

METAMORA TOWNSHIP  
LAPEER COUNTY, MICHIGAN

DANGEROUS BUILDING ORDINANCE  
Ordinance No. 42

An ordinance to protect the public health and safety by providing for the repair, demolition, and making safe of dangerous buildings; to define dangerous buildings; to provide for inspections of dangerous buildings; to provide for notices, hearings, and appeals for persons having interests in buildings determined to be dangerous; and to provide for the tax roll assessment of the cost of making dangerous buildings safe.

THE TOWNSHIP OF METAMORA ORDAINS:

Section 1. Short Title.

This ordinance shall be known as the Metamora Township Dangerous Buildings Ordinance.

Section 2. Dangerous Buildings Defined.

As used in the ordinance, "dangerous building" means any building or structure which has any of the following defects:

- 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 township building code for a similar new building or structure.
- B. Whenever any portion of the or structure is likely to fall or to become dislodged or to collapse and thereby injure persons or damage property.
- C. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- D. Whenever 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.
- E. Whenever a building or structure used or intended to be used for dwelling purposes, 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 or is likely to work injury to the health, safety, or general welfare of those living in or near it.

- F. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to elements or accessible to entrance by trespassers.

### Section 3. Inspection.

The building inspector shall inspect and file a report on all buildings and structures which he believes to be dangerous buildings as defined in this ordinance.

### Section 4. Notice.

When the whole or any part of any building or structure is found to be in a dangerous condition, the Building Inspector shall issue a notice which shall specify the nature of the dangerous condition and the repair or demolition necessary to make the building or structure safe.

- A. The notice shall be directed to the person or persons in whose name the property appears on the most recent township tax assessment records.
- B. The notice shall specify the time and place of a hearing before the township board at which the person or persons to whom the notice was directed shall have the opportunity to contest the findings of the building inspector.
- C. All notices shall be sent by regular or certified mail or otherwise delivered at least ten (10) days before the date of the hearing described in the notice.

### Section 5. Hearing.

The township board shall conduct a hearing reviewing the findings of the building inspector. All relevant information provided by the owners or other persons interested in the property and all relevant information provided by the building inspector shall be considered.

- A.6 If it is determined by the township board that the building or structure is not dangerous or unsafe, no further action shall be taken.
- B. If it is determined by the township board that the building or structure should be repaired, demolished, or otherwise made safe, it shall so order, fixing a time within which compliance must be completed.
- C. A copy of the decision of the township board shall be sent by regular or certified mail or personally delivered as directed by the township board to the person or persons to whom the original notice was sent.

Section 6. Compliance.

Complying with the township board decision to require the repair, demolition, or making safe of a building or structure shall be the responsibility of the duly notified persons having an interest in the property.

Section 7. Failure to Comply; Lien.

If the responsible persons do not comply with the township board's decision within the time specified, the township may arrange to have the required repair, demolition, or other work completed. The cost of such required repair, demolition, or other work shall be a lien against the real property on which the building or structure is located and shall be assessed against said real property on the next tax roll.

Section 8. Appeal.

A person affected by a township board decision requiring the repair, demolition, or other work on a building or structure in which said person has an interest, may appeal the decision to the Circuit Court by filing an action within 20 days from the date of the decision by the township board.

Section 9. Severability Clause.


This ordinance and each section, subsection, provision, sentence, and portion thereof are hereby declared to be severable. If any provision of this ordinance is adjudged by a Court of competent jurisdiction to be invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

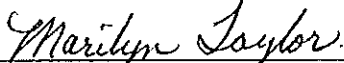
Section 10. Repeal of Conflicting Ordinances and Provisions.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed. The former Metamora Township Dangerous Buildings Ordinance adopted \_\_\_\_\_ is hereby repealed.

Section 11. Enactment and Effective Date.

This ordinance adopted by the Township Board of the Township of Metamora, Lapeer County, Michigan, at a meeting duly called and held on the 10th day of December, 2001, and published in the Lapeer County Press on the 19th day of December, 2001. This ordinance shall become effective 30 days after date of publication.

  
\_\_\_\_\_  
DAVID BEST, Supervisor

  
\_\_\_\_\_  
MARILYN TAYLOR, Clerk

## ENFORCEMENT OF DANGEROUS BUILDINGS ORDINANCE

The following procedures should be followed whenever a township determines that there is a probable violation of the Dangerous Buildings Ordinance.

1. The building inspector should inspect the building and prepare a written report as to the dangerous aspects of the building. The report should cite the appropriate provisions of Section 2 of the Ordinance which accurately describes the dangerous condition of the building. The report should be as specific as possible. The report must contain a specific recommendation as to what should be done with the building, whether it be boarded up, repaired, or demolished. The report must include photographs showing the dangerous nature of the building. The photographs must be identified as to location, date, and photographer.
2. All ownership interests (deed holders, land contract sellers and buyers, mortgage holders, etc.) must be identified for notice purposes.
3. A copy of the report should be provided to the township board and to the municipal attorney for review prior to setting a public hearing date.
4. The township board must set a public hearing date for consideration of the report. The date set must provide sufficient time to send out the notices to the interested parties.
5. Notices of the public hearing must be provided to all persons having an ownership interest in the property at least ten days before the date of the hearing. The notices can be delivered either in person or by mail. An affidavit as to delivery by mailing must be prepared and signed by the Clerk and kept in the file. Proposed forms for the notice and the affidavit of notice are attached.
6. At the public hearing, the building inspector should present his report and any persons attending the meeting should be given an opportunity to present any material they may have as to the condition of the building, objections to the report, objections to the recommended action, or proposals to correct the dangerous condition. At the conclusion of the public hearing, the township board or village council should make a decision as to the building (no action, boarding up, repair, or demolition) and set a date by which compliance must be achieved.
7. A copy of the decision, together with the deadline for compliance, must be delivered or mailed to the same persons who were notified of the public hearing. An affidavit as to that delivery or mailing must be executed by the Clerk and kept with the file.
8. If the property owners fail to comply with the order within the time required, the township board or village council may proceed to contract for the necessary work

