

# **ORDINANCE #224**

## **VILLAGE OF SPRINGPORT JACKSON COUNTY MI**

### **CONDEMNATION AND ABATEMENT OF DANGEROUS BUILDINGS**

#### **THE VILLAGE OF SPRINGPORT ORDAINS:**

#### **DETERMINATIONS BY VILLAGE - DILAPIDATED BUILDINGS:**

It is hereby determined that dilapidated or deteriorated buildings within the Village tend to result in the increase in criminal activity, the spread of vermin and disease, and is contrary to public peace, health, safety, and general welfare of the community.

#### **SECTION I - DEFINITIONS.**

- A. Building:** Any building, whether residential, commercial or otherwise.
- B. Building structure:** Building structure means the foundations, floor/ceiling slabs, roofs, exterior walls, exterior glass and mullions, columns, beams, shafts (including elevator shafts), stairs, stairwells, elevators, building mechanical, electrical and telephone closets, common areas, public areas, and any other structural components in the building.
- C. Dangerous Building:** Any building which has one (1) or more of the following conditions:
  - (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the fire code.
  - (2) A portion of the building is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building is appreciably less than it was before the catastrophe and does not meet the minimum requirements of this ordinance, the building code, or other ordinance.
  - (3) A part of the building is likely to fall, become detached, dislodged, or collapse and injure persons or damage property.
  - (4) A portion of the building has settled to such an extent that walls or other structural portions of the building have materially less resistance to wind than is required in the case of new construction.
  - (5) The building or a part of the building, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the

ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building is likely to fall or give way.

- (6) The building, or a part of the building is manifestly unsafe for the purpose for which it is used.
  - (7) The building is damaged by fire, wind, or flood; or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building to their danger, or becomes a harbor for vagrants, criminals, or other trespassers.
  - (8) A building, including the adjoining grounds, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, arrangement, or is otherwise unsanitary or unfit for human habitation, is in a condition that the enforcing agency determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
  - (9) A building that is vacant, dilapidated, and open at door, window, or other means of egress, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- D. "Enforcing agency" means the Village of Springport, through the Village building official building inspector, health officer, and/or such other official(s) or agency as may be designated by the Village Council to enforce this ordinance.
- E. "Village Building Code" means the building code administered and enforced in the township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (MCL 125.1501, et seq.).

## **SECTION II - PROHIBITION OF DANGEROUS BUILDINGS**

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 III - CONDEMNATION.**

- A. If a building is found to be a dangerous building by the enforcing agency, the building shall be condemned and posted as unfit for human occupancy and the enforcing agency shall issue a notice that the building is a dangerous building.
- B. **Grounds.** Any building as defined herein, shall be condemned and posted as unfit for human occupancy by the enforcing agency if the building is a dangerous building as defined herein.

**C. Placarding.**

- (1) Whenever a dwelling, dwelling unit, rooming unit, or other building structure has been condemned in accordance with **Section II (D)(1)**, the enforcing agency shall post, in a conspicuous place or places, a placard or placards bearing the following words: "Condemned Unsafe to Occupy".
- (2) Only the enforcing agency is authorized to remove a condemnation placard or notice to vacate issued under the provisions of this ordinance.

**D. Vacating.** Whenever it shall be found by the enforcing agency that a building is unfit for human occupancy, the official shall order the building structure vacated. A copy of the order shall be posted on the front of the dwelling at least ten (10) days before it shall be effective, unless the situation requires immediate action, in which case the effective time of the order shall be that which the enforcing agency determines is reasonable and proper. A copy of the order shall be served in accordance with **Section II (E)(1)**. The dwelling, dwelling unit, rooming unit, or other building structure ordered vacated shall not again be occupied until a written statement is secured from the enforcing agency stating that the dwelling, dwelling unit, rooming unit, or building structure has been made to comply with this ordinance and meets Michigan Building, Electrical, Mechanical, and Plumbing Code.

**E. Notice of Condemnation.** Whenever the enforcing agency determines that a building is a dangerous building and unfit for human occupancy and posts it condemned, the enforcing agency shall provide written notice of condemnation to the owner, agent, or occupant.

**F. Contents of Notice.** The notice of condemnation shall include the address of the property, the date of the inspection, the name of the inspector, the grounds for the determination as unfit for human occupancy, and a complete statement of the rights of the occupant or owner to a hearing before the Village Council and the procedure to request a hearing.

**G. Service of Notice of Condemnation.** The notice of condemnation shall be in writing and served upon the owner, agent, or occupant as the case may require. Notice is properly served if served in person or by certified mail, return receipt requested, addressed to the owner or occupant at the address shown on the tax records. If service by certified mail is used, a copy of the notice shall also be posted upon a conspicuous part of the dwelling, dwelling unit, rooming unit, or building structure condemned.

