

**DILAPIDATED BUILDINGS
TOWNSHIP OF FRANKENLUST, MICHIGAN
ord. no. 3 eff. Dec. 10, 1967**

An Ordinance to secure the public health, safety and general welfare of persons in the Township of Frankenlust, Bay County, Michigan, a municipal corporation, by the regulation of uncompleted, abandoned, dilapidated and deteriorated buildings dangerous or injurious to life or health, within said Township; and to provide for a Board of Appeals; and authorizing the inspection and condemnation of buildings in violation hereof and fixing penalties for violation thereof; and to repeal all ordinances and parts of ordinances in conflict therewith.

**THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN
ORDAINS:**

Sec. 1. TITLE.

This Ordinance shall be known and cited as the Frankenlust Township Dilapidated Buildings Ordinance.
(ord. no. 3 eff. Dec. 10, 1967)

Sec. 2. COMPLETION WITHIN ONE YEAR OF ORDINANCE.

All buildings and parts thereof erected on or before the effective date of this Ordinance shall be completed and fully and permanently enclosed within one year from such date, or in the alternative, shall be torn down and removed and any excavation thereunder filled in to grade level.
(ord. no. 3 eff. Dec. 10, 1967)

**Sec. 3. COMPLETION WITHIN ONE YEAR OF BUILDING PERMIT;
EXCEPTION.**

All buildings and parts thereof hereafter erected shall be fully enclosed in accordance with the buildings permit issued therefore, within one year from the issuance of such permit, or the commencement of said construction, whichever shall first occur. This section shall not apply to the construction of large buildings containing more than one hundred thousand square feet of first floor space.
(ord. no. 3 eff. Dec. 10, 1967)

Sec. 4. DAMAGED BUILDINGS.

No building damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds seventy-five per cent of the assessed valuation of the buildings, at the time of the repairs and rehabilitation are to be made, shall be repaired or rehabilitated unless it is made to comply in all respects with all provisions of Frankenlust Township Ordinances governing the same. Any buildings so damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds one hundred percent of the assessed valuation at the time when the repairs or rehabilitation are to be made shall be deemed unfit for human occupancy and shall be immediately vacated, and unless made to comply with all the provisions of Frankenlust Township Ordinances, including any Township Building Code which may be hereafter adopted, shall be demolished and removed.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 5. UNSAFE BUILDINGS; NUISANCE.

All buildings or structures in violation of Sections 2 through 4 [40.002 - 40.004] of this Ordinance and all other buildings and structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise unsafe or dangerous to human life, or which in relation to existing use constitute a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment as specified in this Ordinance or any other effective ordinance, are, for the purpose of this Ordinance, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedure specified in Section six through eight [40.006 - 40.008] of this Ordinance.

Sec. 6. BUILDING INSPECTOR, HEALTH OFFICER; DUTIES.

The Township Board shall appoint a Township Building Inspector. The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and if such is found to be an unsafe building as defined in this Ordinance, or if the Building Inspector or Health Officer of the Township shall find that the building is infected with contagious disease or is unfit for human occupancy or is dangerous to life or health by reason of want of repair or of defects in the drainage, plumbing, lighting, ventilation, or any of the structural elements of the building, or by reason of the existence on the

premises of a nuisance likely to cause sickness among the occupants of said building, the Building Inspector or Health Officer may issue an order requiring all person therein to vacate such building within not less than twenty-four hours or more than ten days for the reasons to be mentioned in said order. Said order shall be in writing and shall constitute a notice and shall require the owner or person in charge of the building or premises to comply with the same and to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof or the abatement of said nuisance within forty-eight hours and all such work shall be completed within ninety days from the date of such notice unless otherwise stipulated by the Building Inspector or Health Officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not re-occupied until the required repairs and improvements are completed, inspected, and approved by the Building Inspector. Whenever the Building Inspector or Health Officer is satisfied that the danger from said building has ceased to exist or that it is fit for human occupancy, he may revoke said order or for good cause shown may in writing extend the time within which to comply with the same.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 7. NOTICE TO REPAIR OR VACATE.

Proper service of such notice or order shall be by personal service upon the owner of record if he shall be found within the County of Bay. If he is not found within the County of Bay within five days after issuance of said notice or order, the same may be served upon said owner by registered mail or certified mail, return receipt requested, delivered to addressee only; provided, however, that if such notice is served by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date he receives such notice. If such registered or certified mail is returned undelivered, such notice or order may be served personally upon any person in charge of said building or structure.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 8. NOTICE NOT TO ENTER.

The Building Inspector shall cause to be posted at the entrance of such building a notice to read: "Do Not Enter. Unsafe to Occupy. Building Inspector, Frankenlust Township, Bay County, Michigan." Such notice shall remain posted until the required repairs, demolition, abatement or removal are completed, or may be removed upon written permission of the

Building Inspector; and no person shall enter the building except for the purpose of making the required repairs or demolishing the building.
(ord. no. 3 eff. Dec. 10, 1967)

Sec. 9. WORK DONE BY TOWNSHIP; COSTS.

In addition to the imposition of any fines and penalties imposed by this Ordinance, any building which continues to violate the provisions of this Ordinance after the owner or occupant has been ordered by the Building Inspector or Health Officer of the Township to make the same comply or to demolish or remove such building, may, in the discretion of the Township Board, be made to comply or be demolished and removed by such Township Board or its agents, and the cost thereof collected from the owner or occupant of said premises. If the owner or occupant refuses to pay such costs, the same may be assessed against the property owner or occupant and collected in the same manner as taxes are assessed under the general laws of the State of Michigan. The owner or occupant who pays such costs may collect from the person or other entity who caused such violation to exist, such sum so expended in an appropriate action at law. Costs incurred under this section shall be paid out of the Township Treasury and reimbursed in a manner provided above or by lawful action against the landowner.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 10. BOARD OF APPEALS.

In order to determine the suitability of alternate materials and types of construction to provide for reasonable interpretations of the provisions of this Ordinance, the Township Board is hereby designated a Board of Appeals to review appeals from decisions of the Building Inspector. The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 11. VIOLATION OF ORDINANCE.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, or alter, repair, remove, improve, move, convert, or demolish, equip, use, occupy, or maintain any building or structure in a Township or cause the same to be done, contrary to or in violation of any of the provisions of this Ordinance.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 12. PENALTY.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100) or by imprisonment in the County Jail, not to exceed ninety days or by both such fine and imprisonment. Each day a violation continues to exist shall constitute a separate offense.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 13. RIGHTS OF TOWNSHIP.

The foregoing remedies shall be in addition to the rights of the Township to proceed at law or in equity with other appropriate and proper remedies.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 14. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid or unconstitutional for any reason whatsoever, such decision shall not affect the remaining portion of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared severable.

(ord. no. 3 eff. Dec. 10, 1967)

Sec. 15. REPEAL.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.
(ord. no. 3 eff. Dec. 10, 1967)

Sec. 16. **EFFECTIVE DATE.**

This Ordinance shall take effect on the 10th day of December, 1967.
Adopted: October 24, 1967