

TOWNSHIP OF MARATHON
Dangerous Building Ordinance No. 80-6

An ordinance to protect the public health and safety by providing for the repair, demolition, and making safe of dangerous buildings; to define dangerous buildings; to provide for inspections of dangerous buildings; to provide for notices, hearings, and appeals for persons having interests in buildings determined to be dangerous; and to provide for the tax roll assessment of the cost of making dangerous buildings safe.

THE TOWNSHIP OF MARATHON ORDAINS:

Section 1. Short Title.

This ordinance shall be known as the Marathon Township Dangerous Buildings Ordinance.

Section 2. Dangerous Buildings Defined.

As used in this ordinance, "dangerous building" means any building or structure which has any of the following defects:

- (a) Whenever any portion has been damaged by fire, wind, flood water 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 the township building code for a similar new building or structure .
- (b) Whenever any portion of the building or structure is likely to fall or to become dislodged, or to collapse and thereby injure persons or damage property.
- (c) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used
- (d) Whenever the building or structure has been so damaged by fire, wind, flood water or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger.
- (e) Whenever a building or structure has been so damaged by fire, wind, flood water or has become so dilapidated, decay, damage or faulty construction or arrangement or therewise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease or is likely to work injury to the health, safety or general welfare of those living in or near it.
- (f) Whenever any building or structure used or intended to be used for dwelling purposes becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to elements or accessible to entrance by trespassers.

Section 3. Inspection

The building Inspector shall inspect and file a report with the Township Clerk after a written complaint has been submitted to the Township Clerk as to the condition of all buildings and structures which the Building Inspector believes to be dangerous buildings as defined in this ordinance.

Section 4. Notice

When the whole or any part of any building or structure is found to be in a dangerous condition, the Township Clerk shall issue a notice which shall specify the nature of the dangerous condition and the repair or demolition necessary to make the building or structure safe.

- (a) The notice shall be directed to the person or persons in whose name the property appears on the most recent township tax assessment records.
- (b) The notice shall specify the time and place of a hearing before the township board at which the person or persons to whom the notice was directed shall have the opportunity to contest the findings of the building inspector.
- (c) All notices shall be sent by certified mail or otherwise delivered at least ten (10) days before the date of the hearing described in the notice.

Section 5. Hearing

The Township Board shall conduct a hearing reviewing the findings of the building inspector. All relevant information provided by the owners or other persons interested in the property and all relevant information provided by the building inspector shall be considered.

- (a) If it is determined by the township board that the building, or structure is not dangerous or unsafe, no further action shall be taken.
- (b) If it is determined by the township board that the building or structure should be repaired, demolished, or otherwise made safe, it shall so order, fixing a time within which compliance must be completed.
- (c) A copy of the decision of the township Board shall be sent by certified mail or otherwise delivered to the person or persons to whom the original notice was sent.

Section 6. Compliance

Complying with a township board decision to require the repair, demolition or making safe of a building or structure shall be the responsibility of the duly notified persons having an interest in the property.

Section 7. Failure to Comply ; Lein

If the responsible persons do not comply with the township board's decision within the time specified, the township may arrange to have the required repair, demolition, or other work completed. The cost of such required repair, demolition, or other work shall be a lien against the real property on which the building or structure is located and shall be assessed against said real property on the next tax roll.

Section 8. Appeal

A person affected by a township board decision requiring the repair, demolition, or other work on a building or structure in which said person has an interest, may appeal the decision to the Circuit Court by filing an action with 20 (twenty) days upon receipt of the decision of the township board.

Section 9. Severability Clause

This ordinance and each section, subsection, provision, sentence, and portion thereof are hereby declared to be severable. If any provision of this ordinance is adjudged by a court of competent jurisdiction to be invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 10. Repeal of Conflicting Provisions.

All ordinances , or parts of ordinances, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed.

Section 11. Enactment and Effective Date.

This Ordinance shall become effective upon the date of publication.

We, the undersigned, Supervisor and Clerk of the Township of Marathon, Lapeer County Michigan, do hereby certify that this Ordinance was passed by the Marathon Township Board on the 14th day of October, 1980, and was published in the Millington Herald on the 28th day of October, 1980.

Howard Folsom, Supervisor

Kathryn Lawter, Clerk