

DANGEROUS BUILDING ORDINANCE
Per the “Housing Law of Michigan”, Public Act 167 of 1917, as amended, being
MCL 12.401 et seq.
TOWNSHIP OF HOWELL, MICHIGAN
Ord. No. 219

An ordinance to promote the health, safety and welfare of the people of Howell Township, Livingston County, Michigan by regulating the maintenance and safety of certain buildings and other structures; to define the classes of buildings and other structures affected by this ordinance; to establish administrative requirements and prescribe procedures for the maintenance of demolition of certain buildings and other structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance.

The Township of Howell, Livingston County, Michigan hereby ordains:

SECTION I: TITLE

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

SECTION II: DEFINITION OF TERMS

As used in this ordinance and, the following words and terms shall have the meanings stated herein. Additional Definition of terms included in The Housing Law of Michigan, Public Act 167 of 1917, as amended, being 125.401 et seq. are also made a part of this ordinance.

- A. **TYPES OF BUILDINGS REGULATED BY THIS ORDINANCE** include any house, building, structure, tent, shelter, trailer or vehicle, or portion thereof, which is occupied in whole or in part as the home, residence, living or sleeping space of one or more human beings, either permanently or transiently.
- B. **DANGEROUS BUILDING** means any building or other structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
 - a. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength is appreciably less than it was before the damage was done and does not meet the requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, being MCL 125.401 et seq., the Township Fire Code and the Livingston County Building Code for a new building or structure having the same purpose and location.
 - b. A part of the building or structure is likely to fall, become detached, dislodged or collapse and injure persons or damage property.

- c. A 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 for new construction by the Housing Law of Michigan Public Act 167 of 1917, as amended, being MCL 125.401 et seq. and the Livingston County Building Code.
- d. 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 support, or for other reason for the support, 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.
- e. The building or structure or a part of the building or structure is manifestly unsafe for the purpose for which it was designed and is used.
- f. The building or structure is damaged by fire, wind, flood or other cause, or is dilapidated or deteriorated and becomes an attractive nuisance for children or other persons for play or other purpose and be dangerous to such activities in or near the building or structure or become a building or structure used by vagrants, criminals or immoral persons, or enables persons to use the building or structure for committing a nuisance or an unlawful act.
- g. 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 Livingston County Health Officer determines that occupancy of the dwelling is likely to cause sickness or disease, or is likely to injure the health, safety or welfare of persons who might occupy or are living in the building or structure.
- h. A building or structure is vacant, dilapidated, broken, damaged and has an opened window and/or door openings, leaving the interior of the building or structure exposed to the weather elements or making it easily accessible for entrance by trespassers.

C. ENFORCING AGENCY means the Township Official designated by the Howell Township Board of Trustees to function as the Dangerous Building Administrator to enforce this ordinance.

D. HEARINGS OFFICER means the Township Official designated by the Howell Township Board of Trustees to function as the hearings Officer who shall conduct all hearings on accused violators of this ordinance. This Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor or building inspector licensed or registered by the State of Michigan.

- E. **BOARD OF APPEALS** shall be the Howell Township Board of Trustees which shall function as the Board of Appeals and adjudicate all appeals presented to it by accused violators of this ordinance.
- F. **BUILDING CODE** shall mean the Livingston County Building Code which regulates building and structure construction in Howell Township.
- G. **FIRE CODE** shall mean the Code used by the Fire Marshall designated for this purpose by the Howell Township Board of Trustees.
- H. **POLICE ASSISTANCE** shall mean the use of the Livingston County Sheriff's personnel should the need for their assistance be required in the official procedures of notifying owners of parties of interest of their violations and the issuance of documents pertinent to their case and notices requiring their presence at meetings or court appearances.

SECTION III: PROHIBITION OF DANGEROUS BUILDINGS AND STRUCTURES

It shall be unlawful for any owner or agent responsible for a building or structure to keep or maintain any building or structure or any part thereof which is or becomes a dangerous building or structure as defined in this ordinance.

