

# **Charter Township of Portage Houghton County, Michigan Ordinance No. 134**

Dangerous Buildings Ordinance: An ordinance to ensure the health, safety, and welfare of the people of the Charter Township of Portage, (henceforth known as the Township) Houghton County, Michigan, by regulating the maintenance of and or removal of dilapidated buildings and structures.

The objectives of this ordinance are:

- Define classes of buildings and structures and prescribe procedures for the maintenance or demolition of dilapidated buildings and structures.
- Establish administrative requirements and hearings which prescribe procedures for the maintenance or demolition of dilapidated buildings and structures.
- Establish remedies, provide for the enforcement, and fix penalties for violation of this ordinance.
- Repeal all ordinances or parts of ordinances that conflict therewith.

## **The Charter Township of Portage Ordains:**

### **I.**

#### **Definitions**

“Dangerous Building” means any building or structure that has one or more of the following defects:

1.) A door, aisle, passageway, stairway, or other means of exit does not conform to the State Fire Code, or the County Building Code, or unsecured windows and doors leave the building exposed to weathering elements or accessible to entrance by trespassers.

2.) A portion is damaged by fire, wind, flood, or other cause so that the structural strength or stability does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, the County Building Code, or the Property Maintenance Code of the State of Michigan.

3.) A portion is likely to fall, become detached, dislodged, or collapse and injure persons or damage adjacent property.

4.) A portion has settled to such an extent that the walls or other structural portions have materially less resistance to wind and other loadings than is required in the case of new construction by the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, the County Building Code, or the Property Maintenance Code of the State of Michigan.

5.) The removal or movement of the ground around the foundation or underpinnings necessary for support is likely to cause a partial or complete collapse of the building or structure.

6.) The site has become an attractive nuisance to children or a refuge for vagrants and trespassers.

7.) The Western Upper Peninsula Health Department has determined that the structure/site is unsanitary or unfit for human habitation.

8.) The site provides shelter to skunks, raccoons, rats, and other vermin.

## **II.**

### **Notice of Dangerous Building, Hearing**

A.) **Initially** – The Houghton County Building Inspector will notify by letter the tenants, the owner, and the Township that the building is a threat to the health, safety, and welfare of the citizens. The Building Inspector’s condemnation letter will also indicate what deficiencies were noted and the needed corrective measures required. The letter will state that the owners must contact the Township and outline what proposed corrective actions will be, by when the corrective actions will be taken, or by when the building will be removed; otherwise, the Township will begin administratively applying the Dangerous Buildings Ordinance Number 134.

B.) **Notice Requirement** – If no action is taken and no contact made with the Township by the responsible party/parties within **30** days, the Township shall issue notice that the building or structure is considered dangerous.

C.) **Parties Entitled to Notice** – This notice shall be served to each party holding interest in the building or structure in whose name the property appears on the tax assessment records of the Township.

D.) **Contents of Notice** – The notice shall specify the time and place of a hearing so that the person or persons to whom the notice is directed shall have the opportunity to show that the building meets code, can be rendered safe, or should not be demolished. The notice shall be in writing and shall be served in person or be sent by Certified Mail, Return Receipt Requested. The notice shall be served upon the owner or parties of interest at least **15** days before the date of the hearing referenced in the notice.

### **III.**

#### **Dangerous Building Hearing Officer, Duties, Hearing Order**

A.) **Appointment of a Hearing Officer** – The Hearing Officer shall be appointed by the Township Supervisor and the appointment confirmed by the Township Board. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, engineering, architecture, building contracting and inspection, or be a member of a community housing organization. An employee of the Township shall not be appointed to serve as a Hearing Officer, but a Board of Trustees member can be assigned additional duties to act as a Hearing officer.

B.) **Filing Dangerous Building Notice with Hearing Officer** – The Township Board shall file a copy of the notice of dangerous condition with the Hearing Officer so he can schedule the time and place for the hearing.

