

**ST. IGNACE TOWNSHIP  
ORDINANCE NO. 29  
DANGEROUS BUILDING**

An Ordinance to promote the health, safety, and welfare of the people of the Township of St. Ignace, Mackinac County, Michigan by regulating the maintenance and safety of certain buildings and structures, to define the classes of buildings and structures affected by the Ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies; provide for enforcement; and fix penalties for the violation of this Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP OF ST. IGNACE, MACKINAC COUNTY, MICHIGAN ORDAINS:

**SECTION I: TITLE**

This Ordinance shall be known and cited as the Township of St. Ignace Dangerous Building Ordinance. (ord.no.29 eff.12-16-2000).

**SECTION II: DEFINITIONS OF TERMS**

As used in this Ordinance, including in this section, the following words and terms shall have the meanings stated herein:

- A. "Dangerous building" means any building or structure, residential or otherwise, 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 that does not conform to the Township Fire or Building Codes. (State Adopted).
  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 the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, or the Township Building 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 that is required in the case of new construction by the Housing Law of the State of Michigan, Act. No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws or the Township Building 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 reasons 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 or structure, or a part of the building or structure, is manifestly unsafe for the purpose of which it is used.
  7. The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the 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 for, 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 of the county 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 door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
  10. Those buildings which exist in violation of any provision of any ordinance or code of the Township of St. Ignace.
  11. A building or structure remains unoccupied for a period of one hundred eighty (180) consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under Art. 25 of the Occupational Code, Act No. 299 of 1980, being Section 339.2501 et seq. of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subdivision 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 the Township Board that the building or structure will remain unoccupied for a period of one hundred eighty (180) consecutive days. The notice shall be given by the owner or agent not more than thirty (30) days after the building or structure became occupied.
      - (2) Maintain the exterior of the building or structure and adjoining grounds in accordance with this Ordinance and the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, and the Township Building Code.
    - b. A secondary dwelling of the owner that is regularly unoccupied for a period of one hundred eighty (180) days or longer each year, if the owner notifies the Township Board that the dwelling will remain unoccupied for a period of one hundred eighty (180) consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Township Board not more than thirty (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, or summer home, that is occupied by the owner or a member of the owner's family during part of the year.

- B. "Enforcing Agency" means this Township, through the Township Building Official and/or such other Official(s) or Agency as may be designated by the Township Board to enforce this Ordinance.
- C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being Section 125.1501 et seq. of the Michigan Compiled Laws.

### **SECTION III: PROHIBITATION OF DANGEROUS BUILDINGS**

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: STANDARDS FOR REPAIRS, ALTERATIONS, VACATION OR DEMOLITION**

The following standards shall be followed in substance by the Building Inspector and the Township Board ordering repair, alterations, vacation, or demolition:

- a. If the "dangerous building" can reasonable be repaired or altered so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired or altered.
- b. If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.
- c. In any case where a "dangerous building" is at least fifty (50) percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building can not be repaired or altered so that it will no longer exist in violation of the terms of this Ordinance, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this Ordinance or any other Ordinance or code of the Township or statue of the State of Michigan, it shall be demolished.

### **SECTION V: DUTIES OF BUILDING INSPECTOR-INSPECTION**

The Building Inspector shall:

- a. Inspect or cause to be inspected any building or other structure which in his opinion probably is existing in violation of the terms of this Ordinance, or about which a complaint is filed by any person to the effect that a building or other structure is or may be existing in violation of this Ordinance, or which is reported by the Township Board or County Health Department as probably existing in violation of the terms of this Ordinance.
- b. Determine for each inspection required, within the standards of Section II of this Ordinance, whether or not a violation in fact exists, and make a written record of such determination.

### **SECTION VI: DUTIES OF BUILDING INSPECTOR-NOTICE TO ABATE**

Whenever the Building Inspector determines that a "dangerous building" exists within the standards of Section II of this Ordinance, the following action shall be taken by the Building Inspector:

- a. Notify in writing by certified mail or personal service the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac of any building found by him to be a "dangerous building" within the standards set forth in Section II of this Ordinance, that: (1) the owner must vacate, or repair, or alter, or demolish said

building in accordance with the terms of the notice and this Ordinance; (2) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (3) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac may at his own risk repair, alter, vacate, or demolish said building or have such work, or act done.

- b. Set forth in the notice provided for in subsection a. hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building:" and an order requiring the same to be put in such condition as to comply with the terms of this Ordinance within such length of time, not exceeding thirty (30) days, as is reasonable; provided that the Building Inspector may grant one or more extensions of time for compliance with said notice, upon request from the owner, occupant lessee, mortgagee, agent or other person or persons having an interest in said building, when in the opinion of the Building Inspector the need for such extension is justified by circumstances beyond the control of said interested person or persons, the total of all such extensions not to exceed sixty (60) days.
- c. Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a dangerous building by the Building Inspector." This Notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac. It is unlawful to remove this notice until such notice is complied with.
- d. Report to the Township Board any noncompliance with the "notice" provided for in subsections a., b. and c., hereof.
- e. Appear at all hearings conducted by the Township Board, and testify as to the condition of "dangerous buildings."

