

**FRENCHTOWN CHARTER TOWNSHIP
DANGEROUS BUILDING ORDINANCE
Ord. No. 154; Date of Adoption: March 1990**

An Ordinance to be known as Frenchtown Charter Township "Dangerous Building Ordinance".

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

An Ordinance governing the regulation, repair and demolition of dangerous buildings in Frenchtown Charter Township. This Ordinance shall be known and cited as the Dangerous Building Ordinance of Frenchtown Charter Township.

Section 1. Purpose and Scope.

- (a) Purpose. It is the purpose of this Ordinance to provide a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the Building Code, Housing Code or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this Ordinance is not to create or otherwise establish or designate any particular class or group or persons who will or should be especially protected or benefited by the terms of this Ordinance.

- (b) Scope. The provisions of this Ordinance shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in Frenchtown Charter Township.

Section 2. Alterations, Additions and Repairs.

All buildings or structures which are required to be repaired under the provisions of this Ordinance shall be subject to the provisions of Section 104 (a) and (b) of the Building Code.

Section 3. Administration.

The Building Official and Building Inspector are hereby authorized to enforce the provisions of this Ordinance.

- (a) Inspections. The health officer, the fire marshal, the Building Official and the Building Inspector are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Ordinance.
- (b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Ordinance, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or

upon any premises any condition or ordinance violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Ordinance, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

"Authorized representative" shall include the officers named in Section 3 (a) and their authorized inspection personnel.

Section 4. Abatement of Dangerous Buildings.

All buildings or portions thereof which are determined after inspection by the hearing officer to be dangerous as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this Ordinance.

Section 5. Unlawful Conduct.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, keep or maintain any dangerous building, structure, or parcel of land which is a "dangerous building" as defined in Section 7 of this Ordinance, in violation of this Ordinance.

Section 6. Inspection of Work.

All buildings or structures within the scope of this Ordinance and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this Ordinance and Sections 305 and 306 of the Building Code.

Section 7. Definitions.

Section 7(a) - General Definitions.

For the purpose of this Ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in either this Ordinance or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1981, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Building Code is the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Dangerous Building is any building or structure deemed to be dangerous under the provisions of Section 7(b) of this code.

Housing Code is the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Section 7(b) - Dangerous Building.

For the purpose of this code, any building, structure or parcel of land which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 or more percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Township, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or township relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be use for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Section 8. Notice; Contents; Hearing Officer; Filing of Notice with Officer; Service.

1. 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.
2. Such notice shall be directed to the owner, agent or lessee in whose name the property appears on the last Frenchtown Township tax assessment records.
3. 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.
4. The hearing officer shall be appointed by the Township Supervisor subject to Township Board approval to serve at the pleasure of the Township Board. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

5. (a) 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 records, at least ten (10) days before the date of the hearing described in the notice. An owner or party in interest may waive, in writing, the time requirement for ten (10) day notice. In addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.
- (b) No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Uniform Building Code. Any person violating this Subsection shall be guilty of a misdemeanor.
6. The Building Official shall file in the office of the County Register of Deeds a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections, if any, ordered by the hearing officer pursuant to Section 9 of this Ordinance, shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Register of Deeds certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.
7. If the Building Official believes an immediate serious danger exists to the public where a vacant building or structure is left open to casual entry, he may give a notice by personal service to the owner of record as shown on the current tax roll, or by leaving such notice at his place of residence as shown on the current tax roll and also similarly serving any other interested persons (as shown on the tax bill) pertaining to a hearing on the matter to be held no sooner than twenty-four (24) hours after effecting such service.

The purpose of the hearing shall be to consider the opinion of the Building Official that the Township be authorized to go upon the property for the express purpose of boarding up or making the premises secure from casual entry immediately. After taking testimony from the owner (if he appears) and any other interested persons who may care, the Building Official shall consider the urgency of the matter, 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.

If the Building Official believes that such immediate dangers exist by the building or structure remaining open to casual entry, he may authorize such work as may be necessary, to be done immediately by the Township to make the premises secure. The cost of such work shall be paid by the property owner within thirty (30) days of billing by the Township. If such costs are not paid, the Township shall assess them against the real property in accordance with Section 9(5) of this Ordinance or take such other action as may be allowed by law to compel payment.

Amended by Ordinance No. 154-1.

Section 9. Hearing; Testimony; Decision, Order; Nonappearance or Noncompliance; Review, Order to Show Cause; Costs.

1. At the time and place set for hearing, the hearing officer shall take testimony of the enforcing agency and the person or persons to whom the notice of the hearing was directed. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
2. If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent, or lessee to comply therewith. The hearing officer may order the building to be repaired or made safe within a time period less than that time ordinarily allowed under a conventional building permit.
3. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order of the hearing officer, the Building Official or Building Inspector shall file a copy of the hearing officer's findings and order with the Frenchtown Township Board, and request that the necessary action 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 by personal service or certified mail, return receipt requested.
4. The Frenchtown Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee by personal service or certified mail, return receipt requested. 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. After the hearing, the Frenchtown Township Board shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure. The Township Board may order the building to be repaired or made safe within a time period less than that time ordinarily allowed under a conventional building permit. The Township Board may cause the building to be made safe or demolished and the materials, rubble and debris therefrom to be removed and the lot cleaned.

5. 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 of Frenchtown, who shall assess the cost against the property on which the building or structure is located.
6. The owner or party in interest in whose name the property appears upon the last Township tax assessment records 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 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of such Township of Frenchtown and the same shall be collected in the same manner in all respects as provided by law for the collection.

Section 10. Interference with Repair or Demolition Work Prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

Section 11. Authority.

This Ordinance is adopted pursuant to the authority granted under Act No. 167 of the Public Acts of 1997 being the Housing Law of Michigan.

Amended by Ordinance No. 154-2, April 10, 2007.

Section 12. Appeal of Decision.

An owner aggrieved by a final decision or order of the Township Board may appeal that 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 Board decision as provided by the Housing Law of Michigan.

Amended by Ordinance No. 154-2, April 10, 2007.

Section 13. Penalty.

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred (\$500.00) Dollars or imprisonment in the Monroe County Jail, not to exceed ninety (90) days, or both such fine and imprisonment, in the discretion of the Court.

Section 14. Repeal.

Frenchtown Charter Township Ordinance No. 114-1 is hereby repealed.

Section 15. Severability.

Should any section subdivision, sentence, clause or phrase of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of this Ordinance in whole or part thereof, other than the part so invalidated.

Section 16. Effective Date.

This Ordinance shall become effective thirty (30) days after publication in the Monroe Evening News, a newspaper having general circulation in Frenchtown Township, Monroe County, Michigan.