

**KINROSS CHARTER TOWNSHIP
DANGEROUS BUILDING ORDINANCE
ORDINANCE NO. 1.122**

**CHARTER TOWNSHIP OF KINROSS
COUNTY OF CHIPPEWA, STATE OF MICHIGAN**

Adopted: January 21, 2002

Effective: February 27, 2002

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Charter Township of Kinross, County of Chippewa 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 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 herewith.

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known and cited as the Kinross Township Dangerous Building Ordinance.

SECTION 2

PURPOSE

The purpose of this ordinance is to secure the public peace, health, safety and welfare of the residents and property owners of the Charter Township of Kinross, 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 penalties for the violation of said ordinance; to provide for assessment of the cost in making safe or demolition of said dangerous buildings.

SECTION 3

DEFINITIONS OF DANGEROUS BUILDINGS

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 door, aisle, passageway, stairway or other means of ingress or egress does not conform to the approved fire code of the State of Michigan, it shall be considered that such building does not meet the requirements of this ordinance.
- B.** 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 PA 167 of 1917, as amended, for a new building or similar structure, purpose or location.
- C.** 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.
- D.** 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.
- E.** Whenever the building, 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 away.
- F.** Whenever, for any reason whatsoever, the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- G.** 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.
- H.** 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 Chippewa County Health Department, or is likely to work injury to the health, safety or general welfare of those living or working within.

- I. 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 4

COMPLIANCE

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 5

PROCEDURES FOR NOTIFICATION

- A. When the whole or any part of any building or structure is found to be in a dangerous condition, the County Building Official shall issue a notice of the 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 assessment roll 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 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.
- D. 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 (10) 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.

SECTION 6

PROCEDURES FOR HEARINGS

- A. The County Building Official shall file a copy of the notice of the dangerous condition of any building with the township, through it's designee or the Township Board.
- B. At any hearing held, the Township Board shall take testimony of the County Building Official, the Zoning Administrator, the owner of the property, and any

other interested party. Upon the taking of such testimony, the Township Board shall render its decision either closing the proceedings or ordering the building 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, they shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- D. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, a copy of such findings and order of the Township Board shall be served on the owner or party in interest in the manner prescribed in Section 5, subsection D.

SECTION 7

PROCEDURES OF THE TOWNSHIP BOARD

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Kinross Charter Township Board or designee, 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 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 owner or party in interest 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 Kinross, 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

APPEAL

An owner or party in interest aggrieved by any final decision of the Kinross Township Board may appeal the decision or order to the Circuit Court for the County of Chippewa by filing a petition for an order of superintending control within twenty (20) days from the date of such decision.

SECTION 9

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking injunctive or other relief.

Any person who violates any of the provisions of this ordinance shall be charged the cost of the demolition and/or the cost to make the building safe.

SECTION 10

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION 11

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this ordinance shall not be construed to repeal any provisions in the Kinross Charter Township Zoning Ordinance or the Township or County Building Codes.

SECTION 12

EFFECTIVE DATE

This Ordinance shall take effect on the thirtieth (30) day following publication.