

Charter Township of Orion

Ordinance No. 105

Dangerous Buildings

Adopted December 6, 1993

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE CHARTER TOWNSHIP OF ORION BY PROHIBITING THE KEEPING AND MAINTAINING OF DANGEROUS BUILDINGS; TO ESTABLISH PROCEDURES FOR THE ELIMINATION OR IMPROVEMENT OF DANGEROUS BUILDINGS AS HEREIN DEFINED; TO PROVIDE FOR ORDERS FOR THE DEMOLITION, MAINTENANCE OR MAKING SAFE OF DANGEROUS BUILDINGS; TO PROVIDE FOR THE ENFORCEMENT OF SAID ORDERS; TO PROVIDE FOR THE REIMBURSEMENT TO THE CHARTER TOWNSHIP OF ORION FOR COSTS INCURRED IN THE DEMOLITION, MAINTENANCE OR MAKING SAFE OF THE DANGEROUS BUILDING; AND TO PROVIDE FOR LIENS AGAINST REAL PROPERTY IN CONNECTION WITH SUCH REIMBURSEMENT.

Section 1 - Title

This Ordinance shall be known and may be cited as the "Dangerous Buildings Ordinance" and it shall be deemed sufficient, in any actions for the enforcement of the provisions hereof, to refer to same by such title or by reference to the number hereof.

Section 2 - Definitions

- A. **"Dangerous Building"** as used in this Ordinance, means a building or structure that has one or more of the following defects or is in one or more of the following conditions:
1. A door, aisle, passageway, stairway, or other means of exit that does not conform to the approved fire code of the Township in which the building or structure is located.
 2. A part of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and the building or structure does not meet the minimum requirements of Act 167, Public Acts of 1917, as amended, or the Township Building Code.
 3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
 4. A part of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to winds than is required in the case of new construction by Act 167, Public Acts of 1917, as amended, or the Township Building Code.
 5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the purpose of support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building is likely to fall or give way.
 6. The building or structure or any portion of the building or structure is manifestly unsafe for the purpose for which it is used.
 7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might 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.
 8. A dwelling, because of dilapidation, decay, damage or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition determined by the health officer to be likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of the people living in the dwelling.
 9. A building or structure is vacant, dilapidated, and open, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
 10. A building or structure remains unoccupied for a period of one hundred eighty (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 No. 299 of the Public Acts of 1980, being sections MCL 339.2501 to MCL 339.2515 of the Michigan Compiled Laws. This subdivision does not apply to either of the following:

- a. A dwelling as to which the owner or agent does both of the following:
 - 1) Notifies the Oakland County Sheriff's Department that the building or structure will remain unoccupied for a period of one hundred eighty (180) consecutive days. The notice shall be given to the Oakland County Sheriff's Department by the owner or agent not more than thirty (30) days after the building or structure becomes unoccupied.
 - 2) Maintains the exterior of the dwelling and adjoining grounds in accordance with Act 167, Public Acts of 1917, as amended, or the Building Code of the Township.
 - b. A secondary dwelling of the owner that is regularly unoccupied for a period of one hundred eighty (180) days or longer each year, if the owner notifies the Oakland County Sheriff's Department that the dwelling will remain unoccupied for a period of one hundred eighty (180) consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Oakland County Sheriff's Department not more than thirty (30) days after the dwelling or structure 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.
- B. **"Hearing Officer"** shall be the individual appointed by the Township Supervisor in accordance with the provisions of Act 167, Public Acts of 1917, as amended, to conduct dangerous buildings hearings pursuant to this Ordinance. 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.
- C. **"Township"** shall mean the Charter Township of Orion, Oakland County, Michigan.
- D. **"Township Board"** shall mean the duly elected Board of the Township.
- E. **"Township Building Code"** shall mean any and all current Township Ordinances which enforce regulations for all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings and structures.