SECTION IV: NOTICE OF DANGEROUS BUILDING OR STRUCTURE; HEARING

- A. **NOTICE REQUIREMENT.** Notwithstanding any other provisions of this ordinance, if a building or structure is found to be a dangerous building or structure, the Dangerous Building Administrator shall issue a notice that the building or structure is a dangerous building or structure to the parties listed in subsection B of this Section.
- B. **PARTIES TO BE NOTIFIED.** The notice shall be served to the last owner of record of the building or structure in whose name or names the property appears on the last annual Howell Township tax assessment records on file in the Howell Township Assessors Office.
- C. **CONTENTS OF NOTICE AND HEARING.** The notice shall specify what constitutes the designation of the building or structure as a dangerous building or structure and the time and place a hearing before the Hearing Officer will be held in order to give the persons receiving the notice to an opportunity to be heard as to why the Hearing Officer should not order the building or structure to be demolished or otherwise made safe and properly maintained.

D. SERVICE OF NOTICE. The notice shall be in writing and shall be served upon the persons or persons to whom the notice is directed either personally or by certified mail with a return receipt requested, addressed to the owner or party of interest at the address shown on the Howell Township tax assessment records. If a notice is served upon a person or persons by certified mail, a copy of the notice shall be posted upon a publicly conspicuous part of the building or structure. The notice shall be served upon the owner or party of interest and posted on the building or structure at least 10 days before the date of the hearing included in the notice and scheduled by the Township Board of Trustees.

SECTION V: DANGEROUS BUILDING HEARING OFFICER; DUTIES; HEARING; ORDER.

- A. APPOINTMENT OF HEARINGS OFFICER.** The Hearings Officer shall be appointed by the Township Board and confirmed by at least a majority of the Township Board of Trustees. The Enforcing Official or any of his or her employees shall not be appointed as the Hearings Officer.
- B. FILING DANGEROUS BUILDING NOTICE WITH HEARING OFFICER.** The Enforcing Official shall file a copy of the notice of the dangerous condition(s) of any building or structure with the Hearing Officer.
- C. HEARING TESTIMONY AND DECISION.** At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony from the Enforcing Official, the owner of the property, and any other interested party. Not more than 5 days after completion of the hearing, the Hearing Officer shall render a decision closing the proceedings or ordering the building or structure to be 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, lessee or other responsible person to comply with the order. If the building or structure is a dangerous building or structure as defined in this ordinance, the order may require the owner, agent or other responsible person to maintaining the exterior of the building or structure and its adjoining grounds, including the maintenance of lawns, trees and shrubs.

E. NONCOMPLIANCE WITH HEARING OFFICER ORDER/REQUEST TO ENFORCE ORDER. If the owner, agent, lessee or other responsible person fails to appear or refuses to comply with the order, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board of Trustees not more than 5 days after noncompliance by the owner, agent, lessee or other responsible person and request that necessary action be taken to enforce the order. Otherwise the owner, agent, lessee or other responsible persons may file an appeal of the order of the Hearing Officer with the Township Board of Trustees functioning as the Dangerous Building Board of Appeals, in which case the Hearing Officer shall file the report of the findings and a copy of the order with the Board of Appeals 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, lessee or other responsible person in the manner prescribed in Section IV. D. of this ordinance.

SECTION VI: ENFORCEMENT HEARING BEFORE THE TOWNSHIP BOARD OF TRUSTEES FUNCTIONING AS THE DANGEROUS BUILDING BOARD OF APPEALS.

The Dangerous Building Board of Appeals shall fix a date not less than 30 days after the date the Order issued by the Hearing Officer per Section V.C. of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent, lessee or other responsible person in the manner prescribed in Section IV. D. of this ordinance of the date, time and place of the hearing. At the hearing the owner, agent, lessee or other responsible person shall be given the opportunity to show cause why the order should not be enforced. The Board of Appeals shall either approve, disapprove or modify the order. If the Board of Appeals modifies the order, the Township Board of Trustees shall take the necessary action to enforce the approved or modified order. If the order is approved or modified, the owner, agent, lessee or other responsible person shall comply with the order within 60 days after the date of the decision the Board of Appeals renders its decision on the order and makes it available to the owner, agent, lessee or other responsible person subject to the order. If the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood, ~~or~~ other natural disaster or decayed from neglect 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, lessee or other responsible person shall comply with the order within 21 days after the date of the decision of the Board of Appeals renders its decision an makes it available to the owner, agent, lessee or other responsible person.

