

TOWNSHIP OF SPRING ARBOR
DANGEROUS BUILDING ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY, WELFARE, AND CONVENIENCE FOR THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF SPRING ARBOR, JACKSON COUNTY, MICHIGAN, A MUNICIPAL CORPORATION, BY THE REGULATION OF DANGEROUS, ABANDONED, OR DETERIORATED STRUCTURES OR BUILDINGS THAT MAY BE INJURIOUS TO LIFE OR HEALTH; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

ORDINANCE NO. 36 - C

At a regular meeting of the Spring Arbor Township Board held in the Township Hall, Spring Arbor, Michigan on the 14th day of August, 2017 at 7:00 p.m. Eastern Standard Time, the following Ordinance was heard and passed:

THE TOWNSHIP OF SPRING ARBOR ORDAINS AS FOLLOWS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Spring Arbor Township Dangerous Buildings Ordinance.

SECTION 2. DANGEROUS BUILDINGS OR STRUCTURES

For purposes of this Ordinance, the following definitions shall apply:

- 2.1 A building or structure that has one (1) or more of the following defects or is in one (1) or more of the following conditions:
- a) A door, aisle, passageway, stairway, or other means of exit that does not conform to the State Fire Code, or other safety and building ordinances of the Township of Spring Arbor;
 - b) 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 this chapter or building codes of Spring Arbor Township;
 - c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property;

- d) 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 this chapter or of the building codes of Spring Arbor Township;
- e) 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;
- f) The building or structure, or part of the building or structure is manifestly unsafe for the purpose for which it is used;
- g) The building or structure is damaged by fire, wind, 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.
- h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidations, decay, damage, faulty construction, arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the Spring Arbor Township Building Inspector 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;
- i) 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; and/or
- j) Except as set forth immediately below, a building or structure that 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, being M.C.L.A. §§ 339.2501- 339.2515. For purposes of this section 2.1 (j), “building or structure” includes but is not limited to, a commercial building or structure.

2.2 This definition 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:
 1. Notifies the Spring Arbor Township Police Department and the Spring Arbor Township Building Inspector that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to Spring Arbor Township Police Department and the Spring Arbor Township

Building Inspector by the owner or agent not more than 30 days after the building or structure becomes unoccupied; and

2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this chapter or building codes of Spring Arbor Township.
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- 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 Spring Arbor Township Police Department and the Spring Arbor Township Building Inspector in whose jurisdiction the dwelling is located 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 subsection shall notify the Spring Arbor Township Police Department and the Spring Arbor Township Building Inspector not more than 30 days after the dwelling no longer qualifies for this exception. As used in this Section 2.2 (b), “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 the year

2.3 **NOTICE**

- A. Notwithstanding any other provision of this chapter, if a building or structure is found to be a dangerous building, the Spring Arbor Township Building Inspector shall issue a notice that the building or structure is a dangerous building. The notice shall be served on the owner, agent, or lessee that is registered with Spring Arbor Township. If an owner, agent, or lessee is not registered with Spring Arbor Township, 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 rolls.
- B. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- C. The hearing officer shall be appointed by the Spring Arbor Township Supervisor with the consent of the Spring Arbor Township Board 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 Spring Arbor Township shall not be appointed as hearing officer. Spring Arbor Township shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

- D. 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 on 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.

2.4 HEARING; ORDER; ENFORCEMENT.

- A. At the hearing prescribed above, the hearing officer shall take testimony of the Spring Arbor Township Building Inspector, the owner of the property, and any interested parties. Not more than 5 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.
- B. 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 2.1, 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.
- C. If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under section (B) above, the hearing officer shall file a report of the findings and a copy of the order with the Spring Arbor Township Board not more than 5 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.
- D. The Spring Arbor Township Board shall fix a date not less than 30 days after the hearing prescribed above 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 above 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 Spring Arbor Township Board shall either approve, disapprove, or modify the order. If the Spring Arbor Township Board approves or modifies the order, the Spring Arbor Township Building Inspector shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this section (D). In the case of an order of demolition, if the Spring Arbor Township Board determines 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 (D).
- E. Should the decision be made to rehabilitate or allow removal/relocation of the structure(s), the owner will be required to:

1. Present proof of ownership
 2. Post a performance bond
 - a) The bond shall be cash or from a reputable insurance or surety company
 - b) The amount of the bond shall be established by the Spring Arbor Township Board at the hearing required in Section (D) and as may be recommended by the Spring Arbor Township Building Inspector.
 3. Obtain all necessary permits and inspections and comply with all applicable codes and ordinances.
 4. Rehabilitation or removal of the structure(s) shall be completed in not more than 180 days
- F. The cost of demolition, of making the structure safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure incurred by Spring Arbor Township to bring the property into conformance with this chapter shall be reimbursed to Spring Arbor Township by the owner or party in interest in whose name the property appears
- G. The owner or party in interest in whose name the property appears upon the last tax assessment records shall be notified by the treasurer of the amount of the cost of 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 records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the Spring Arbor Township Treasurer of the notice of the amount of the cost, Spring Arbor Township shall have a lien for the cost incurred by the Township to bring the property into conformance with this chapter. 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 section (G) does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost 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, being M.C.L.A. §§ 211.1 – 211.157.
- H. In addition to other remedies under this chapter, the Spring Arbor Township may bring an action in a court of competent jurisdiction against the owner, party in interest, or lessee of the building or structure for the full costs of demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The Spring Arbor Township shall have a lien on the property for the amount of a judgment obtained pursuant to this section (H). The lien provided for in this section (H) shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

2.5 APPEALS

- A. The Spring Arbor Township Board shall hear appeals under this ordinance.

- B. A majority of the Spring Arbor Township Board constitutes a quorum. Final action of the Spring Arbor Township Board shall be only by affirmative vote of a majority of the Board members appointed and serving.
- C. A meeting of the Spring Arbor Township Board shall be held pursuant to the Open Meetings Act, Public Act 267 of 1976, being M.C.L.A. §§ 15.261 – 15.275. Public notice of the time, date, and place of meeting shall be given as required by law.
- D. A writing prepared, owned, used, and in the possession of or retained by the Spring Arbor Township Board in the performance of its official function shall be made available to the public pursuant to the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. §§ 15.231 *et seq.*
- E. An owner aggrieved by any final decision of the Spring Arbor Township Board may appeal the decision to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

2.6 PENALTY

Any person found to be in violation of this Ordinance shall be responsible for a municipal civil infraction as defined by law and shall be subject to a civil fine of not less than \$50 and not more than \$500 as determined by the court of competent jurisdiction. In addition, such person shall be deemed to be responsible for costs, which shall include all expenses which Spring Arbor Township has incurred, including attorney cost of prosecution, as a result of the municipal civil infraction. A person found to be in violation shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. The term **PERSON** shall be deemed to include partnerships, limited liability companies, corporations, and other legal entities.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

MEMBERS PRESENT: James Buck, Robert Drain, Troy Ganton, Colleen Gibbs, Dave Herlein, Caleb Runyon and Julia Stonestreet.

MEMBERS ABSENT: none

AYES: Buck, Ganton, Herlein and Stonestreet

NAYS: Drain, Gibbs and Runyon

Adopted: August 14, 2017

Effective: September 23, 2017

TOWNSHIP OF SPRING ARBOR

David Herlein, Supervisor

Julia Stonestreet, Clerk