

CHARTER TOWNSHIP OF FENTON
Ordinance No. 760
Adopted: February 17, 2014

An ordinance to amend Sections 5-12 of Dangerous Buildings Ordinance No. 719 to eliminate the Dangerous Buildings Board of Appeals and to assign the duties to the Township Board.

ARTICLE I. Section 5 (Dangerous Building Board of Appeals) of Ordinance No. 719 is hereby deleted in its entirety.

ARTICLE II. Section 6 (Procedures for Determination of Status of Dangerous Building) is hereby amended to become Section 5 and shall provide as follows:

SECTION 5. Procedures for Determination of Status of Dangerous Building

- A. **Determination of Dangerous Building.** The Building Official or other designated member of the Township shall make the determination that a building or structure is dangerous as defined by this ordinance.
- B. **Notice Requirement.** Upon determination that a building or structure is dangerous, the Building Official or other designated member of the Township shall issue a notice that the building or structure is a dangerous building and that a hearing on the issue will be held by the Hearing Officer
1. **Parties Entitled to Notice.** The notice shall be served on each owner of, or party with interest in, the building or structure in whose name the property appears on the last local tax assessment records of the Township.
 2. **Contents of Notice.** The notice shall:
 - a. specify the time and place of a hearing on whether the building or structure is a dangerous building
 - b. state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
 3. **Service of Notice.** 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 and regular mail, addressed to the owner or party in interest at the address shown on the last local tax assessment records. If a notice is served upon 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.
- C. **Filing Dangerous Building Notice with Hearing Officer.** The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- D. **Hearing Testimony and Decision.** At a hearing prescribed by this Ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 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. A record of the hearing shall be prepared and maintained by the Township.

- E. **Compliance with Hearing Officer Order.** 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 for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section 2.A.10 of this Ordinance, 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.
- F. **Noncompliance with Hearing Officer Order/Request to Enforce Order.** If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5 E. of this Ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than 5 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 5 B.3 of this Ordinance.
- G. **Enforcement Hearing Before the Township Board.** The Township Clerk shall schedule a hearing before the Township Board not less than 30 days after the order of the Hearing Officer, and shall give notice to the owner, agent or lessee in the manner prescribed in Section 5 B.3 of this Ordinance 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 shall approve, disapprove or modify the order. If the Township Board approves or modifies the order, it 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 section. In the case of an order of demolition, if the Township Board 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 section.

ARTICLE III. Section 7 (Implementation and Enforcement of Remedies) is hereby amended to become Section 6 and shall provide as follows:

SECTION 6. Implementation and Enforcement of Remedies

- A. **Implementation of Order by Township.** In the event of the refusal or failure 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 of the building, the making safe of the building or maintaining the exterior of the building, structure or grounds adjoining the building or structure.
- B. **Reimbursement of Costs.** The costs of the remedies outlined in Section 6.A. above, 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 Treasurer of the amount of the costs of the remedies outlined in Section 6.A. above, by first class mail at the address shown on the Township records.
- D. **Lien for Unpaid Costs.** If the owner or party in interest fails to pay the costs within 30 days after mailing by the Township Treasurer of the notice of the amount of the cost, the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, until paid.
- E. **Court Judgment 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.
- F. **Enforcement of Judgment.** A judgment in an action brought pursuant to Section 6.E. of this Ordinance may be enforced against assets of the owner other than the building or structure.

ARTICLE IV. Section 8 (Sanction for Nonconformance with Order) is hereby amended to become Section 7 and shall provide as follows:

SECTION 7. Sanction for Nonconformance with Order

Any person or other entity that fails or refuses to comply with an order approved or hearing prescribed in Section 5.D of this Ordinance for a hearing on the findings and modified by the Township Board, under Section 5.G of this Ordinance within the time prescribed by that Section shall be guilty of a misdemeanor. Upon conviction thereof before any court of competent jurisdiction, they shall be subject to punishment by a fine not to exceed five hundred (500) dollars, or by imprisonment not to exceed ninety (90) days, or both, and in addition, shall pay all costs of prosecution. Each day during which a violation continues shall be deemed to be a separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

ARTICLE V. Section 9 (Appeal Board Decision) is hereby amended to become Section 8 and shall provide as follows:

SECTION 8. Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board under Section 5.G of this Ordinance 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.

ARTICLE VI. Section 10 is hereby amended to become Section 9.

ARTICLE VII. Section 11 is hereby amended to become Section 10.

ARTICLE VIII. Section 12 is hereby amended to become Section 11.

ARTICLE IX. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE X. All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith are hereby repealed.

ARTICLE XI. This amendatory ordinance shall be published as required by law and shall take effect immediately after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 17th day of February 2014.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk