

## DEXTER TOWNSHIP ORDINANCE NO. 36

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF DEXTER, COUNTY OF WASHTENAW, 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 THE 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.

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THE TOWNSHIP OF DEXTER ORDAINS:

**SECTION I.** This Ordinance is adopted pursuant to the authority of Act Nos. 109, 113 and 144 of the Public Acts of 1992, Housing Law of Michigan, MCL 124.501 *et seq.*, Act No. 230 of the Public Acts of 1972, State Construction Code, MCL 125.1501 *et seq.*, and Act No. 246 of 1945, Township Ordinance Act, MCL 41.181 *et seq.*, and shall be known and cited as the Dexter Township Dangerous Buildings Ordinance.

**SECTION II.** "Dangerous Building" defined. As used in this Ordinance, the term "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:

- A. A door, aisle, passageway, stairway, or other means of exit does not conform to the approved Fire Code of the Township of Dexter or the State Fire Code in the absence of an approved local Code.
- B. A part 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 the building or structure does not meet the minimum requirements of this ordinance or Building Code of the Township of Dexter or of the County of Washtenaw.

- C. A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- D. A part 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 winds than is required in the case of new construction by this Ordinance or the Building Code of the Township of Dexter or of the County of Washtenaw.
- E. 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 purpose of support, or for other reason, is likely to collapse partially or completely, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- F. The building or structure of any portion of the building or structure is manifestly unsafe for the purpose for which it is used.
- G. The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and may become an attractive nuisance to children who might play in the building or structure to their danger, may become a harbor for vagrants, criminals, or immoral persons, or may enable persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- H. A dwelling, because of dilapidation, decay, damage, faulty construction or arrangement,

or otherwise, is unsanitary or unfit for human habitation, is in a condition determined by the health officer to be likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

- I. A building or structure is vacant, dilapidated, and open, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- J. 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, Act No. 299 of the Public Acts of 1980; Michigan Compiled Laws. Sections 339.2501 to 339,2515. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
  1. A building or structure as to which the owner or agent does both of the following:
    - a. 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.
    - b. Maintains the exterior of the building or structure and adjoining grounds in accordance with this Ordinance or the Building Code of Township of Dexter or the County of Washtenaw.
  2. A secondary dwelling of the owner that is regularly unoccupied for a period of 270 consecutive 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 270 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "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.

**SECTION III.**      Notice. Notwithstanding any other provision of this ordinance, 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.

- A.      Persons who may be served notice. The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency under Michigan Compiled Laws Section 5.2891(5). If an owner, agent, or lessee is not registered under Michigan Compiled Laws Section 5.2891(5), 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.
- B.      Contents. 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.
- C.      Hearing officer; filing of notice with officer. The hearing officer shall be appointed by

the Township Supervisor to serve at his or her 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.

- D. Notice in writing; service. 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 10 days before the date of the hearing included in the notice.

#### **SECTION IV.      Hearing Procedures, Reimbursement, Lien on Property.**

- A. Hearing; testimony. At a hearing prescribed by Section III, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five (5) 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. Order, compliance. 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 Section III, 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. Failure to appear, noncompliance; filing report of findings; request to enforce order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (B), the hearing officer shall file a report of the findings and a copy of the order with the township board not more than five (5) days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the Township Board has established a Board of Appeals pursuant to Section VI, the hearing officer shall file the report of the findings and a copy of the order with the Board of Appeals 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 III.
- D. Hearing; notice, show cause why order should not be enforced, decision on order, compliance. The Dexter Township Board or the Board of Appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in Section III 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 III 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 Township Board or the Board of Appeals shall either approve, disapprove, or modify the order. If the Township Board or Board of Appeals



approves or modifies the order, the Township Board 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.

In the case of an order of demolition, if the Township Board or the Board of Appeals 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. Compliance costs; reimbursement. 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 Township to bring the property into conformance with this act shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.
- F. Notification; failure to reimburse; lien for compliance costs. 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 Township shall have a lien for the cost incurred by the Township to bring the property into conformance with this act. 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, Act No. 206 of the Public Acts of 1893; Michigan Compiled Laws Sections 211.1 to 211.157.

- G. Action against owner; lien on property. In addition to other remedies under this Ordinance, the Township 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 Township 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.

