

THE VILLAGE OF EDMORE ORDAINS
AN ORDINANCE TO ADOPT ORDINANCE NO 2014-1 "DANGEROUS BUILDINGS"
VILLAGE COUNCIL
VILLAGE OF EDMORE
MONTCALM COUNTY, MICHIGAN
Adopted: 3-10-14
Published: 4-25-14
Effective: 5-25-14

An Ordinance to authorize Village of Edmore to rehabilitate or demolish unsafe buildings within the village limits.

SECTION 1-Title

The Title of this Ordinance is the Village of Edmore Ordinance 2014-1 Dangerous Building Ordinance

SECTION 2- Repeal

The prior Dangerous Building Ordinance, Ordinance Number 245-89, is hereby repealed.

SECTION 3- Purpose

An ordinance as authorized by Section 1 of the Housing Law of Michigan, the Dangerous Building Ordinance 2014-1 is enacted to promote the health, safety and welfare of the people of the Village of Edmore, Montcalm County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

SECTION 4- Definitions:

As used in this ordinance, the following words and terms shall have the meanings stated herein:

A. Dangerous Building – A dangerous building shall mean 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 door, aisle, passageway, stairway or other means of exit does not conform to the Montcalm County Fire Code or the Montcalm County Building Code.
2. A portion 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 event 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 Michigan Residential Code (Residences), Michigan Building Code (Commercial), Michigan Rehabilitation Code for Existing Buildings, NFPA 101 National Life Safety Code current adopted edition, Montcalm County Building Code, or NFPA 72 National Fire Alarm Code as amended.
3. Any part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
4. Any portion 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 wind than is

required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), or the Montcalm County Building Code.

5. Any 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.
6. Any building or structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
7. Any 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. Any 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 Mid-Michigan District Health Department 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.
9. Any unoccupied building or structure is vacant, dilapidated and open at door or window, or otherwise left unsecure that leaves the interior of the building exposed to the elements or accessible to entrance by trespassers.
10. Any building or structure that remains unoccupied for a period of 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, Public Act 299 of 1980, (MCL 339.2501, et seq.), or is not publicly offered for sale by the owner or agent.

This subdivision does not apply to either of the following:

- a. A building or structure as to which the owner or agent thereof does both of the following:
 - (1) Notifies the Village of Edmore or Village of Edmore Police Department and will provide the necessary information such as a contact or agent if the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent thereof not more than 30 days after the building or structure becomes unoccupied.
 - (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), or the Montcalm County Building Code.
- b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Village of Edmore or Village of Edmore Police Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner or agent who has given the notice prescribed by this subparagraph shall notify the Village of Edmore or Edmore Police Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling 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. "Enforcing agency" means this village, through the Village Zoning Administrator or Ordinance Enforcement Officer or such other official(s) or agency as may be designated by the Village Council to enforce this ordinance.
- C. "Montcalm County Building Code" means the building code administered and enforced in the village pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (MCL 125.1501, et seq.).
- D. "Owner" means the party(s) holding an ownership interest in the property as recorded with the Montcalm County Register of Deeds.
- E. "Agent" means the party(s) authorized to act on behalf of the owner(s) of the property in question
- F. "Lessee" means the party(s) that is leasing the property in question.
- G. "Party in Interest" means all person(s) or legal entities that have a material or ownership interest in the property in question.

SECTION 5- 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 6- 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 enforcing agency shall issue a notice that the building or structure is a dangerous building. The notice may require the owner of the building or premises, within 30 days, to commence either the required alterations, repairs, improvements or the demolitions and removal of the building and structure or portions thereof, and all such work shall be completed with such period of the time as the enforcement agency shall determine to be reasonable to accomplish the work which said period shall be stated in the notice. If necessary, such notice shall also require the building, structure or portion thereof, to be vacated and not to be reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement agency.
- 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 county, village or 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 Hearing Officer 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 each

owner or party in interest at the address shown on the assessment records. If notice is served upon a person by certified mail or the building is unoccupied, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon each owner or party in interest and posted upon the building, if necessary, at least 10 days before the date of the hearing included in the notice.

SECTION 7- Dangerous Building Hearing Officer; Duties; Hearing; Order.

- A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Village Manager to serve at his or her pleasure. 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. An employee of the enforcing agency shall not be appointed as a Hearing Officer.
- B. Filing Dangerous Building Notice with Hearing Officer. The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony in an open meeting from the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either dismissing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- D. Compliance with Hearing Officer Order. 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 for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section 4.A.10. of this ordinance, 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.
- E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under Section 6.D. of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Village Council not more than five days after noncompliance by the owner, agent, or Lessee, 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 6.D. of this ordinance.

SECTION 8- Enforcement Hearing Before Village Council

The Village Council shall fix a date not less than 30 days after the hearing prescribed in Section 6.C. of this ordinance for a 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 6.D. of this ordinance of the 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 Village Council shall either approve, disapprove, or modify the order. If the Village Council approves or modifies the order, the Village Council shall take necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Village Council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of 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 within 21 days after the date of the hearing under this section.

SECTION 9- Implementation and Enforcement of Remedies

A. Implementation of Order by Village. In the event of the failure or refusal of the owner, agent, or lessee to comply with the decision of the Village Council, the Council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs 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 Village to bring the property into conformance with this ordinance shall be reimbursed to the Village by the owner or party in interest in whose name the property appears.

C. Notice of Costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Village Clerk of the amount of the costs 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, by first class mail at the address shown on the Village, Township or County records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the Clerk of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Village shall have a lien for the costs incurred by the Village to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be 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, (MCL 211.1, et seq.).

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Village may bring an 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. In the case of a single-family dwelling or a two-family dwelling, the village shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section 9.E. of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling the Village shall have a lien for the amount of a judgment obtained pursuant to Section 9.E. of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION 10- Sanctions for Nonconformance with Order

Any person who fails or refuses to comply with an order approved or modified by the Village Council under Section 8 of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Village has been put in connection with the violation. The violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation resulting in possible fines of up to \$10,000.

SECTION 11 - Appeal of Village Council Decision

An owner aggrieved by any final decision or order of the Village Council under Section 8 of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of notice of the decision.

SECTION 12- Severability

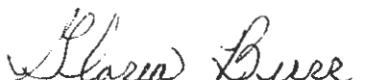
The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 13 -Effective Date and Adoption

- A. This Ordinance shall become effective thirty (30) days after its publication in a local newspaper.
- B. This Ordinance was adopted by the Village Council of the Village of Edmore, Montcalm County, Michigan at a regular meeting thereof held on the 10th day of March of the Year 2014.


Chet Guild- Village President

I, Gloria Burr, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on March 10, 2014, noticed in accordance with state law.


Gloria Burr, Clerk