

**NEW BUFFALO TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

DANGEROUS OR UNSAFE BUILDING ORDINANCE

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE IN NEW BUFFLO TOWNSHIP BY REGULATING THE LIGHT AND VENTILATION, SANITATION, FIRE PROTECTION, MAINTENANCE, ALTERATION AND IMPROVEMENT OF BUILDINGS; TO ESTABLISH ADMINISTRATIVE REQUIREMENTS AND TO ESTABLISH REMEDIES AND FIX PENALTIES FOR THE VIOLATION FOR THE VIOLATION THEREOF.

Section 1. Unlawful Conduct. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous or unsafe building as defined in Section 2. of this Ordinance.

Section 2. Definition. “Dangerous or unsafe 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 community wherein the property lies, it shall be considered that such dwelling 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 any Township Ordinance or State law 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 ordinance of the Township where the building is located.
- (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 partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away.
- (F) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used or is intended to be 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 who might play herein 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, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is in a condition that is likely to cause sickness or disease when so determined by the health officer, welfare of those living 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 3. Notice; Contents; Hearing Officer; Filing of Notice with Officer; Service.

- (1.) When the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the Township Building Inspector shall issue a notice of dangerous and unsafe condition.
- (2.) Such notice shall be directed to the owner, agent or lessee if registered with the Township Clerk for that purpose. If no owner, agent or lessee has been registered, then such notice shall be directed to each owner of or party in interest in the building in whose name that certain real property appears on the last local tax assessment records.
- (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.
- (4.) A hearing officer shall be appointed by the Township Supervisor to serve at the pleasure of said Supervisor. The Township Clerk shall file a copy of the notice of dangerous and unsafe condition with the hearing officer.
- (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 most recent Township tax records, at least ten (10) days before the date of hearing described in the notice. If any person to whom a notice is directed, is not personally served, in addition to mailing such notice, a copy thereof shall be posted upon a conspicuous part of the building or structure at least ten (10) days before said date of hearing.

Section 4. Hearing; Testimony; Decision; Order; Nonappearance or Noncompliance; Review; Order to Show Cause; Costs.

- (1.) The hearing officer shall take testimony and evidence presented by the enforcing Township officials, the owner of the property and any interested party, and shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- (2.) If it is determined by the hearing officer 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 therewith.
- (3.) 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 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 herein.
- (4.) The Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 3 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 building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure and enter its order to that effect.
- (5.) The cost of the demolition or making the building safe shall be a lien against that real property which has been demolished or made unsafe, and shall be reported to the assessing officer of the Township, who shall assess such cost against that real property, including that parcel of land upon which the building or structure is located.
- (6.) The owner or party in interest in whose name the real property appears upon the most recent Township tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on such records. If such owner or party in interest fails to pay the same within thirty (30) days after mailing by the assessor of notice of the amount thereof, the assessor shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

Section 5. Judicial Review. An owner or party in interest aggrieved by any final decision or order of the Township Board may appeal the decision or order to the Berrien County Circuit Court by filing a petition for an order of superintending control within twenty (20) days after the date of service upon such owner or party in interest of a copy of such decision or order as provided in Section 3 hereof.

Section 6. Penalties for Violations. Any person, firm, or corporation who violates any of the provisions of this ordinance shall, in addition to the other provisions of this Ordinance, be deemed guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment in the County Jail, not to exceed ninety (90) days, or by both such fine and imprisonment. Each day a violation continues to exist shall constitute a separate offense.

Section 7. Authority. This Ordinance is enacted according to the statutes and laws of the State of Michigan, including but not limited to the provisions of Act 246 of 1945 and Act 185 of 1943, and also adopts as though fully set out herein the provisions of Act 61 of 1969.

Section 8. Conflicting Ordinance. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 9. Other Remedies. The foregoing remedies and penalties are in addition to all other rights and powers of the Township to proceed at law or equity with other and additional appropriate remedies.

Section 10. Validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 11. Effective Date. This Ordinance shall be effective on the 19th day of January, 1970.

A motion that said Ordinance be enacted was made by Treasurer Marie A. Pitts, and supported by Trustee John R. Rohde.

Votes:

Yes: Durlin, Pitts, Rohde, Royce, Valvoda

No: None