#### **SECTION VII: DANGEROUS BUILDING HEARING PROCEDURE**

The St. Ignace Township Board shall be authorized to conduct all required hearings and make all determinations necessary to comply with this Ordinance, following the procedures of Section VIII.

#### **SECTION VIII: PROCEDURE FOR NON-COMPLIANCE**

Upon receipt of a report from the Building Inspector as provided herein in Section VI subsection d. the Township Board shall:

- a. Give written notice by certified mail or personal service to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by land records of the Recorder of Deeds of the County of Mackinac to appear before them on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, altered, vacated, or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in Section VI, subsections a. and b.; said notice of hearing to be mailed at least ten (10) days prior to the date of said hearing.
- b. Hold a hearing and hear such testimony as the Building Inspector and the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac shall offer relative to the "dangerous building", as well as testimony from other citizens affected by said "dangerous building".

- c. Make written findings of fact from the testimony offered pursuant to subsection b. as to whether or not the building in question is a "dangerous building" within the terms of Section II.
- d. Issue an order based upon findings of fact made pursuant to subsection c. commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac, to repair, alter, vacate or demolish any building found to be a "dangerous building" within the terms of this Ordinance, and provided that any person so notified except the owners shall have the privilege of either vacating or repairing said "dangerous building"; or any person not the owner of said "dangerous building" but having an interest in the said building as shown by the land records of the Recorder of Deeds of the County of Mackinac may repair, alter, or demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the Township Board as provided by subsection e. hereof.
- e. Provide in said order that if the owner, occupant, mortgagee or lessee fails to comply with the order as provided in subsection d. hereof, within thirty (30) days, Township Board shall cause such "dangerous building" to be repaired, altered, vacated or demolished as the facts may warrant, under the standards provided in Section II of this Ordinance, and shall cause the costs of such repair, alteration, vacation, or demolition to be charged by special assessment against the property on which said "dangerous building" existed; provided, that in lieu of said special assessment, or as an additional remedy, the Township Board may bring a personal action against the owner or owners of said premises to recover the cost of such repair, alteration, or demolition; and provided further, that in cases where such procedure is desirable and any delay caused will not be dangerous to the health, morals, safety or general welfare of the people of the Township of St. Ignace, the Township Board may direct the Township Attorney to take legal action to force the owner or owners to make all necessary repairs; or alterations or demolish the building.

#### **SECTION IX: EMERGENCY CASES**

Notwithstanding the provisions of Section VI and Section VII of this Ordinance, in cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, altered, vacated, or demolished, the Building Inspector shall report such facts to the Township Board, which shall cause immediate repair, vacation, or demolition of such "dangerous building". The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Section VIII subsection 3 of the Ordinance.

#### **SECTION X: IMPLEMENTATION AND ENFORCEMENT OF REMEDIES**

- A. Implementation of Order by Township Board: In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- B. Reimbursement of Costs: The costs 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 Ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

- C. **Notice of 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 Township Clerk of the amount of the costs of the demolition, or making the building safe, or of maintaining the exterior of the building or structure, by first class mail at the address shown on the Township Records.
- D. **Lien for Unpaid Costs:** If the owner or partner in interest fails to pay the costs within thirty (30) days after mailing by the Clerk of the notice of the amount of the cost, in the case of a single family dwelling or a two family dwelling the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance. 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 a priority over previously filed or recorded liens and encumbrances. The lien for the costs 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, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.
- E. **Court Judgement for Unpaid Costs:** 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. In the case of a single family dwelling or a two family dwelling, the Township shall have a lien on the property for the amount of a judgement obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided by law. The lien does not have a priority over prior filed or recorded liens and encumbrances.
- F. **Enforcement of Judgement:** A judgement in an action brought pursuant to Section X of this ordinance may be enforced against assets of the owner rather than the building or structure.
- G. **Lien for Judgement Amount:** In the case of a single family dwelling or a two family dwelling, the Township shall have a lien for the amount of a judgement obtained pursuant to Section X of this Ordinance against 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 which the judgement is obtained. A lien provided for in this subsection 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.

#### **SECTION XI: ADMINISTRATIVE LIABILITY**

No officer, agent, or employee of the Township of St. Ignace shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of the Township of St. Ignace as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the Township Attorney until the final determination of the proceedings therein.

**SECTION XII: VIOLATIONS - PENALTY FOR DISREGARDING NOTICES OR ORDERS.**

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, alter, vacate or demolish said building shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) for each offense and further sum of one hundred dollars (\$100.00) for each and every day such failure to comply continues beyond the date fixed for compliance. Any person removing the notice provided for in Section VI, subsection c. hereof, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred dollars (\$500.00) for each offense.

**SECTION XIII: APPEAL OF TOWNSHIP BOARD DECISION.**

An owner aggrieved by any final decision or order of the Township Board, under this Ordinance, may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

**SECTION XIV: SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.