

**OTSEGO LAKE TOWNSHIP
COUNTY OF OTSEGO
STATE OF MICHIGAN
ORDINANCE NUMBER 2007-02
DANGEROUS BUILDINGS ORDINANCE**

THE TOWNSHIP OF OTSEGO LAKE DOES HEREBY ORDAIN:

10.001 Sec. 1. **DANGEROUS BUILDING, PROHIBITIONS.**

It is unlawful for any owner or agent thereof to keep or maintain any dangerous building or part thereof as defined in Section 10.002. All such dangerous buildings shall be abated by alteration, repair, rehabilitation, demolition or removal in accordance with the procedures specified elsewhere in this Chapter.

10.002 Sec. 2. **"DANGEROUS BUILDINGS" DEFINED.**

A dangerous building is any building or structure which has any of the following defects or is in any of the following conditions:

- A. 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 appreciably less than it was before such catastrophe and is less than the minimum requirements of the Building Code applicable in the County of Otsego for a new building or similar structure, purpose or location.
- B. Whenever any portion or member or appurtenance 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 the walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Building Code applicable in the County of Otsego.
- D. 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.
- E. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- F. Whenever 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 a building or structure used or intended to be used for dwelling purposes, 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 of the Township or the County of Otsego or is likely to work injury to the health, safety or general welfare of those living within.
- H. Whenever any building or structure becomes vacant, dilapidated and open at door or window, leaving the interior of the building or structure exposed to the elements or accessible to entrance by trespassers.

10.003 Sec. 3. **COMMENCEMENT OF PROCEEDINGS.**

A representative of the Otsego County Building Department or a qualified person designated by the Township Board shall examine or cause to be examined every building or structure or portion thereof reported as unsafe or damaged, and if such is found to be a dangerous building as defined in Section 10.002, the said representative or person shall prepare a report and forward same on to the Ordinance Enforcement Officer who shall commence proceedings to cause the repair, rehabilitation, demolition or removal of the building or structure.

10.004 Sec. 4. **NOTICE AND ORDER.**

- A. The Ordinance Enforcement Officer shall issue a Notice and Order directed to the owner of record of building or structure stating the defects thereof. This notice may require the owner of the building or premises, within 48 hours, to commence either the required alterations, repairs, or improvements, or the demolition and removal of the building and structure or portions thereof, and all such work shall be completed within such period of time as the person who did the inspection under Section 10.003 shall have determined to be reasonable to accomplish the work, which said period shall be stated in the notice. If necessary, such notice shall also require the building, structure, or portion thereof, to be vacated forthwith and not to be re-occupied until the required repairs and improvements are completed, inspected, and approved by the person who performed the inspection under Section 10.003.
- B. Service of the Notice and Order shall be made upon the owner or agent by:
 - 1) Personally delivering a copy to the owner or agent; or
 - 2) Mailing a copy by certified mail, postage prepaid, return receipt requested, to the owner as indicated by the public records, including the records of the Township Treasurer and the Register of Deeds, and posting a copy thereof upon or near a part of the building or structure; or

- 3) When service cannot be made by either of the above methods and when the whereabouts of the owner and his residence are not known, publishing a copy in a newspaper at least once each week for consecutive weeks and mailing on or before the second publication a copy to the owner at his last known address.

10.005 Sec. 5. **POSTING OF SIGNS.**

The Ordinance Enforcement Officer shall cause to be posted at each entrance of such a dangerous building or structure a notice to read: "**Do not enter, unsafe to occupy**". Such notice shall remain posted until the required repairs, demolition, or removal is completed. Such notice shall not be removed without written permission of the Ordinance Enforcement Officer and no person shall enter the building except for the purpose of making the repairs required, demolishing the building or inspecting same.

