

Township of Alcona
Ordinance Number 2022-02

DANGEROUS BUILDINGS

Ordinance to Provide for: The regulation and control of dangerous buildings as it relates to any property within the jurisdictional boundaries of the Township of Alcona and to provide for the violation thereof.

Section 1: Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Authorized official” means the zoning administrator, i.e., the person responsible for issuance of zoning permits in the Township, civil infractions enforcement officer or other person designated by the Township for implementing this ordinance.

“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 National Fire Protection Association code, 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 this ordinance or any applicable building codes for a new building or similar structure, purpose, or location.
- C. Whenever any portion, member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure 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 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 reason, 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 used.
- G. Whenever the building or structure has been so damaged by fire, wind or flood, or has become accessible so 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 county health department, 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 door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

Section 2: Keeping or maintaining

It is unlawful for any owner or agent of such owner to keep or maintain any dwelling or part of a dwelling which is a dangerous building as defined in Section 1.

Section 3: Notice

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 Township authorized official may issue a written notice of the dangerous and unsafe condition or commence civil infraction proceedings and issue citations. Notice(s) may be delivered in accordance with the civil infraction proceedings.

The notice referenced above shall:

- A. Be in writing.
- B. Include a description of the real property sufficient for identification.
- C. Include a statement of the reasons why the notice is being issued.
- D. Include a correction order allowing a reasonable number of days (to be

specified in the notice) for the repairs, actions and/or improvements required to achieve compliance with the provisions of this article.

- E. Include a statement that identifies the penalties or other enforcement sanctions that may be imposed if all repairs, actions and/or improvements ordered by the Township's authorized official are not complied with, as specified in the notice.

Section 4: Action by the Township

Action by the Township in addition to, or as an alternative to proceeding by way of Election of Remedies as noted in Civil Infractions or other lawful remedy, may proceed as follows:

- A. *Order of demolition or abatement.* If it is determined by the authorized official that the building or structure should be demolished or otherwise made safe, he/she shall so order, fixing a time in the order for the owner, agent, or lessee to comply therewith.
- B. *Failure of owner to comply with written notice.* If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the authorized official will file a report of her/his findings and a copy of her/his order, pursuant to the terms of this ordinance, 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 authorized official shall be served on the owner, agent or lessee in the manner prescribed in Section 3.
- C. *Fixing date for hearing; notice to owner; final decision.* The Township board shall fix a date for hearing, reviewing the findings and order of the authorized official and will, pursuant to the terms of this ordinance, 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.
- D. When the Township board approves the order for demolition or making safe a building and the owner has not filed a petition in the circuit court for an order of superintending control in accordance with Section 5 and 30 days have elapsed since the Township board has issued said order, the Township may then proceed in carrying out the order for demolition or to take actions to make a building safe.
- E. *Costs of demolition or abatement to be a lien.* The cost of the demolition or making the building safe, as well as reimbursement to the Township of

all administrative and legal costs, shall be a lien against the real property and shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the building or structure is located.

- F. *Notice of costs; failure to pay; collection.* The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. Failure to pay the same within 90 days after being mailed notice of the amount thereof, the assessor 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 5: Appeal by owner of decision of board to circuit court

An owner aggrieved by any final decision or order of the legislative body under Section 4 may appeal 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 6: Election of Remedies

The method of this ordinance to address claimed violations shall be cumulative to any other legal remedies the Township may have at law.

Section 7: Conflicting Laws

If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

Section 8: Severability

The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 9: Repeal

This ordinance shall repeal any and all Dangerous Buildings ordinances previously enacted by the Township of Alcona.

Section 10: Effective Date

This ordinance shall become effective on 11-9, 2022. At a regular meeting of the Alcona Township Board held on the 9th day of November 2022, adoption of the foregoing ordinance was moved by Bouchard and supported by Gauthier.

Voting for: All

Voting against: None

The Supervisor declared the Ordinance adopted.

Dated: 11-9-2022

Marlena MacNeill

By: Marlena MacNeill

Its: Supervisor

Dated: 11-9-2022

Dawn LaLonde

By: Dawn LaLonde

Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 2022-02, which was enacted by the TOWNSHIP OF ALCONA Board at a regular meeting on the 9th day of November, 2022.

Dawn LaLonde

By: Dawn LaLonde

Its: Clerk

