

PENINSULA TOWNSHIP ORDINANCE NO. 4

PENINSULA TOWNSHIP DANGEROUS BUILDING ORDINANCE

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Peninsula, County of Grand Traverse, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way 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 said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE TOWNSHIP OF PENINSULA

LOCATED IN GRAND TRAVERSE COUNTY, MICHIGAN

ORDAINS:

SECTION I.

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

SECTION II.

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 in any of the following conditions:

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 Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Code of the Township of Peninsula for a new building or similar structure, purpose or location.

b. Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

c. 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 Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Code of the Township of Peninsula.

d. 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 reason, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way.

e. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

f. When 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.

g. 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.

h. 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.

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.

a. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township Zoning Administration 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 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, at least ten days before the date of the hearing described in the notice. 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.

a. A hearing officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor.

b. The Zoning Administrator 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 Zoning Administrator, the owner of the property, and any other interested party. Upon the taking of such testimony, the hearing officer shall render his 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 refused to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the Peninsula 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 (d).

SECTION VI.

Upon receiving the findings and order of the hearing officer, the Peninsula 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 (d) 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.

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Peninsula 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 and shall be reported to the assessing officer of the Township who shall assess the cost against the 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 he fails to pay the same within thirty (30) 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 Peninsula 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.

An owner or party in interest aggrieved by any final decision of the Peninsula Township Board may appeal the decision or order to the Circuit Court for the County of Grand Traverse by filing a petition for an order of superintending control within twenty (20) days from the date of such decision.

SECTION IX.

This Ordinance repeals all ordinances or parts of ordinances in conflict therewith.

SECTION X.

This Ordinance shall take effect thirty (30) days after publication in the Traverse City Record Eagle.

HAROLD McMANUS, JR., Supervisor
MARY KAY BELDING, Clerk

PASSED BY TOWNSHIP BOARD ON:

Feb 7, 1977

RUNNING, WISE and WILSON
Attorneys for Township
326 State Street
Traverse City, Michigan 49684

N O T I C E

PENINSULA TOWNSHIP
GRAND TRAVERSE COUNTY

NOTICE IS HEREBY GIVEN pursuant to Section IV of the Peninsula Township Dangerous Building Ordinance, being Ordinance No. 4, of the following, viz:

1. The following described building or structure is found by the Township Zoning Administrator to be in a dangerous condition, viz:

2. The name of the owner of or party in interest in the above building or structure in whose name the property appears on the last tax assessment record(s) is(are):

3. A hearing on the condition of the building or structure will be held at Peninsula Town Hall at 12530 Center Road, Traverse City, Michigan on

(date) _____ at

(time) _____

at which time and place you shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

Dated: _____

Peninsula Township Zoning Administrator

(Paragraph D of Section IV of the Peninsula Township Building Ordinance requires that this Notice be served either personally upon the person to which it is directed or by certified mail - return receipt requested at least ten (10) days prior to the hearing above described. In case of mailing a copy must be posted on the building or structure.)