

**ORDINANCE NO.136**  
**DANGEROUS BUILDINGS**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF DECATUR, VAN BUREN 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 PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; 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 DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:**

**Section 1: TITLE.** This Ordinance shall be known and cited as the Village of Decatur Dangerous Buildings Ordinance.

**Section 2: DANGEROUS BUILDING DEFINED.** As used in this Ordinance, the term “dangerous building” means any building or structure, residential or otherwise, which has one or more of the following defects or is in one or more of the following conditions:

- a. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the Building Code or the fire code effective within the Village of Decatur, Michigan.
- b. Whenever a portion of any building or structure has been damaged by fire, wind, flood, or by any other cause so that the structural strength or stability of the building or structure is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the Housing Law of Michigan, MCL 125.401 et. seq., as amended (MSA 5.2771) or the minimum requirements of the Building Code enforced in the Village of Decatur, Michigan.
- c. Whenever any part of a building or structure is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- d. Whenever any portion of a building or structure has settled to such an extent that walls or other structural portions have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan, or the Building Code enforced in the Village of Decatur, Michigan.
- e. Whenever the building or structure or any part thereof, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion

of the ground necessary for supporting such building or portion thereof, or for any other reason, is likely to partially or completely collapse, or if some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

- f. Whenever for any reason whatsoever the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used or is open or vacant at a door or window, leaving it exposed on the interior to the elements or accessible to entrance by trespassers.
- g. When 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 about or in such building or structure, or seek entry thereto to their danger, or when same becomes a harbor for vagrants, criminals or immoral persons, or enables persons to use it for purpose of committing a nuisance or unlawful or immoral act.
- h. Whenever a building or structure, including the adjoining grounds, because of dilapidation, decay, damage, 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 a County or State Health Officer, or is likely to cause injury to the health, safety or general welfare of those living or working within.

**Section 3: PROHIBITION.** It shall be unlawful for any owner, lessee or agent thereof, to keep or maintain any building or part thereof which is a dangerous building or structure as defined in this Ordinance. The Village may seek a Judgment against all parties in interest to enforce orders made under this Ordinance or to enjoin violations of this Ordinance and to recover costs and actual reasonable attorneys fees.

**Section 4: NOTICE OF DANGEROUS BUILDING OR STRUCTURE.**

- a. When the whole or any part of any building or structure is found to be a dangerous building or structure, the Village Building Inspector shall issue a notice of such dangerous condition.
- b. Such notice shall be directed to the 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 Village of Decatur.
- c. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building, at which time and place the person to whom the notice is directed shall have the opportunity to show cause at such hearing why the Hearing Officer should not order the building or structure to be demolished or otherwise made safe or properly maintained.
- 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 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 10 days prior to the hearing date.

**Section 5: HEARING OFFICER, TESTIMONY AND DECISION.**

- a. A hearing officer with experience in housing matters or building construction, including (but not limited to) an engineer, architect, contractor or building inspector who is not an employee of the Village shall be appointed by the Village Manager to serve at the pleasure of the Village Manager to conduct said hearing.
- b. The Village building inspector shall file, in advance, with the hearing officer, a copy of the notice(s) sent under Section 4 with Proof of Mailing or other Service thereof.
- c. At any hearing held, the hearing officer shall take evidence and testimony of the building inspector, the owner of the property, and any other interested party. Upon the conclusion of taking of such testimony the hearing officer shall render his decision within five (5) days either closing the proceeding or ordering the building or structure to be demolished or otherwise made safe or properly maintained by the owners.
- d. If it is determined by the hearing officer that the building or structure has a dangerous condition and should be demolished or otherwise maintained or made safe, the hearing officer shall so order, fixing a time in the order not exceeding ninety (90) days, for the owner or party in interest to comply therewith.
- e. If the owner or party in interest fails to appear for the hearing or neglects 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 Decatur Village Council, not more than five (5) days after noncompliance by the owner, and request that the necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall also be served on the owner or party in interest in the manner prescribed in Section 4 subparagraph d of this Ordinance.

**Section 6: HEARING BEFORE VILLAGE COUNCIL.** Upon receiving the findings and order of the hearing officer, the Decatur Village Manager or Clerk shall fix a date for hearing, not less than thirty (30) days after the prior hearing, to review 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 subparagraph d of this Ordinance, of the time and place of the hearing. At the hearing before the Village Council, the owner or party in interest 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 for demolition or making the building or structure safe or properly maintained. If the order is approved or modified the owner or party in interest shall comply with the order within sixty (60) days after the date of this hearing. In the case of an order of demolition if the Decatur Village Council determines that the building or structure has been substantially destroyed by fire,

wind, flood, or other natural disaster and the costs of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner or party in interest shall comply with the order of demolition within twenty-one (21) days after the date of said hearing. The aforesaid dates of compliance in this Section may be extended by the Decatur Village Council upon a showing of good cause. .

**Section 7: FAILURE OR REFUSAL TO COMPLY; LIEN AGAINST PREMISES.** In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Decatur Village Council, the Council may, in its discretion, contract for the demolition or making the building or structure safe or properly maintained. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Village of Decatur shall be liable for all costs, and shall be notified by the Decatur Village assessor of the amount of such costs by first class mail mailed to the address shown on the records. If the owner or party in interest fails to pay such costs within thirty (30) days after such mailing the Village of Decatur shall have a lien for the costs incurred by said Village to bring the property into conformance with this Ordinance. Said lien shall not take effect until the notice of the lien has been recorded with the Register of Deeds for Van Buren County, Michigan, and same will not have priority over a previously recorded bonafide Mortgage or encumbrance. The lien for such costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act (Act Number 206 of the Public Acts of 1893, being Sections 211.1 to 211.157 of the Michigan Compiled Laws), and the Decatur Village assessor shall add such lien to the next tax roll of the Village of Decatur and the same shall be collected in the same manner in all respects as provided by the law for the collection of taxes by the Village.

**Section 8: JUDICIAL REVIEW.** An owner or party in interest aggrieved by any final decision of the Decatur Village Council may appeal the decision or order to the Circuit Court for the County of Van Buren by filing a petition for an order of superintending control within twenty (20) days after the date of such decision or order.

**Section 9: ACTION AGAINST OWNER; LIEN ON PROPERTY.** In addition to other remedies under this Ordinance the Village of Decatur may bring an action against the owner of the building or structure for the full cost of the demolition, or of making the building or structure safe or properly maintained, together with costs of said action and actual reasonable attorney fees. If a Judgment is obtained the Village of Decatur shall have a lien against such property for the amount of said Judgment and against the owner's interest in all real property located in the State of Michigan that is owned in whole or in part by the owner of the building or structure against whom the Judgment is obtained. The lien provided for in this Section does not take effect until notice of the lien is filed or recorded as provided by law, and said lien does not have priority over prior recorded bonafide liens and encumbrances. Further said Judgment may be enforced against other assets of the owner.

**Section 10: NON-COMPLIANCE WITH ORDER; MISDEMEANOR.** Any person who fails or refuses to comply with an order approved or modified by the Decatur Village Council within the time prescribed in the Ordinance, or in said order, shall be guilty of a misdemeanor, punishable by imprisonment for not more than 120 days, or a fine of not more than \$1,000.00, or both in the discretion of the Court.

**Section 11: REPEAL CLAUSE.** All Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 12: SEVERABILITY.** Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 13: EFFECTIVE DATE.** This Ordinance shall become effective the 18<sup>th</sup> day of December, 2000.

Adopted by the Village Council of the Village of Decatur, Michigan this 6th day of November, 2000.