

## ORDINANCE NO. 74-170

### Dangerous and Unsafe Building Ordinance

An Ordinance to provide for the regulation and removal of dangerous and unsafe dwellings.

WHEREAS, the presence of dangerous and unsafe dwellings constitutes an attractive nuisance to children and endangers their safety; provides harborage for vermin; creates or enhances fire hazards; causes neighborhoods to become unsightly resulting in the depreciation of property values; and adversely affects the health, safety and general welfare of the inhabitants therein:

NOW, THEREFORE, the Township of Alpine ordains:

#### Section I. Maintenance of Dangerous Buildings.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof in Alpine Township which is a "dangerous building" as defined in Section 2.

#### Section II. Definition.

As used herein "dangerous building" means any building or structure 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 exit does not conform to the approved fire code of the township it shall be considered that such dwelling does not meet the requirements of this act.

(b) Whenever any portion has been damaged by fire, flood, wind 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 requirement of this Ordinance or any building code of the township for a new building or similar structure, purpose or location.

(c) Whenever any portion or 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 this Ordinance or the building code of the township.

(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 reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning 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 designed.

(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 who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

(h) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, or 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 health officer, or is likely to work injury to the health, safety or general welfare of those living within.

(i) Whenever any building becomes vacant, dilapidated and open at any door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

### Section III. Notices.

(a) 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 building inspector shall issue a notice of the dangerous and unsafe condition.

(b) Such notice shall be directed to the owner, agent or lessee or to each owner or party in interest in the building in whose name the property appears on the last tax assessment records.

(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 should not be ordered to be demolished or otherwise made safe.

(d) The hearing officer shall be appointed by the township supervisor to serve at his pleasure. The building inspector shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(e) All notices shall be in writing and shall be served upon the person 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 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 IV. Hearings.**

(a) The hearing officer shall take testimony of the building inspector, the owner of the property if present, and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(b) If the hearing officer determines that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee to comply therein.

(c) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the 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 officer shall be served on the owner, agent, or lessee in the manner prescribed in Section 3.

(d) The township board shall fix a date for hearing to review the findings and order of the hearing officer and shall give notice to the owner, agent, lessee in the manner prescribed in Section 3 of the time and place of the hearing. At the hearing the owner, agent, lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. The township board shall either approve, disapprove or modify the order for the demolition of or making safe the building or structure.

(e) The cost incurred by the township for the demolition or making safe the building shall be a lien against the real property and shall be reported to the township supervisor who shall assess the cost against the property on which the building or structure is located.

(f) The owner or party in interest in whose name the property appears upon the last assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the supervisor of the notice of the amount thereof, the supervisor 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 V. Appeal.**

An owner aggrieved by any final decision or order of the township board under Section 4 may appeal from 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 the decision.

#### **Section VI. Penalty.**

Upon conviction of a violation of this Ordinance, violators may be fined not more than \$500.00. Each day a violation of this Ordinance continues shall constitute a separate violation.

**Section VII. Severability.**

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

**Section VIII. Adoption and Effective Date.**

(a) This Ordinance was adopted by the Township Board of Alpine Township at a regular meeting held on the 4th day of June, 1974 .

(b) This Ordinance shall be effective thirty (30) days after its publication in a newspaper of general circulation in Alpine Township.

DATED: June 4, 1974

**TOWNSHIP OF ALPINE**  
**Kent County, Michigan**

**ORDINANCE #01-04**

**AN ORDINANCE TO AMEND SECTION III, ORDINANCE NO. 67-113, ENTITLED  
“ALPINE TOWNSHIP DILAPIDATED BUILDING ORDINANCE PENALTIES”**

**THE TOWNSHIP OF ALPINE ORDAINS:**

**Section 1.** Amendment of Section III, Ordinance No. 67-113. That Section III, Ordinance No. 67-113, entitled the “Alpine Township Dilapidated Building Ordinance”, is amended to read as follows:

**Section III. Penalties**

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, two hundred fifty dollars (\$250.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

- (a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.
- (b) In addition to the imposition of such fines and penalties, any building which continues to violate the provisions of this Ordinance after the owner or occupant has been ordered by the Building Inspector of the Township to make the building comply or to demolish or remove such building, may, in the discretion of the Township Board, be made to comply or be demolished and removed by such Township Board or its agents, and the cost thereof collected from the owner or occupants of said premises. If the owner or occupant refuses to pay such costs, the same may be assessed against the property of the owner or occupants of said premises and collected in the same manner as taxes are assessed under the general laws of the State of Michigan.
- (c) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Township Ordinance designated as a municipal civil infraction.

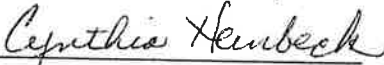
**Section 2. Severability.** The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, section or clause is found to be unlawful by a court of competent jurisdiction the remainder of the Ordinance shall not be affected.

**Section 3. Effective Date.** This Ordinance shall take effect thirty (30) days following its publication in a newspaper of general circulation in accordance to State law.

At a regular meeting held on Monday, March 19, 2001, Steffens offered a motion, with support from Schweitzer, to approve the foregoing Ordinance as presented. The Ordinance was approved as follows in a roll call vote.

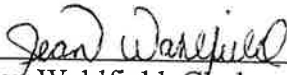
YEAS: Brechting, Chase, Heinbeck, Kober, Schweitzer, Steffens and Wahlfield.  
NAYS: None.  
ABSENT: None.

**ORDINANCE #01-04 DECLARED ADOPTED.**

  
Cindy Heinbeck, Supervisor

  
Jean Wahlfield, Clerk

I hereby certify the foregoing to be a true copy and accurate copy of an Ordinance duly adopted at a regular meeting of the Alpine Township Board of Trustees held on March 19, 2001, and that notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 197, as amended.

  
Jean Wahlfield, Clerk

Introduced: February 19, 2001  
Adopted: March 19, 2001  
Published: April 19, 2001  
Effective Date: May 19, 2001