

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 55

DANGEROUS BUILDINGS

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 VILLAGE OF FAIRGROVE ORDAINS:

Section 1. DANGEROUS BUILDING 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, 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 Village 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 or deteriorated that the interior of the building is exposed to elements and is accessible to entrance by trespassers and may become an attractive nuisance to children who might play therein to their danger.
- (e) 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 is likely to cause injury to the health, safety or general welfare of those living in or near it.

Section 2. INSPECTION.

The building inspector shall conduct an inspection and file a report on buildings and structures which the inspector has reason to believe may be dangerous buildings as defined in this Ordinance. The report shall specify the nature of the dangerous conditions and shall specify the repair or demolition necessary to make the building or structure safe.

Section 3. NOTICE.

When any building or structure is found to be in a dangerous condition, the Building Inspector shall file the inspection report with the Village Clerk and the Clerk shall issue a notice of public hearing which shall be accompanied by a copy of the inspection report and a copy of this Ordinance.

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

Section 4. HEARING.

The Village Council 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 Village Council that the building or structure is not dangerous or unsafe, no further action shall be taken.
- (b) If it is determined by the Village Council 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 Village Council shall be sent by regular mail or otherwise delivered to the person or persons to whom the original notice was sent.

Section 5. COMPLIANCE.

Complying with a Village Council 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 ownership interest or other interest in the property.

Section 6. FAILURE TO COMPLY; LEIN.

If the responsible persons do not comply with the Village Council's decision within the time specified, the Village may arrange to have the required repair, demolition, or other work completed. The cost of such required repair, demolition, or other work shall be the responsibility of the persons having an interest in the property and shall also be a lien against the real property on which the building or structure is located. Any unpaid costs may be assessed against said real property on the next tax roll. In addition, the Village may also pursue collection litigation against the parties having an interest in the property.

Section 7. APPEAL.

A Village Council decision requiring the repair, demolition, or other work on a building or structure may be appealed by a person having an ownership interest or other interest in the property. An appeal of the decision shall be made to the Circuit Court by filing an action within twenty-one (21) days from the date of approval of the minutes of the meeting at which the decision was made by the Village Council.

Section 8. ENACTMENT AND EFFECTIVE DATE.

Section 8.1. This Ordinance was adopted by the Fairgrove Village Council at a meeting duly held on the 8th day of January, 2007 and was published in the *Tuscola County Advertiser* on the 13th day of January, 2007.

Section 8.2. This Ordinance shall take effect twenty (20) days after the date of adoption specified above. (January 28, 2007)

Duane L. Maguire, President

Beverly J. Parsell, Clerk