

**LAPEER TOWNSHIP
DANGEROUS BUILDING
ORDINANCE NUMBER 16.1**

An ordinance to regulate dangerous buildings in the Township and to prescribe remedies for violations thereof.

THE LAPEER TOWNSHIP BOARD HEREBY ORDAINS:

Section 1. Dangerous Buildings Defined.

"Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A portion of the building or structure is damaged by fire, wind, flood, decay or dilapidation 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 does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), or the Township Building Code for a new building or structure, purpose or location.
2. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
3. 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 support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
4. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
5. 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.
6. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the Township determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

7. A building or structure is 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. Prohibition of Dangerous Buildings.

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 3. Notice of Dangerous Building; Hearing.

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the Township shall issue a notice that the building or structure is a dangerous building.

B. Parties Entitled to Notice. 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 local tax assessment records of the Township.

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 and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Township should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D. Service of Notice. 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 upon 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 10 days before the date of the hearing included in the notice.

Section 4. Board determination.

After hearing and receiving all evidence, the Township Board may, by majority vote, take any of the following action:

- (1) determine that the conditions do not constitute a nuisance;
- (2) determine that the conditions do constitute a public nuisance, and
 - (a) order the person responsible to take any steps necessary to abate the nuisance within a specified time; and/or
 - (b) direct the Township Supervisor, or his or her designee, to take any

steps necessary to abate the nuisance at the expense of the Township; and/or

- (c) where the Township abates the nuisance, direct that the costs thereof, including administrative, engineering and legal fees be specially assessed and constitute a lien upon the real property and collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended.
- (3) any other action authorized by law and reasonably calculated to secure compliance with this ordinance.

Section 5. Public nuisance; nuisance per se.

A building or structure that is deemed to be a dangerous building is hereby declared to be a public nuisance. Nothing contained in this ordinance shall preclude the Township from taking appropriate action in court to abate the nuisance.

Section 6. Violations; penalties.

In addition to any other remedies allowed herein, a violation of this ordinance is hereby designated as a municipal civil infraction and be subject to the civil fines, sanctions, remedies and procedures set forth in Ordinance No. 35.1.

Section 7. Repeal.

The Township Board hereby repeals Ordinance No. 16 in its entirety.

Section 8. Effective Date.

This Ordinance shall take effect 30 days after publication.

At a regular meeting of the Board of Trustees for the Township of Lapeer held on the 10th day of December, 2018, D. Walker moved for adoption of the foregoing ordinance and S. Jarvis seconded the motion.

Voting for: D. Walker, S. Jarvis, W. Marshall L. Taylor and P. Thick
Voting against: None

The Supervisor declared the ordinance adopted.



Scott Jarvis, Supervisor



Dawn Walker, CMC - Clerk

Certification

Dawn Walker, Lapeer Township Clerk, certifies that the foregoing is a true copy of Ordinance No. 16.1 which was enacted by the Board of Trustees of Lapeer Township at a regular meeting held on December 10, 2018 and published in the LAView Newspaper on December 20th, 2018.



Dawn M. Walker, CMC
Lapeer Township Clerk