

VILLAGE OF MARTIN

ORDINANCE NO. 43

An Ordinance to secure the public peace, health, safety, and welfare of the residents and property owners of the Village of Martin, Allegan County, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide for assessment of the cost of making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE VILLAGE OF MARTIN, ORDAINS:

SECTION I.

1.01 SHORT TITLE: This Ordinance shall be known and cited as the Village of Martin Dangerous Buildings Ordinance.

SECTION II.

- 2.01 DEFINITIONS: As used in this ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:
- A. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the Building Codes or fire codes effective within the Village, it shall be considered that such building does not meet the requirements of this Ordinance.
 - B. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the State Construction Code, as amended, or the applicable building codes of the Village of Martin for a new building or similar structure, purpose or location.
 - C. Whenever any portion of a member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 - D. 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 the State Construction Code, as amended, or the applicable building codes of the Village of Martin.
 - E. 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 fall or give way.

- F. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- G. 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 or others who might play or enter 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.
- H. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise, in unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer of the County of Allegan, or is likely to work injury to the health, safety or general welfare of those living or working within.
- I. 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 III.

- 3.01 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 IV.

- 4.01. A. When the whole or any part of any building or structure is found to be a dangerous condition, the Village Building Inspector shall issue a notice of the dangerous condition.
- B. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Village.
- C. 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 shall not be ordered to be demolished or otherwise made safe.
- D. All such notices required by this Ordinance 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 at least ten (10) days prior to the hearing date.

SECTION V.

- 5.01 A. The Village President is hereby designated as the Hearing Officer to conduct the identified hearing.
- B. The building inspector shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
- C. At any hearing held, the hearing officer shall take testimony of the building inspector, the owner of the property, and any other interested party. Upon the taking of such testimony the hearing officer shall render his/her decision either closing the proceedings or ordering the building to be demolished or otherwise made safe. A report of the proceedings shall be provided to the Village Commission at the next regularly scheduled meeting.
- D. If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he/she shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- E. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his/her findings and a copy of the order with the Village Commission and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section 4.01 (D).

SECTION VI.

- 6.01 Upon receiving the findings and order of the hearing officer, the Village Commission shall fix a date for hearing reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section 4.01 (D) of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Village Commission shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

SECTION VII.

- 7.01 In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Village Commission, the Village Commission may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the Village Assessor who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records

of the Village shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party of interest fails to pay the same within thirty (30) 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 Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village.

SECTION VIII.

8.01 An owner or party in interest aggrieved by any final decision of the Village Commission may appeal the decision or order to the Circuit Court for the County of Allegan, by filing a petition for an order of superintending control within twenty (20) days after the date of such decision.

SECTION IX.

9.01 This Ordinance shall take effect upon publication thereof.

SECTION X.

10.01 All ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of any such conflict hereby repealed.

Passed and Approved on the 14th day of October, 1985, with the following vote:

AYES: COMMISSIONERS Brandon, Merrill, Flower, Curry, Kern,
Wykstra

NAYS: COMMISSIONERS None

ABSENT: COMMISSIONERS Hunt

Robert Brandon
Robert Brandon, President

Joyce Merrill
Joyce Merrill, Clerk

CERTIFICATE

I hereby certify that the above Ordinance, known as Ordinance No. 43, was published in the ~~UNION ENTERPRISE~~ on the 30th day of October, 1985. Wayland Globe

Joyce Merrill
Joyce Merrill, Clerk