Section 3 - Notice of Dangerous Building

- A. Issuance of Notice. Notwithstanding any other provision of this Ordinance, if a building or structure is found to be a dangerous building, the Orion Township Building Official shall issue a notice that the building or structure is a dangerous building.
- B. Service and Posting of Notice. The Notice shall be served on the owner, agent, or lessee that is registered with the Township Building Department under the provision of Section 125 of Act 167, Public Acts of 1917, as amended. If an owner, agent, or lessee is not registered under that Section, the Notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last Township tax assessment records. 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 tax records. If a Notice is served on a 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.
- 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. The person to whom the Notice is directed shall have the opportunity to show cause at the hearing why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- D. Filing of Notice. The Township Building Official shall file a copy of the Notice that the building or structure is a dangerous building with the Hearing Officer.

Section 4 - Proceedings Before Hearing Officer

- A. Testimony. At the hearing, the Hearing Officer shall take testimony of the Township Building Official, the owner of the property, and any interested party.
- B. Decision of Hearing Officer. 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 property maintained. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order of the owner, agent, or lessee to comply with the order. If the building is a dangerous building under Section 2 (A)(10), 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.
- C. Failure to Comply with Order. If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the Order issued under Section 4 (B), 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. 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 3.

Section 5 - Proceedings Before Township Board

- A. Date and Notice of Hearing. The Township Board shall fix a date not less than thirty (30) days after the hearing prescribed in Section 4, for hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent, or lessee in the manner prescribed in Section 3 of the time and place of the hearing.
- B. Hearing. At the hearing the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced.
- C. Decision of Township Board. Following the hearing, the Township Board shall either approve, disapprove, or modify the Order. If the Township Board approves or modifies the Order, the Township Board shall take all necessary action to enforce the Order.
- D. Enforcement of 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 subsection. If the owner, agent, or lessee fails to do so, the Township Board may take all necessary actions to implement the Order and shall be authorized to allow entry onto the property. In 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 and 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 with twenty-one (21) days after the date of the hearing under this subsection. If the owner, agent, or lessee fails to do so, the Township Board may enter onto the property and take all necessary actions to implement the Order.

Section 6 - Cost Of Demolition, Collection, Lien

- A. Reimbursement of Costs. 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 incurred by the Township to bring the property into conformance with this Ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears, on the last Township tax assessment record.
- B. Notification of Costs, Lien. The owner or party in interest in whose name the property appears on the last Township tax assessment record shall be notified by the Township Assessor of the amount of the cost of the demolition, of making the building safe, or 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 records. If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the Assessor of the Notice of the amount of costs, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance.
- C. Court Action to Collect Reimbursement. In addition to other remedies under this Ordinance or provided by law, the Township may bring 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 the judgment obtained pursuant to this subsection.

- D. Enforcements Against Other Assets of Owners; Lien. A judgment in an action brought pursuant to Section 6 (C) may be enforced against assets of the owner rather than the dangerous building or structure. The Township shall have a lien for the amount of the judgment obtained pursuant to Section 6 (C) against the owner's interest in all real property located in the State of Michigan that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained.
- E. Lien Effect and Priority. Any lien provided for in this matter shall:
1. Be collected and treated in the same manner as provided for property taxes under the General Property Tax Act, Act 206 of the Public Acts of 1893, as amended, being Sections 211.1 through 211.157 of the Michigan Compiled Laws;
 2. Not take effect until Notice of the lien is filed or recorded as provided by law; and
 3. Not have priority over prior filed or recorded liens and encumbrances.

Section 7 - Penalties

A person who fails or refuses to comply with an order approved or modified by the Township Board pursuant to this Ordinance within the time prescribed by Section 5 is guilty of a misdemeanor, punishable by imprisonment for not more than one hundred twenty (120) days, or a fine of not more than One Thousand Dollars (\$1,000), or both.

Section 8 - Appeal

An owner aggrieved by any final decision or order of the Township Board pursuant to this Ordinance may appeal the decision order to the Circuit Court of the County of Oakland by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

Section 9 - Severability

Should any action, subsection, clause or phrase of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared invalid.

Section 10 - Savings

All proceedings pending all rights and liabilities existing, acquired or incurred pursuant to Orion Township Ordinance No. 84 at the time this Ordinance takes effect are saved and may be consummated according to law in force when they are commenced.

Section 11 - Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, including Ordinance No. 84 of the Township.

Section 12 - Effective Date

This Ordinance shall become effective thirty (30) days after publication, as provided by law.

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