

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

DANGEROUS BUILDINGS ORDINANCE

ORDINANCE NO. 228

ADOPTED: September 23, 2003

EFFECTIVE: November 7, 2003

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Valley, County of Allegan, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means byway 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.

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ORDAINS

SECTION I

ARTICLE I - TITLE

This Ordinance shall be known and cited as the Valley Township Dangerous Buildings Ordinance.

SECTION II

ARTICLE II - DEFINITIONS

As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is an any of the following conditions:

- A. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the approved fire code in the Township of Valley, it shall be considered that such building does not meet the requirements of this Ordinance.

- B. Whenever any portion has been damaged by fire, wind, flood or 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 the State Construction Code, as amended, or the applicable building codes of the Township of Valley for a new building or similar structure, purposes or location.
- C. Whenever any portion of appurtenance is likely to fall or 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 the State Construction Code, as amended, or the applicable Building Codes of the Township of Valley.
- 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 reasons, 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 of which it is 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 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, 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 health officer, or is likely to work injury to the health, safety or general welfare of those living or working 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 III

ARTICLE III - PROHIBITIONS

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 IV

ARTICLE IV - NOTICE OF DANGEROUS CONDITION

- A. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township building inspector shall issue a notice of the dangerous condition.
- B. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.
- C. 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.
- D. All such notices required by this Ordinance shall be in writing and shall be served at least ten days before the date of the hearing described in the notice, 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. 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.

SECTION V

ARTICLE V - HEARINGS

- A. A hearing officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor.
- B. The building inspector shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
- C. At any hearing held, the hearing officer shall take testimony of the building inspector, the owner of the property and any other interested party. Upon the taking of such testimony, the hearing officer shall render a decision either

closing the proceedings or ordering the building to be demolished or otherwise made safe.

- D. 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 or party in interest to comply therewith.
- E. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the Valley Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section IV.

SECTION VI

ARTICLE VI - HEARING BEFORE TOWNSHIP BOARD

Upon receiving the findings and order of the hearing officer, the Valley Township Board shall fix a date for hearing, reviewing 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 IV of the time and place of the hearing. At the hearing, the owner or party in interest 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 demolition or making safe of the building or structure.

SECTION VII

ARTICLE VII - FAILURE TO COMPLY

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Valley Township Board, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a lien against the real property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified of the amount of such cost by first class mail at the address shown on the records. If the person(s) fails to pay the same within thirty days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Valley 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 VIII

ARTICLE VIII - APPEALS

An owner or party in interest aggrieved by any final decision of the Valley Township Board may appeal the decision or order to the Circuit Court for the County of Allegan by filing a Petition for an order of superintending control or other appropriate relief within twenty-one days from the date of such decision.

SECTION IX

ARTICLE IX - REPEAL OF CONFLICTING ORDINANCES AND SEVERABILITY

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The provisions of this ordinance are hereby declared to be severable. Any section, sentence or provision hereinafter declared void or unenforceable by any court of competent jurisdiction shall not affect the remainder of said ordinance.

SECTION X

EFFECTIVE DATE

This ordinance shall take effect thirty days following adoption and publication of the same.

VALLEY TOWNSHIP
Sally James, Clerk
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