

# **FREDERIC TOWNSHIP DANGEROUS STRUCTURES ORDINANCE**

Ordinance No. 2000-1

Amended see 2006-2

THE TOWNSHIP OF FREDERIC ORDAINS:

## **Section 1. “Dangerous Structure” Defined.**

As used in this Ordinance a “dangerous structure” means a building or structure that has one (1) or more of the following conditions:

- (a.) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is diminished to the point that the structural strength or stability of the building or structure after the catastrophe does not meet the minimum requirements of the building code enforced within the Township for a new building or structure.
- (b.) It is more probable than not, that a part of the building or structure will fall, become detached or dislodged, or collapse and injure persons or damage property.
- (c.) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the building code enforced within the Township.
- (d.) The building or structure, or a part of the building or structure, 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 reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (e.) The building, structure, or a part of the building or structure is manifestly unsafe. For purposes of this section of the Ordinance, a building or structure shall be deemed “manifestly unsafe” if, in the opinion(s) of the building, mechanical, plumbing, or electrical inspector(s) employed by the Township, the building or structure is in violation of the applicable code(s) in place in the Township, and said violation of the code(s) poses an imminent risk of injury to property or to those persons inhabiting the building or structure, or those persons frequenting the real property upon which the structure(s) rest. For purposes of this section of the Ordinance, it shall not be necessary for all inspectors to be of the opinion that there are code violations and that those code violations pose an imminent risk of injury. Rather, if any one of the inspectors identified above find code violations for the code which they assist in enforcing, and are of the opinion that such a violation constitutes an imminent risk of injury to person or property, that information shall be sufficient to make the determination of whether the building or structure is “manifestly unsafe”.
- (f.) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and as a result of the damage caused by the fire, wind, flood, dilapidation, or deterioration, has become an attractive nuisance to children who might play in the building or structure to their danger.
- (g.) The building or structure is vacant, dilapidated, and opened at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

## **Section 2. Prohibition.**

No person, corporation, business organization, or other legal entity shall own, occupy or maintain any dangerous structure within the Township.

## **Section 3. Notice.**

If a building or structure is found to be a dangerous structure, the Township shall give the owner of the building or structure written notice of the dangerous condition and thirty (30) days to demolish and remove the dangerous structure from the property or to repair the dangerous structure to make it safe. The notice may be personally delivered to the owner or mailed to the owner by first class mail at the address shown on the assessor's rolls. If the owner of the building or structure deemed "unsafe" is not living at the address identified on the assessor's rolls, then and in such event, the owner of the subject property bears the burden of keeping the Township clerk informed of the owner's current address where the owner can receive written communications from the Township.

## **Section 4. Inspection.**

Township representatives shall have the right to inspect structures to determine violations of or compliance with this Ordinance. Township representatives may exercise this right to inspection by consent of the person having the right to possession of the structure or any part thereof, or by administrative search warrant.

## **Section 5. Penalty/Civil Infraction.**

Any person who shall violate any provision of this Ordinance shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-6000.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

## **Section 6. Enforcement.**

The Township Zoning Administrator, Zoning Enforcement Officer and other officials appointed by the Frederic Township Board are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. (Amended 2006-2)

## **Section 7. Nuisance.**

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

## **Section 8. Injunctive Relief.**

In addition to enforcing this Ordinance through the use of a municipal infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any violation of this Ordinance.

## **Section 9. Abatement by Township.**

If a Court of competent jurisdiction finds the owner or occupant of a building or structure in violation of this Ordinance the Court, in addition to ordering the owner or occupant to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe, may authorize the Township to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe. The Court, however, shall not authorize the Township to demolish the dangerous structure if the cost of repairing the building or structure to a safe condition is less than the state-equalized value for the building or structure.

#### **Section 10. Cost Recovery; Lien.**

- (a.) The cost incurred by the Township in demolishing the dangerous structure and removing it from the property or repairing the dangerous structure to a safe condition, including reasonable attorney fees, shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.
- (b.) The owner or party in interest whose name the property appears upon the last local tax assessment roll shall be notified by the assessor of the amount of the costs of the demolition or repair of the dangerous structure by first-class mail at the address shown on the records. If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the assessor of the notice of the amount of the costs, the Township shall have a lien for the costs incurred by the Township to bring the property into compliance with this Ordinance. Then lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the state General Property Tax Act.

#### **Section 11. Repeal.**

The Township of Frederic Unsafe Building Ordinance, being Ordinance 98-15, is hereby repealed in its' entirety.

#### **Section 12. Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

#### **Section 13. Effective Date.**

This Ordinance shall become effective thirty (30) days after its publication.

TOWNSHIP OF FREDERIC

By: \_\_\_\_\_  
Brian Hulbert, Supervisor

By: \_\_\_\_\_  
Nancy L. Bindschatel, Clerk