision of this Ordinance, 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. Such notice shall be directed to the owner, agent, or lessee or party in interest in the building in whose name the property appears on the last local tax assessment roll.
- 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 Board to serve at its 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 tax roll, 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 5.

- 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 by 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 it, 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 Township Board of the Township and request that the necessary action to 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 4.
- D. The Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer, and shall give notice of the time and place of the hearing to the owner, agent or lessee in the manner prescribed in Section 4. 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 Township Board 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 roll 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 ninety (90) days after the assessor mails the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

SECTION 6.

An owner aggrieved by a final decision or order of the Township Board under Section 5, may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

SECTION 7.

The enforcing agency is the Charter Township of AuSable

SECTION 8.

This Ordinance shall take effect 30 days after publication.

SECTION 9.

The provisions of this Ordinance are hereby declared to be severable. If any clause, section, subsection, paragraph or sentence is declared to be void or inoperable for any reason, it shall not affect any other portion of this Ordinance.

SECTION 10.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
Adopted this 19th day of September 1989.

TOWNSHIP of AuSable

Dated: September 19, 1989

John Matthews

BY: John Matthews

ITS: Supervisor

Dated: September 19, 1989

Della Schweickert

By: Della Schweickert

Its: Clerk

KJM/eps
072789

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 53 duly adopted by the Township Board of the Charter Township of AuSable, County of Iosco, Michigan, at a regular meeting held on September 19th 1989, at which all Members were present except _____ and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that Member Karen Ruedisueli moved adoption supported said of said ordinance and that Member Jean Robbins Motion.

I further certify that the following Members voted for adoption of said ordinance Ruedisueli, Matthews, Schweickert, Myles, Hall, Green and Robbins and that the following Members voted against adoption of said ordinance None.

I further certify that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

TOWNSHIP of AuSable

Dated: September 22, 1989

Della Schweickert

BY: Della Schweickert

ITS: Clerk

Dated: September 22, 1989