

TORCH LAKE TOWNSHIP ORDINANCE NO. 99- 1

TORCH LAKE TOWNSHIP DANGEROUS BUILDING ORDINANCE

Adopted: September 8, 1999

Effective: October 30, 1999

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Torch Lake, County of Houghton, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by which hearings for the making of safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide penalties for the violation of said Ordinance; to provide for assessment and recovery of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances that conflict therewith.

THE TOWNSHIP OF TORCH LAKE, HOUGHTON COUNTY, MICHIGAN ORDAINS:

SECTION I.

This Ordinance shall be known as the Torch Lake Township Dangerous Building Ordinance.

SECTION II.

As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

a. Whenever any door, aisle, passagement, stairway or other means of ingress or egress does not conform to the provisions of the BOCA National Building Code, it shall be considered that such building 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 appreciable less than it was before such a catastrophe and is less than the minimum requirements of the Housing law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, and the State Regulations adopted pursuant to said Act.

c. Whenever any portion or member or appurtenance is likely to fall or become detached or dislodged, or to collapse and thereby injure persons 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 the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended.

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. When the building or structure has been so damaged by 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 the building or structure, because of dilapidation, decay, damage or 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 health officer, or is likely to work injury to the health, safety or general welfare of those living or working 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 III.

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 and a building or part thereof that is in violation of the provisions of this Ordinance shall be deemed to constitute a nuisance.

SECTION IV.

a. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township Building Inspector shall issue a notice of the dangerous condition.

b. Such a notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.

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. All such notices required by this Ordinance 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. 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 in a conspicuous part of the building or structure.

SECTION V.

a. A hearing officer shall be appointed by the Township Board to serve at the pleasure of the Supervisor.

b. The building inspector shall file a copy of the notice of dangerous condition of any building with the hearing officer.

c. At any hearing held, the hearing officer shall take testimony of the building inspector, the owner of the property, and any other interested party. Upon the taking of such testimony, the hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

d. 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 or party of interest to comply therewith.

e. 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 his findings and a copy of his findings and a copy of his order with the Torch Lake Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section IV(d).

SECTION VI.

Upon receiving the findings and order of the hearing officer, the Torch Lake Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section IV(d) of the time and place of the hearing. At the hearing, the owner or party in interest 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 demolition or making safe the building or structure. If the Township Board approves or modifies the order, the Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner or party in interest shall comply with the order within sixty (60) days after the date of the aforesaid hearing before the Township Board. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and that the cost of repair of the building or structure will be greater than the State Equalized Value of the building or structure, the owner or party in interest shall comply with the order of demolition within thirty (30) days after the date of the aforesaid hearing before the Township Board.

SECTION VII.

In the event of failure or refusal of the owner or party in interest to comply with the decision of the Torch Lake Township Board, the Township Board may, at its discretion, contract for the demolition or making safe of the dangerous building. 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. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township 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 thirty (30) days after the mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Torch Lake 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 VIII.

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 and the Township shall have the right to bring an action seeking an Order from the Circuit Court directing the owner to comply with the Order as approved or modified by the Township Board pursuant to the provisions of Section VI hereof. The Township shall have a lien on the property for the amount of a judgment obtained pursuant to this Section. The lien provided for in this Section 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. A judgment in an action brought under this Section may be enforced against any assets of the owner.

SECTION IX.

An owner or party in interest aggrieved by any final decision of the Torch Lake Township Board may appeal the decision or order to the Circuit Court for the County of Houghton by filing a petition for an order of superintending control within thirty (30) days from the date of such decision.

SECTION X.

A person who fails or refuses to comply with an Order as approved or modified by the Township Board pursuant to Section VI hereof, within the time prescribed therein, is guilty of a civil infraction and subject to a fine of not more than \$500.

SECTION XI.

The Township Supervisor is hereby authorized to issue any citations for the violation of any of the provisions of this Ordinance.

SECTION XII.

This Ordinance repeals all ordinances or parts of ordinances that conflict therewith.

SECTION XIII.

a. This Ordinance shall become effective thirty (30) days after its publication as required by law.

b. This Ordinance was adopted by the Township Board of Torch Lake Township of Houghton County, Michigan, at a regular meeting thereof held on

September 8, 1999.



Mary M. Lanctot
Torch Lake Township Clerk