**SECTION V. Noncompliance with Order: Misdemeanor.** A person who fails or refuses to comply with an order approved or modified by the legislative body or board of appeals under Section IV within the time prescribed by that section is guilty of a misdemeanor, punishable by imprisonment for not more than 120 days, or a fine of not more than \$1,000.00, or both.

**SECTION VI. Board of Appeals**

- A. Establishment. The Township Board may establish a Board of Appeals to hear all of the cases and carry out all of the duties of the legislative body described in Section IV, C and D.



- B. Appointment of Members; Composition. The Board of Appeals shall be appointed by the Township Board and shall consist of the following members:
1. A building contractor
  2. A registered architect or engineer
  3. Two members of the general public
  4. An individual registered as a building official, plan reviewer, or inspector under the building officials and inspectors registration act, Act No. 54 of the Public Acts of 1986; Michigan Compiled Laws Sections 338.2301 to 338.2313. The individual may be an employee of the enforcing agency.
- C. Membership Terms. Board of Appeals members shall be appointed for three (3) years, except that of the members first appointed, two (2) members shall serve for one (1) year, two (2) members shall serve for two (2) years and one (1) member shall serve for three (3) years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.
- D. Officers. The Board of Appeals annually shall elect a chairperson, vice-chairperson, and other officers that the board considers necessary.
- E. Quorum; Final Actions of the Board. A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the board members appointed and serving.
- F. Compensation; Expenses. The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board

of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.

- G. Open Meetings Act; Compliance. A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Act No. 267 of the Public Acts of 1976, Michigan Compiled Laws, Sections 15.261 or 15.275. Public notice of the time, date and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.
- H. Freedom of Information Act; Compliance. A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act. Act No. 442 of the Public Acts of 1976; of the Michigan Compiled Laws, Sections 15.231 to 15.246.
- I. Judicial Review. An owner aggrieved by any final decision or order of the Township Board or the Board of Appeals under Section IV may appeal the decision or order to the Washtenaw Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

**SECTION VII.**      Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VIII.**      Severability. Any section or provision of this Ordinance which is subsequently declared to be unconstitutional and unenforceable for any reason shall be considered separate and severable from this Ordinance, and the remaining provisions shall not be affected by such invalidity.

**SECTION IX.**      Effective Date. The within Ordinance shall be effective thirty (30) days after adoption and publication as provided by law.

Dated: 21 September 2004

Published: 7 October 2004

Effective: 6 November 2004

**RESOLUTION OF ADOPTION**


STATE OF MICHIGAN )  
COUNTY OF WASHTENAW)<sup>SS</sup>

I, **HARLEY RIDER**, Clerk of the Township of Dexter, do hereby certify that the attached Ordinance was adopted by a roll call vote of the Township Board on the 21<sup>st</sup> day of September, 2004, by the following roll call vote:

**AYES**            Rider, Knight, Kelly, Howard, Brushaber

**NAYES**          None

and that upon order of the Township Board, I have caused the same to be published and enrolled in the Ordinances of the Township of Dexter, as provided by law.

  
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**HARLEY RIDER**  
Clerk of the Township of Dexter

**NOTICE OF ORDINANCE ADOPTION**

**PLEASE TAKE NOTICE** that under the Authority of Act Nos. 109, 113 and 144 of the Public Acts of 1992, Housing Law of Michigan, MCL 124.501 *et seq.*, Act No. 230 of the Public Acts of 1972, State Construction Code, MCL 125.1501 *et seq.*, and Act No. 246 of 1945, Township Ordinance Act, MCL 41.181 *et seq.*, was adopted by



the Dexter Township Board on the 21<sup>st</sup> day of September 2004. A summary of the Ordinance is:

THE ORDINANCE IS ENACTED TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF DEXTER, 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 THE ASSESSMENT OF THE COST OF SAID MAKING SAFE OR DEMOLITION OF DANGEROUS BUILDINGS; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT, AND TO PROVIDE FOR MUNICIPAL CIVIL INFRACTION FINES AND REMEDIES.

The effective date is the 6<sup>th</sup> day of November 2004. A copy of the Ordinance may be purchased or inspected at the office of the Dexter Township Clerk, 6880 Dexter-Pinckney Road, Dexter, MI 48130, by appointment, telephone (734) 426-3767.

  
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**HARLEY RIDER**

Dated: 21 September 2004    Clerk of the Township of Dexter