

## CONSTRUCTION REGULATIONS AND HOUSING

### **103.000        DANGEROUS BUILDINGS ORDINANCE                   ORDINANCE NO. 114**

Adopted:        December 11, 1989  
Effective:       January 21, 1990

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Cooper, Kalamazoo County, 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 buildings; and to repeal all Ordinances and parts of Ordinances in conflict therewith.

#### **A.        Title**

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

#### **B.        Dangerous building defined**

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:

1.        Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the Building Code or Fire Code effective within Cooper Township, it shall be considered that such building does not meet the requirements of this Ordinance.
2.        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 Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Code of the Township for a new building or similar structure, purpose or location.
3.        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.

4. Whenever any portion has settled to such an event 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, or the Building Code of the Township.
5. 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 thereof, or for other reason, is likely to fall or give way.
6. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
7. 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 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.
8. Whenever a 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.
9. 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.
10. Whenever a building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act. 299 of the Public Acts of 1980, being Sections 339.2501 to 339.2515 of the Michigan Compiled Laws, or (if the building or structure) has not been publicly offered for sale by the owner of the building or structure during said period. For purposes of the subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
  - a. A building or structure as to which the owner or agent does both of the following:
    - (1) Notifies the Cooper Charter Township Building Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the Cooper Charter Township Building Department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this Ordinance or the Building Codes of the Charter Township of Cooper.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year will not apply, if the owner notifies the Cooper Charter Township Building Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Cooper Charter Township Building Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in the subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of the year.

11. The term "dangerous building" shall also include any sign, fence, shed, lean-to, cellar, or other structure which has become so rotted, broken, infirm or dilapidated so as to endanger persons or property.

**C. Prohibition**

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.

**D. Notice of dangerous condition**

1. 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.
2. Such notice shall be directed to the owner, agent or lessee registered with the Township pursuant to Section 125 of the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended. Or if no owner, agent or lessee is registered, then notice shall be directed to each 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.
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. 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 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 upon a conspicuous part of the building or structure at least 10 days prior to the hearing date.

**E. Hearing officer**

1. A hearing officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor.
2. The Building Inspector shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
3. 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.
4. 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.
5. 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 order with the Cooper 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 103.000 D.4.

**F. Hearing**

Upon receiving the findings and order of the hearing officer, the Cooper Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice in the manner prescribed in Section 103.000 D.4 of the time and place of such 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 of the building or structure.

**G. Failure or refusal to comply**

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Cooper 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 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 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 Cooper Township 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.

**H. Appeal**

An owner aggrieved by any final decision or order of the Township Board or the Board of Appeals, if applicable, under Section F of this Ordinance may appeal the 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 decision.

If the Building Inspector believes an immediate serious danger exists to the public where a vacant building or structure is left open to casual entry, he may give notice by personal service to the owner of record as shown on the current tax roll, or by leaving such notice at his or her place of residence as shown on the current tax roll and also similarly serving any other interested persons (as shown on the tax roll) pertaining to a hearing on the matter to be held no sooner than 24 hours after effecting such service. The purpose of the hearing shall be to consider the request of the Building Inspector 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 Building Inspector, owner (if he or she appear) and other interested persons who may appear, the hearing officer 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 hearing officer believes that such immediate dangers exist by the building or structure remaining open to casual entry, the hearing officer may authorize such work as may be necessary to be done by the Township immediately to make the premises secure. The costs of such work shall be paid by the property owner within 30 days of billing by the Township. If such costs are not paid, the Township may institute suit to collect said costs or take such other action as may be allowed by law to compel payment.

**I. Sanctions**

In addition to any other civil penalties or remedies provided for in this Ordinance, any person, firm, association, partnership, corporation or governmental entity who fails or refuses to comply with an order approved under Section E of this Ordinance, within the time prescribed by that section shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 <sup>st</sup> violation within 3 year period*	\$ 75.00	\$ 500.00
2 <sup>nd</sup> violation within 3 year period*	\$ 150.00	\$ 500.00
3 <sup>rd</sup> violation within 3 year period*	\$ 325.00	\$ 500.00
4 <sup>th</sup> violation within 3 year period*	\$ 500.00	\$ 500.00

\*determined on basis of date of violation(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Cooper Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of, less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

**J. Severability**

The provisions of this Ordinance are hereby declared to be severable and, if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**K. Effective date and Repeal**

This Ordinance took effect on January 21, 1990. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

*[Amended by Ord. No. 199, Eff. 03/18/2004]*