

**ORDINANCE #226  
DANGEROUS BUILDING CONTROL**

Adopted: 08/09/94  
Effective: 08/11/94

An Ordinance to promote the health, safety and welfare of the people of the Charter Township of Bangor by defining and regulating dangerous buildings; to establish administrative requirements; and to establish remedies and fix penalties for the violation thereof.

**THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:**

**SECTION 1.** This Ordinance shall be known and cited as the Dangerous Building Control Ordinance and is enacted pursuant to 1917, Public Acts 167, as amended.

**SECTION 2.** This Ordinance is enacted by the Township to regulate Dangerous Buildings within Bangor Township.

**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;
- B. Whenever any portion of the building or structure has been damaged by fire, wind, flood or by any other cause so that its structural strength or stability is appreciably less than it was before the catastrophe and is less than the minimum requirements of the Township Building Code for a new building or similar structure, purpose or location;
- C. Whenever any part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property;
- D. Whenever any portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to wind than is required in the case of new construction by the Township Building Code;
- 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 support, 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 the building, structure or any part is manifestly unsafe for the purpose for which it is used;
- G. Whenever 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 therein to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral act;

- H. Whenever 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 determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of those living within;
- I. Whenever any building 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.
- J. Whenever a building or structure 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, Act. No. 299 of the Public Acts of 1980, being Sections 339.2501 to 339.2515 of the Michigan Compiled Laws. For purposes of this subdivision, "building or structure" indicates, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
  - 1. A building or structure as to which the owner or agent does both of the following:
    - a. Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
    - b. Maintains the exterior of the building or structure and adjoining grounds in accordance with this act or the Township building code.
  - 2. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency 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 subparagraph shall notify the law enforcement agency 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 a year.

#### **SECTION 4.**

- 1. Notwithstanding any other provision of this Ordinance, if a building or structure is found to be a dangerous building, the building inspector shall issue a notice that the building or structure is a dangerous building.

2. 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 Township tax assessment records.
3. 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 building or structure should not be ordered to be demolished, otherwise made safe, or properly maintained.
4. The hearing officer shall be appointed by the Township Supervisor to serve at his pleasure and shall be paid a reasonable sum to be set from time to time by resolution of the Township Board. The building inspector shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
5. The notice shall be in writing and shall be served upon the person to whom it is 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 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 of it shall also be posted upon a conspicuous part of the building or structure.

#### **SECTION 5.**

1. The hearing officer shall take testimony of the building inspector, 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 property maintained.
2. If the hearing officer determines that the building or structure should be demolished, otherwise made safe or properly maintained, he shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. 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.
3. 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 findings and a copy of the order with the Township Board not more than five days after noncompliance 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 or party in interest in the manner prescribed in Section 4 (5).
4. The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 4 (3) 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 4 (5) 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, it 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 subsection.

5. The cost of demolition, of making the building safe, or maintaining the exterior of the building or structure, or of grounds adjoining the building or structure shall be reimbursed to the Township.
6. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the 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 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 assessor of the notice of the amount of the cost, the Township shall have a lien for the cost incurred 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 cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Act. No. 206 of the Public Acts of 1983, being sections 211.1 to 211.157 of the Michigan Compiled Laws.
7. 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. The Township shall have a lien on the property for the amount of a judgement obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until the 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.

#### **SECTION 6.**

- A. A judgement in an action brought pursuant to Section 5 (7), above, may be enforced against assets of the owner other than the building or structure.
- B. The Township shall have a lien for the amount of a judgement obtained pursuant to Section 5 (7) 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 whom the judgement is obtained. A lien provided for in this section 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 7.** A person who fails or refused to comply with an order approved or modified by the Township Board under Section 5 within the time prescribed by that section is guilty of a misdemeanor, punishable by imprisonment for not more than 120 days, or a fine of not more than \$1,000.00, or both.

**SECTION 8.** An owner or party in interest 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 9.** This Ordinance shall be published once in the Bay City Democrat and Legal News, a newspaper circulating in Bangor Charter Township, Bay County, Michigan on or before the 11<sup>th</sup> day of August, 1994, and shall become effective on the 11<sup>th</sup> day of August, 1994.

The foregoing Ordinance was adopted at a regular meeting of the Bangor Township Board on August 9, 1994.