

Chapter 6

BUILDING AND BUILDING REGULATIONS*

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***State law reference**—Single state construction code, MCL 125.1501 et seq.

ARTICLE I. IN GENERAL**Sec. 6-1. Enforcement of state construction code.**

Pursuant to the provisions of the Stille-DeRossett-Hale single state construction act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), the county is designated as the enforcing agency to discharge the responsibility of the village under such act throughout the village limits.

Secs. 6-2—6-30. Reserved.**ARTICLE II. DANGEROUS BUILDINGS*****Sec. 6-31. 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:

Dangerous building means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

- (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the village.
- (2) 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 appreciably less than it was before the catastrophe and does not meet the minimum requirements of this article or the single state construction code for a new building or structure, purpose, or location.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) 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 for new construction by this article or the single state construction code.
- (5) 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 reason, 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.
- (6) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood; is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the

***State law reference**—Similar provisions, MCL 125.538 et seq.

building or structure to their danger; or becomes a harbor for vagrants, criminals or immoral persons or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation; is in a condition that the health officer determines is likely to cause sickness or disease; or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at the door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, Public Act No. 299 of 1980 (MCL 339.2501 et seq.). For purposes of this subsection, the term "building or structure" includes but is not limited to a commercial building or structure. This subsection does not apply to either of the following:
 - a. A building or structure as to which the owner or agent does both of the following:
 1. Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this article or the single state construction code.
 - b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency in whose jurisdiction the dwelling is located that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used this subsection, the term "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home that is occupied by the owner or a member of the owner's family during part of a year.

Sec. 6-32. Prohibited.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in section 6-31.

(Code 1959, § 40.101)

Sec. 6-33. Notice; hearing officer.

(a) Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(b) The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

(c) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(d) The hearing officer shall be appointed by the village president to serve at his pleasure. The hearing officer shall be a person who has expertise in housing matters, including but not limited to an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer. The enforcing agency shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(e) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

(Code 1959, § 40.102)

Sec. 6-34. Hearing; enforcement; reimbursement and notice of cost; lien; remedies.

(a) At a hearing prescribed by section 6-33, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner, agent, or lessee to comply with the order. If the building is a dangerous building under subsection (10) of the definition of the term "dangerous building" in section 6-31, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building, including but not limited to the maintenance of lawns, trees, and shrubs.

(c) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (b) of this section, the hearing officer shall file a report of the findings and a copy of the order with the village council not more than five days after

noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 6-33.

(d) The village council shall fix a date not less than 30 days after the hearing prescribed in section 6-33 for a hearing on the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in section 6-33 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 order should not be enforced. The village council shall approve, disapprove, or modify the order. If the village council approves or modifies the order, the village council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the village council determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection.

(e) The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the village to bring the property into conformance with this article shall be reimbursed to the village by the owner or party in interest in whose name the property appears.

(f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the village shall have a lien for the cost incurred by the village to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act No. 206 of 1893 (MCL 211.1 et seq.).

(g) In addition to other remedies under this article, the village may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The village shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(Code 1959, §§ 40.103, 40.104)

Sec. 6-35. Enforcement of judgment against other assets.

(a) A judgment in an action brought pursuant to section 6-34(g) may be enforced against assets of the owner other than the building or structure.

(b) The village shall have a lien for the amount of a judgment obtained pursuant to section 6-34(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Sec. 6-36. Appeal to circuit court.

An owner aggrieved by any final decision or order of the village council under section 6-34 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.