

**TOWNSHIP OF POWELL  
MARQUETTE COUNTY, MICHIGAN**

**DANGEROUS BUILDINGS ORDINANCE**

**SECTION I: TITLE**

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

**SECTION II: DEFINITION OF TERMS**

**A. Dangerous Building**

Any building or structure, residential or otherwise that has one or more of the following defects or is in one or more of the following conditions:

1. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structure strength or stability of the build or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the House law of the State of Michigan, Act No. 167 of the Public Act of 1917, as amended, being Section 125.401 et seq. of the Michigan Complied Laws, or the Michigan Residential or Building Codes for a new building or structure, purpose or location.
2. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
3. A portion of the building or structure has settled to such an extent that walls or other structure portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan act No. 167 of the Public act of 1917, as amended, being section 125.401 et seq. of the Michigan complied Laws, or the Michigan residential Buildings codes.
4. The building or structure, or a part of the building or structure because of dilapidation, deterioration, decay, faculty 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.
5. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.

6. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who 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.
  7. 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 of the county 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.
  8. 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.
- B. "Enforcing agency" means this Township, through the Township Ordinance Enforcement officer and / or such other official (s) or agency as may be designated by the Township Board to enforce this Ordinance.

### **SECTION III: PROHIBITION OF DANGEROUS BUILDINGS**

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.

### **SECTION IV NOTICE OF DANGEROUS BUILDING & HEARING**

- A. Notice requirement: Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.
- B. Parties Entitled to Notice: The notice shall be served on each owner of a party in interest in the building or structure in whose name the property appears on the last local assessment and / or tax roll of the Township.
- C. Contents of Notice: The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- D. Service of Notice: 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 assessment and / or tax roll. If a notice is served upon as 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 ten (10) days before the date of the hearing included in the notice.

## **SECTION V: DANGEROUS BUILDING HEARING OFFICER, DUTIES, HEARING, & ENFORCEMENT ORDER**

A. Appointment of Hearing Officer: The Hearing Officer shall be appointed by the Township Board to serve at their 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 the enforcing agency shall not be appointed as Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer: The enforcing agency shall file a copy of the notice of the dangerous condition of any building with Hearing Officer.

C. Hearing Testimony and Decision: At a hearing prescribed by this Ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five (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.

D. Compliance with Hearing Officer Order: If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall do 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 Section II (A.10) of this ordinance, 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.

E. Noncompliance with Hearing Officer Order / request to Enforce Order: If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section V (D) of this Ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five (5) days after noncompliance by the owner and request that necessary action be taken to enforce the order. The Hearing Officer shall file the report of the findings and a copy of the order with the Township Board 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 in the manner prescribed in Section IV (D) of this Ordinance.

## **SECTION VI: ENFORCEMENT HEARING BEFORE THE TOWNSHIP BOARD**

The Township board shall fix a date not less than thirty (30) days after the hearing prescribed in Section V © of this Ordinance for a hearing on the finding and order of the Hearing Officer and shall give notice to the owner, agent, or lessee in the manner prescribed in Section IV (D) of this Ordinance 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 approve, disapprove or modify the order. If the Township Board approves or modified the order, the Township Board 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 sixty (60) days after the date of the hearing under this section. 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 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 twenty-one (21) days after the date of the hearing under this section.

## **SECTION VII IMPLEMENTATION AND ENFORCEMENT REMEDIES**

A. Implementation of Order by Township: In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township board the township board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs: The costs 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, incurred by the Township to bring the property into conformance with the Ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

C. Notice of Costs: The owner or party in interest in whose name the property appears upon the last local assessment and / or tax rolls shall be notified by the Powell Township 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 township assessment and / or tax roll.

D. Lien for Unpaid Costs: If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the Township of the notice of the amount of the cost the township shall have a lien for the costs incurred by the township 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 the property tax liens under the General Property Tax Act, Act No. 203 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.

E. Court Judgment for Unpaid Costs: 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 judgment obtained pursuant to this subsection. The lien provided for in the subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment: A judgment in an action brought pursuant to Section VII (E) of this Ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount: In the case of a family dwelling or a two-family dwelling, the Township shall have a lien for the amount of a judgment obtained pursuant to Section VII (E) of this Ordinance 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 which the judgment is obtained. A lien provided for in this subsection 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 VIII: APPEAL OF TOWNSHIP BOARD DECISION**

An owner aggrieved by any final decision order of the township board, or the Board of Appeals, as applicable, under Section VI of this Ordinance may appeal the decision or order to the circuit court by filing a petition for an order of the superintending control within twenty (20) days from the date of the decision.

### **SECTION IX: VIOLATIONS:**

Any person who violates the provision of this ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty. Failure to comply with ordinance shall be enforced by Powell Township as described in Powell Township Civil Infraction Ordinance. Any non-payment of fines within a tax year shall result in said fees attached to the annual bill.

### **SECTION X: SEVERABILITY :**

The provision of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or enforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

### **SECTION XI: REPEAL:**

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this Ordinance shall not be constructed to abrogate expressly or by implication any provision of the Michigan Construction code. Any proceedings pending, including prosecution for violations or actions to enforce orders for the demolition, making safe, or maintaining the exterior of a building or adjoining grounds, under any previous ordinance being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinance.

**POWELL TOWNSHIP**

**EFFECTIVE DATE:**

11-20-2015

**Dangerous Building Ordinance**

**Powell Township  
PO Box 319  
Big Bay, MI 49808**

By: Darlene Turner

Date: 10-20-15

**Darlene Turner, Supervisor**

By: Linda H Gamble

Date: 10/20/15

**Linda Gamble, Clerk**