

FREEMAN TOWNSHIP ORDINANCE NO. 34

DANGEROUS STRUCTURES ORDINANCE

THE TOWNSHIP OF FREEMAN ORDAINS:

Section 1: Purpose.

An ordinance to promote the health, safety and welfare of the people of Freeman Township by providing for the regulation and removal or rehabilitation of dangerous structures within Freeman Township. To establish administrative requirements and to establish remedies and fix penalties for the violation thereof.

Section 2: Prohibition.

It is unlawful for any owner or agent thereof to keep or maintain any structure or part thereof which is a dangerous building as defined in Section 3.

Section 3: Definitions.

As used in this ordinance "dangerous structure" means any building or structure which has any of the following defects or is in any of the following conditions:

- 3.1 Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code(s) of the state of Michigan, it shall be considered that such dwelling does not meet the requirements of this ordinance.
- 3.2 Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structure strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of this ordinance or any building code(s) of the state of Michigan for a new building or similar structure, purpose or location as determined by the Freeman Township Building Inspector.
- 3.3 Whenever any portion or member or appurtenance is likely to fail or to become detached or dislodged, or to collapse and thereby injure or damage property.
- 3.4 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 this ordinance or the building code(s) of the state of Michigan.
- 3.5 Whenever the building or structure or any part, because of dilapidation, deterioration, 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

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partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

- 3.6 Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- 3.7 Whenever 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 or criminals, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts.
- 3.8 Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidations, decay, damage or age, 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 Central Michigan District Health Department, or its successors, or is likely to cause injury to the health, safety or general welfare of those living within.
- 3.9 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: Enforcing Agency.

The "Enforcing Agency" is the Freeman Township Board, or its successors. Enforcement under this section shall be the prerogative and right of the Freeman Township Board.

Section 5: Notice.

- 5.1 Notwithstanding any other provision of this ordinance, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.
- 5.2 Such notice shall be directed to the owner, agent, or lessee or party in interest in the building in whose name the property appears on the last local tax assessment records.
- 5.3 The notice shall specify the time and place of a 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.

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- 5.4 The "hearing board" shall be the Freeman Township Zoning Board of Appeals. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing board.
- 5.5 All notices 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: Findings and Order of the Hearing Board; Hearing Costs.

- 6.1 The hearing board shall take testimony of the enforcing agency, the owner of the property and any interested party. The hearing board shall render their decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- 6.2 If it is determined by the hearing 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, agent or lessee to comply therewith.
- 6.3 If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing board shall file a report of their findings and a copy of their order with the Freeman Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing board shall be served on the owner, agent or lessee in the manner prescribed in Section 5.
- 6.4 The Freeman Township Board shall fix a date for hearing, reviewing the findings and order of the hearing board and shall give notice to the owner, agent or lessee in the manner prescribed in Section 5 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 Freeman Township Board shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.
- 6.5 The cost of the demolition or making 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.
- 6.6 The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first

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class mail at the address shown on the records. If he fails to pay the same within ninety (90) 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 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 7: Appeal.

An owner aggrieved by any final decision or order of the Freeman Township Board under Section 5 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (21) days from the date of the decision.

Section 8: Severability.

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 9: Effective Date.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This ordinance becomes effective thirty (30) days after newspaper publication.

Newspaper publication date: 08/20/2015

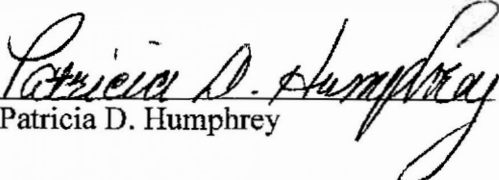
Effective Date: 09/20/2015

Adopted by the Freeman Township Board: 08/13/2015

Al Housler, Freeman Township Supervisor, Clare County, Michigan

 _____ Date 08/13/2015
Al Housler

Patricia Humphrey, Freeman Township Clerk, Clare County, Michigan

 _____ Date 08/13/2015
Patricia D. Humphrey