C.) **Hearing Testimony and Decision** – At the hearing prescribed by this ordinance, the Hearing Officer shall take testimony from the Township, the owner of the property, and any other interested party. No more than **5** days after completion of the hearing, the Hearing Officer shall render a

decision affirming the safety of the structure or ordering the building or structure demolished or otherwise made safe.

**D.) Compliance with Hearing Officer Order** – If the Hearing Officer determines that the building or structure should be demolished, or otherwise made safe, the Hearing Officer shall fix a time for the owner, agent, or lessee to comply with the order. The order may require the owner or owners or agent to maintain the exterior of the building and adjoining grounds of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.

**E.) Noncompliance with the Hearing officer/Request to Enforce Order** – If the owner, agent, or lessee fails to appear or refuses to comply with the order, the Hearing Officer shall file a report of the facts in the case, a copy of his decision, and a copy of the order with the Township Board not more than **5** days after noncompliance by the owner and request the Board take action to enforce the order in the manner prescribed in Section III. D. of this ordinance.

#### **IV.**

#### **Enforcement Hearing Before the Township Board**

The Township Board shall fix a date of not less than **20** days after the preceding judgment for a hearing on the finding and shall give notice to the owner, agent, or lessee of the date, 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 either approve, disapprove, or modify the order. If the order is modified, the owner, agent, or lessee shall comply with the order within **60** days after the date of the hearing. In the case of an order of demolition, the owner, agent, or lessee shall comply with the order of demolition within **30** days after the date of the hearing.

**V.**

**Implementation and Enforcement of Remedies**

- A.) **Implementation of Order by Township** – In the event of the failure or refusal of the owner to comply with the decision of the Township Board, the Board at its discretion may contract for the demolition, making safe, or maintenance of the building or structure or grounds adjoining the building.
- B.) **Reimbursement of Costs** – The cost to bring the property into conformity with this ordinance, plus all court costs and legal fees incurred by the Township, shall be reimbursed to the Township by the owner in whose name the property appears. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by mail/return receipt at the address shown on the Township records by the Township Clerk or Supervisor of the amount of the cost of the demolition/disposal, the repair, and the legal fees incurred.
- C.) **Lien for Unpaid Costs** – If the owner fails to pay costs stated in part B above, the Township will place a lien for all the costs and legal fees incurred by the Township to bring the property into compliance with this ordinance on the owner’s winter taxes. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien for all Township costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.
- D.) **Enforcement of Judgment** – A judgment in an action brought pursuant to Section V of this ordinance may also be enforced against the owner’s interest in all real property located in the State other than the building or structure.
- F.) **Monetary Sanctions for Nonconformance** – Any property owner who fails to comply with an order approved or modified by the Charter Township Board as applicable under Section IV within the time prescribed may also be cited for a municipal civil infraction as defined by Michigan Law and

subject to a civil fine of not more than \$500.00 plus all direct and indirect expenses which the Township has incurred. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan Law or Township Law.

## **VI**

### **Appeal of Charter Township Board Decision**

An owner aggrieved by the final decision or order by the Township Board may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 21 days from the date of the decision.

## **VII**

### **Severability**

The provisions of this ordinance are declared severable, and if any clause, sentence, word section or provision is hereafter declared void or unenforceable 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.

## **VIII**

### **Repeal**

All Ordinances, Resolutions, and Orders or “parts thereof”, in conflict with the provisions of this ordinance are hereby repealed. Each Section of this Ordinance is hereby declared to be independent, and the finding or holding of any section or subdivision hereof to be invalid or void shall not be deemed to affect the validity of any other section or subdivision of this ordinance.

**IX**

**Effective Date**

This ordinance shall take effect **30** days after publication.

This Ordinance was introduced by the Charter Township of Portage Board of Trustees on the ninth day of January, 2017.

This Ordinance is adopted by the Charter Township of Portage Board of Trustees on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CHARTER PORTAGE TOWNSHIP:

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Heidi Paoli Riutta, Clerk

ATTEST:

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Bruce Petersen, Supervisor