**H. Request for Hearing for Condemnation.** Any person affected by a notice of condemnation may have a hearing on the matter before the Village Council by filing a written petition with the Village Council requesting such hearing and setting forth a brief statement of the grounds therefor within the (10) days after the day the notice was served. Upon receipt of the petition, the Village Council shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and show why the notice of condemnation should be modified

or withdrawn. The hearing shall be held no later than the next regular Village Council meeting after the petition was filed.

#### **SECTION IV - ABATEMENT OF DANGEROUS BUILDINGS.**

##### **A. Regulation.**

- (1) No building, whether now existing or hereafter erected, shall be left in a dangerous or hazardous condition, but shall be forthwith be repaired or rehabilitated, and the dangerous or hazardous condition removed by the owner or occupant thereof, or in the alternative, torn down and removed, and any excavation thereunder filled to grade level.
- (2) Whenever any building or premises or the plumbing, sewage, drainage, lighting, or ventilation thereof is, in the opinion of the enforcing agency, dangerous or detrimental to life or health, such officer may declare that the same, to the extent he may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as the order shall specify.
- (3) Whenever any building or premises or the plumbing, sewage, drainage, lighting, or ventilation thereof is, in the opinion of the enforcing agency, dangerous or detrimental to life or health, such official may declare that the same constitutes a health or safety hazard, or both.

##### **B. Notice of Abatement Hearing.**

- (1) Upon making of such a determination of hazard, the Village President or designee, shall send a notice of hearing to the owner or occupants by certified mail, return receipt requested, or personal service. Said notice shall describe the premises; a complete detail of the conditions which are deemed to constitute the hazard; explain the nature of the proceedings, which are to determine whether or not the building is a nuisance and/or a hazard and what action shall be taken; and give notice of the time, place, and before whom the hearing will be afforded.
- (2) The said hearing shall be set not less than ten (10) days from the date of the determination of hazard or nuisance by the enforcing agency The hearing shall be held before the Village Council at the regular meeting place of the Village Council.
- (3) At said meeting, the owner or occupant of the premises cited shall be afforded the right to cross-examine all witnesses who testify against the property, to testify on his/her own behalf, and to produce witnesses on his/her own behalf.
- (4) After a full consideration according to the evidence presented at the hearing, the Village Council shall take a vote. A majority vote shall be required in order to make

a finding that a hazard or nuisance exists. Upon finding the building, should be demolished, otherwise made safe, or properly maintained, the Village Council shall so order, fixing a time in the order for the owner, agent, or lessee to comply.

**SECTION V - COMPLIANCE.**

- A.** The owner, occupant, or lessee shall comply with the order within sixty (60) days after the finding by the Village Council. If the Village Council determines that the building has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building will be greater than the state equalized value of the building, the owner, occupant, or other party of interest shall comply with the order of demolition within twenty-one (21) days after the date of the hearing.
- B.** If the owner, occupant, or lessee fails to appear or neglects or refuses to comply with the order issued by the Village Council, the report and findings shall be served on the owner, occupant, or other party of interest either in person or by certified mail, return receipt requested. In addition the Village Council shall take necessary action to enforce the order.

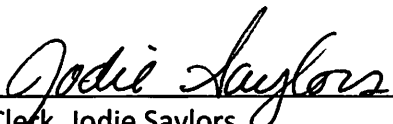
**SECTION VI - ENFORCEMENT AND PENALTY.**

- A.** Penalty for violation of a civil infraction shall be a civil fine as defined by Council resolution, plus other costs, damages, expenses and other sanctions for each infraction;
- B.** Increased civil fines may be imposed for repeat violations. The increased fine for a first repeat offense shall be defined by Council resolution, plus costs. The increased fine for second repeat or any subsequent repeat offense shall be defined by Council resolution, plus costs. Each day that a violation continues to exist shall constitute a separate offense.
- C.** 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 enforcing agency, to demolish, to board up, or to remove such building, may, in the discretion of the Village Council, be made to comply, be demolished, boarded up, or removed by such Village Council, or its agents, and the costs thereof collected from the owner or occupant 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 occupant, and collected in the same manner as are taxes assessed under the general laws of the State of Michigan.
- D.** If court proceedings are commenced to enforce this Ordinance and anyone found to be in violation of the Ordinance by the Court, the violator will be required to pay the actual and reasonable costs of prosecution.


Adopted on \_\_\_\_\_, 2023

Effective on \_\_\_\_\_, 2023

Reviewed by:

  
\_\_\_\_\_  
Village Clerk, Jodie Saylor

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Village Manager, Jennifer Naylor

  
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Village President, Gordon Webb