SECTION VII: IMPLEMENTATION AND ENFORCEMENT OF REMEDIES

- A. IMPLEMENTATION OF ORDER BY TOWNSHIP.** In the event of the failure or refusal of the owner, agent, lessee, or other responsible person to comply with the decision of the Board of Appeals may, as applicable, the Township Board of Trustees shall receive bids and contract for the demolition, making safe maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- B. REIMBURSEMENT OF COSTS.** The costs of demolition, of making the building or structure 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 by the owner or other party in interest in whose name the property appears on the Township tax assessment records.
- C. NOTICE OF COSTS.** The owner or party in interest in whose name the property appears upon the Township tax assessment records shall be notified by the Township Manager of the amount of the costs of the demolition of making the building or structure safe, or of maintaining the exterior of the building or structure or the grounds adjoining the building or structure, by first class mail at the address shown on the Township Tax Assessment 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 Township Manager of the notice of the amount of the cost, in the case of a single family dwelling or a two family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property in compliance 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 in this subsection does not have priority over previously filed or recorded liens or encumbrances. The lien for 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 being MCL 211.1 et seq.
- E. ENFORCEMENT OF JUDGEMENT.** A judgment in an action brought pursuant to Section VII. E. of this ordinance may be enforced against assets of the owner or party in interest other than the building or structure in this case.

- F. LIEN FOR JUDGMENT AMOUNT.** In the case of a single family dwelling or a two family dwelling the Township shall have a lien for the amount of the judgment obtained pursuant to Section VII. E. of this ordinance against the owner's or parties of interest's interest in all real property located in the State of Michigan that is owned in whole or in part by the owner or party in interest of the building or structure against which 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. The lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION VIII: SANCTIONS FOR NONCONFORMANCES WITH ORDER.

Any owner or party of interest who fails or refuses to comply with an order approved or modified by the Board of Appeals as applicable, under Section VI of this ordinance within the time prescribed by that Section is responsible for a civil infraction, as defined by Michigan law and is subject to a civil fine of not more than \$500, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A 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.

SECTION IX: DANGEROUS BUILDING BOARD OF APPEALS

- A. ESTABLISHMENT AND DUTIES.** The Township Board of Trustees hereby establishes the Township Board of Trustees as the Dangerous Building Board of Appeals which shall hear all of the cases and carry out all of the duties described in Section VI of this ordinance.
- B. MEMBERSHIP.** The membership of the Dangerous Building Board of Appeals shall be the elected members of the Township Board of Trustees.
- C. TERMS.** Board of Appeals members shall serve for the term for which they are elected.
- D. OFFICERS.** Board of Appeals members shall comply with the elected organization of the Township Board of Trustees.
- E. QUORUM AND FINAL ACTION VOTES.** A majority of the Board of Appeals present at a meeting constitutes a quorum.
- F. COMPENSATION AND EXPENSES.** The Township Board of Appeals shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.

G. OPEN MEETINGS ACT APPLICABLE. A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Public Act 267 of 1976, as amended being MCL 15.261 et seq. Public notice of the date, time and place of a meeting shall be given in the manner required by the Open Meetings Act.

H. FREEDOM OF INFORMATION ACT APPLICABLE. A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of its official function shall be made available to the public pursuant to the Freedom of Information Act, Public Act 442 of 1976 as amended being MCL 15.231 et. Seq.

SECTION X: APPEAL OF BOARD OF APPEALS DECISION

An owner of party of interest aggrieved by any final decision or order of the Board of Appeals, as applicable, under Section VI of this ordinance may appeal the decision or order to circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision or order.

SECTION XI: SEVERABILITY

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

SECTION XII: SUPERIORITY OF THE PROVISIONS OF THIS ORDINANCE

When there is a conflict between the provisions of this ordinance and another Township Ordinance, the provisions of this ordinance shall prevail. Provisions of the Livingston County Building Code shall not be infringed upon by any provision of this ordinance.

SECTION XIII: EFFECTIVE DATE

This ordinance shall be adopted by the Howell Township Board of Trustees and take effect 30 days after publication per the procedures required by law.