

ORDINANCE NO. 200
VILLAGE OF BARAGA, MICHIGAN
DANGEROUS BUILDING ORDINANCE

The Baraga Village Council adopts this Dangerous Building Ordinance pursuant to authority vested by Sections 61.1 et seq., of the Michigan Compiled Laws.

THE VILLAGE OF BARAGA ORDAINS:

Section 1 - Definitions:

As used in this Ordinance, "dangerous condition" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- (a) If any door, aisle, passage, stairway or other means of ingress or egress does not conform with the provisions of the Michigan Residential Building Code.
- (b) If any portion has been damaged by fire, wind or flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such a catastrophe and is less than the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917 as amended, and the State Regulations adopted pursuant to that Act.
- (c) If any portion or member or appurtenance is likely to fall or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (d) If 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, Act No. 167 of the Public Acts of 1917 as amended.
- (e) If the building or structure, or any part, because of dilapidation, 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.

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- (f) If for any reason whatsoever the building or structure is or any portion is manifestly unsafe for the purpose for which it is used.
- (g) If the building or structure has been so damaged by 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) If the 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 local health officer or the Michigan Department of Community Health, or is likely to work injury to the health, safety or general welfare of those living or working within.
- (i) If the 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 2 - Unlawful Conduct:

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is in a dangerous condition as defined in this Ordinance. Any building or part thereof which is in violation of the provisions of this Ordinance shall be deemed to constitute a public nuisance.

Section 3 - Notice of Violation:

- (a) When the whole or any part of a building is found to be in a dangerous condition as defined in Section 1 above, the Village Manager shall issue a notice of the dangerous condition.
- (b) Such notice shall be directed to the owners of the building and all other interested parties as they appear on the most recent Village tax assessment records.
- (c) The notice shall specify the time and the place of a hearing on the condition of the building or structure, at which time

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and place the person or persons to whom the notice is directed shall have the opportunity to show cause to the Village Manager why the building should not be ordered demolished or otherwise made safe.

- (d) The notice required by this ordinance shall be in writing and shall be personally served upon the person or persons to whom directed at least ten (10) days before the date of the hearing described in the notice. The notice may also be served by certified mail, return receipt requested, addressed to the owner and any interested parties shown on the tax records and postmarked at least fifteen (15) days before the date of the hearing described in the notice. If any person for whom a notice is required by this ordinance is not served personally, in addition to mailing the notice as described above, a copy of the notice shall be posted in a prominent and visible location upon the building itself.

Section 4 - Show Cause Hearing:

- (a) At any hearing held pursuant to Section 3 above, the Village Manager shall take testimony and consider evidence offered by the owner of the property and any other interested party described in Section 3 above. Upon the taking of such evidence, he or she shall either close the proceedings and dismiss the notice of violation, or make findings of fact and issue an order requiring the building to be demolished or otherwise made safe.
- (b) If the decision of the Village Manager is to demolish or otherwise make safe the building, he or she shall so order and fix a time and date for the owner or other interested parties to comply with the order. An owner or other interested party aggrieved by the Village Manager's findings and order may seek a Village Council review, as described in Section 4(d) below, by filing a notice of appeal with the Village Manager within seven (7) days of the date of the Village Manager's findings and order.
- (c) If the owner or other interested party fails to appear at the show cause hearing, files a timely appeal pursuant to Section 3(b) above, or fails to comply with the Village Manager's findings and order within the time fixed therein, the Village Manager shall file a report of his or her findings and a copy of the findings and order with the Village Council and request that the Village Council take the necessary action to demolish or otherwise make the building safe. A copy of such

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report, findings and order, and request for Village Council action shall be served on the owner and other interested parties in the manner provided in Section 3(d) above.

- (d) Upon receiving the report, findings and order of the Village Manager, the Village Council shall set a date for hearing to review the findings and order and shall give notice to the owner and other interested parties of the time and place of the hearing in the manner provided in Section 3(d) above. At the hearing the owner or other interested parties shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. The Village Council shall consider any relevant evidence offered by the owner or other interested parties and either approve, disapprove or modify the order of the Village Manager. If the decision of the Village Council is to demolish or otherwise require the building to be made safe, the Village Council shall establish time limits for the demolition or making safe of the building.
- (e) An owner or other interested party aggrieved by the decision of the Village Council may appeal that decision to the Circuit Court of Baraga County by filing a petition for an order of superintending control within 20 days of the date of the Village Council's decision.

Section 5 - Enforcement:

- (a) In the event that the owner or other interested parties fail or refuse to comply with the final decision of the Village Council, or fail to take a timely appeal to the Baraga County Circuit Court, the Village Council may contract for the demolition or making safe of the dangerous building. The cost of the demolition or making safe shall be a lien against the real property and shall be reported to the assessing officer of the Village. The owner and each interested party in whose name the property appears on the last Village tax assessment records shall be notified of the amount of such cost upon its being incurred by first class mail at the address shown upon the tax records. If he or she fails to pay the same within thirty (30) days after the mailing by the assessor of the notice of the amount of such cost, the assessor shall certify the unpaid amount on the next tax roll of the Village and the same shall be collected in the same manner as provided by law for the collection of taxes by the Village.
- (b) In addition to any other remedies provided by this Ordinance

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or the laws of the State of Michigan, the Village may bring an action against the owner of the dangerous building for the full cost of the demolition or making safe of the building as ordered. Any judgment obtained pursuant to this Section may be enforced against assets of the owner other than the building, structure or lands involved. The Village shall be entitled to seek and record a lien for the amount of the judgment against the owner's interest in any and all other property owned in whole or in part by the owner of the dangerous building against whom judgment is obtained in accordance with Michigan law providing for the enforcement of judgments.

Section 6 - Repeal of Prior Ordinances:

This Ordinance repeals any and all other ordinances or parts of ordinances which conflict with the provisions contained herein.

Section 7 - Violation as Misdemeanor:

A person who fails or refuses to comply with a final order of the Village Council is guilty of a misdemeanor punishable by imprisonment in the Baraga County Jail for not more than ninety (90) days or a fine of not more than \$100.00, or by both such fine and imprisonment.

Section 8 - Severability:

It is the intent of the Baraga Village Council that the provisions of this Ordinance be severable. If any clause, sentence, paragraph, section or subsection of this Ordinance are declared void or ineffective for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section 9 - Effective Date:

This Ordinance shall become effective the fourth day of November, 2002.

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CERTIFICATION

This Ordinance was adopted by the Baraga Village Council at a regular meeting held on the 14TH day of OCTOBER, 2002 by a vote of FOUR in favor ONE opposed and ONE abstaining.

By: William P. Dyer
Village Council President

By: Dorothy J. Mayo
Village Council Clerk