10.006 Sec. 6. **FAILURE TO COMPLY; ORDER TO SHOW CAUSE, NOTICE LIS PENDENS.**

If at the expiration of any time limit in the notice provided for in Section 10.004A, the owner has not complied with the requirements thereof, the Ordinance Enforcement Officer shall report same to the Township Board who shall issue a Notice and Order to Show Cause to the owner of the building. The Notice and Order to Show Cause shall specify the conditions making the building or structure dangerous, the action necessary to alleviate the dangerous condition, and the time and place of a hearing on the condition of the building or structure. Notice shall be given to the owner in the same manner as provided in Section 10.004B. At the hearing to be conducted by the Township Board, the owner shall have the opportunity to show cause why the building or structure should not be demolished or otherwise made safe as recommended by the person who performed the inspection pursuant to Section 10.003. At the same time that the owner is notified of the show cause proceedings, the Ordinance Enforcement Officer shall file a copy of said Notice and Order with the Register of Deeds for Otsego County.

10.007 Sec. 7. **HEARING; TESTIMONY; ORDER; NON-APPEARANCE OR NON-COMPLIANCE; COSTS.**

- A. The Township Board shall conduct a public hearing in order for the owner to show cause why the determination of the person who performed the inspection under Section 10.003, as set forth in the Notice and Order to Show Cause, should not be complied with.
- B. The Township Board shall take testimony of the enforcing agency, the owner of the property and any interested party. The Township Board may inspect any building or structure or premises involved in the hearing prior to said proceedings. The Township Board shall render a written decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe.

- C. If it is determined by the Township Board that the building or structure should be demolished or otherwise made safe, it shall so order, fixing a time in the order by which the requirements of the order shall commence and be completed. The notice of the findings and order shall be given to the owner in the same manner provided in Section 10.004B.
- D. If the owner fails to comply with the decision and order provided for in Section 10.007C hereof, the Ordinance Enforcement Officer shall cause such building to be demolished or otherwise made safe. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the Township Assessor, who shall assess the cost against the property on which the building or structure is located.
- E. The owner in whose name the property appears upon the local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records; if such owner 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 Otsego Lake Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by Otsego Lake Township.

10.008 Sec. 8. **JUDICIAL REVIEW.**

An owner aggrieved by any decision or order of the Township Board may appeal the decision or order to Circuit Court by filing a petition for an order of superintending control within twenty-one (21) days from the date of the decision.

10.009 Sec. 9. **WAIVER PROVISION.**

The owner of any building may at any time admit in writing that such building is a "**dangerous building**" within the meaning of Section 10.002, waive notice, hearing, findings, order and service of the order under this Chapter, and court review of such order, and consent that said building may be demolished and the cost thereof charged against the premises, in which event the Township Board may have said building demolished and the cost charged against said premises shall be collected in the same manner as provided for in Section 10.007 of this Chapter.

10.010 Sec. 10. **EMERGENCY CASES.**

In cases where it reasonably appears that there is immediate danger to the public safety or health unless a dangerous building or structure as defined in Section 10.002 is immediately demolished or otherwise made safe, the person performing the inspection pursuant to Section 10.003 shall report such facts to the Ordinance Enforcement Officer who shall cause the immediate repair or demolition of such dangerous building or structure. The costs of such emergency repair or demolition shall be collected in the manner as provided for in Section 10.007E of this Chapter.

10.011 Sec. 11. **EFFECTIVE DATE.**

This Ordinance shall take effect after legal publication in the Gaylord Herald Times on March 28, 2007, and in accordance with applicable law and procedure.

CLERK'S CERTIFICATE

THE UNDERSIGNED, Lorraine Markovich, Clerk of Otsego Lake Township certifies that the above Ordinance No. 2007-02 entitled "Dangerous Buildings Ordinance" was adopted by the Otsego Lake Township Board at the regular meeting held on March 15, 2007, and that the vote was as follows:

FOR: Brown, Markovich, Baker, and Whyte

AGAINST: None

Lorraine Markovich, Township Clerk