

ORDINANCE NO. 232

DANGEROUS BUILDINGS ORDINANCE

The Charter Township of Larkin ordains: An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Larkin, County of Midland, Michigan, by the regulation of dangerous buildings injurious to life or health, to provide for the means by way of hearings for the making 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 of the cost of said making safe or demolition of dangerous building; and to repeal all ordinances and parts of ordinances in conflict herewith.

Section 1. This ordinance shall be known and cited as the Larkin Township Dangerous Buildings Ordinance.

Section 2. 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 portion of a building has been damaged by fire, wind, flood, or by any other cause such as neglect or age, in such a manner that the structural strength or stability is appreciably less than the minimum requirements of the Housing Law of the State of Michigan, being PA 167 of 1917, as amended, or the Building Code of the Township of Larkin for a new building or similar structure.

B. Whenever any portion or member or appurtenance of a building is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

C. 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 PA 167 of 1917, as amended, or the Building Code of the Township of Larkin.

D. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reasons, is likely to partially or completely collapse or some portion of the foundation of underpinning is likely to fall or give way.

E. Whenever, for any reason whatsoever, the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

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F. When the building or structure has been so damaged by fire, 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.

G. 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 3. 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 4. Notices

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 dangerous condition.

B. Such 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 the hearing on the condition of the building or structure at which time and place the person to whom the notices 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 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. 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 5. Hearing.

A. A Hearing Officer shall be designated by the Larkin Township Board and to serve at the pleasure of the Larkin Township Board.

B. The Building Inspector shall file a copy of the notice of the 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 in 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 the order with the Larkin 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 4D.

Section 6. Upon receiving the findings and order of the Hearing Officer, the Larkin Township Board shall fix a date for the hearing, review 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 4D 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 Larkin Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

Section 7. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Larkin Township Board, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or to make 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 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 Larkin 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 8. An owner or party in interest aggrieved by any final decision of the Township Board may appeal the decision or order to the Circuit Court for the County of

Midland by filing a petition for an order of superintending control within (20) days from the date of such decision.

Section 9. This Ordinance repeals all ordinances or parts of ordinances in conflict therewith.

Section 10. This ordinance shall become effective Thirty (30) days after publication as required by law.

Ordinance No. 232, adopted November 10, 1998

September 30, 2004