to be done. The cost for the contracting of that work may then be assessed on the tax roll. An appraisal of the building value should be prepared in writing by the Township assessor prior to demolition. Presumably, the value will be zero or a negative value in most cases.

9. A complete copy of all reports, notices, pictures, affidavits, minutes, and appraisal reports must be retained by the Clerk.

(NOTE: The demolition of a building should be done only as a last resort when all else fails. Before letting a contract for demolition, be sure and check with the township attorney as to liability. A written contract should be prepared for any demolition work.)

**AFFIDAVIT OF PUBLIC**

**OFFICIAL NOTICE**  
**METAMORA TOWNSHIP BOARD**  
**DANGEROUS BUILDING**  
**ORDINANCE #42**

An Ordinance to protect the public health and safety by providing for the repair, demolition, and making safe of dangerous buildings; to define dangerous buildings; to provide for inspections of dangerous buildings; to provide for notices, hearings, and appeals for persons having interests in buildings determined to be dangerous; and to provide for the tax roll assessment of the cost of making dangerous buildings safe.

- THE TOWNSHIP OF METAMORA ORDAINS:
- Section 1. Short Title
  - Section 2. Dangerous Buildings Defined.
  - Section 3. Inspection
  - Section 4. Notice
  - Section 5. Hearing
  - Section 6. Compliance
  - Section 7. Failure to Comply; Lien.
  - Section 8. Appeal
  - Section 9. Severability Clause
  - Section 10. Repeal of Conflicting Ordinances and Provisions
  - Section 11. Enactment and Effective Date.

This Ordinance adopted by the Township Board of the Township of Metamora, Lapeer County, Michigan, at a meeting duly called and held on the 10th day of December, 2001, and published in the Lapeer County Press on the 19th day of December 2001. This ordinance shall become effective 30 days after date of publication.

**CERTIFICATION OF TOWNSHIP CLERK**

I, Marilyn Taylor, Metamora Township Clerk, hereby certify that the foregoing is a true copy of an Ordinance adopted by the Township Board at a regular meeting held on December 10, 2001 by the following vote;

Motion by Bedford, supported by Woodley  
Ayes: 5  
Nays: 0  
Absent: 0  
Motion: Carried.

Marilyn Taylor  
Metamora Township Clerk

Township Board ordered notice of adoption and summary to be published one time in the Lapeer County Press on December 19, 2001. A true and complete copy of the above ordinance may be purchased or inspected at the offices of the Township Clerk, 730 West Dryden Road, Metamora, MI, 48455.

STATE OF MICHIGAN }  
COUNTY OF LAPEER } SS

Mark Haney \_\_\_\_\_, being  
the editor

newspaper published in the English  
local or transmitted news and intelli  
legal news, which is a duly qualified  
copy of a certain order taken from s  
was published

December 19, 2001

*[Signature]*

Subscribed and sworn to before me th  
day of December

*[Signature]*  
Notary Public, Lapeer County, Michigan

**CHERYL A. CHILDERS**  
Notary Public, Lapeer County, MI  
My Comm. Expires July 18, 2004

My commission expires \_\_\_\_\_

Prepared by  
**The County Press**  
1521 Imlay City Rd.  
Lapeer, MI 48446

**AFFIDAVIT OF PUBLIC**

**OFFICIAL NOTICE**

**NOTICE OF PUBLIC HEARING  
DANGEROUS BUILDING ORDINANCE #42  
METAMORA TOWNSHIP BOARD  
DECEMBER 10, 2001 AT 6:30 PM**

Notice is hereby given that the Metamora Township Board will hold a public hearing on Monday, December 10, 2001 beginning at 6:30 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, MI 48455. The purpose of the hearing is to receive public comments on the Dangerous Building Ordinance #42. A complete copy of the text of the proposed ordinance may be examined at the office of the Township Clerk, Mondays through Fridays except holidays, during regular Township business hours.

Written comments may be sent to the Metamora Township Board, at the address above, prior to the hearing. Oral comments will be taken during the hearing.

This notice is published pursuant to the requirements of Michigan Public Act 184 of 1943, as amended.

Marilyn Taylor, Clerk  
Township of Metamora

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STATE OF MICHIGAN }  
COUNTY OF LAPEER } SS

Mark Haney, being first duly sworn, says that (s)he is  
the editor of The County Press, a  
newspaper published in the English language for the dissemination of  
local or transmitted news and intelligence of a general character and  
legal news, which is a duly qualified paper, and that annexed hereto is a  
copy of a certain order taken from said newspaper, in which the order  
was published  
November 28, 2001

*Mark Haney*

Subscribed and sworn to before me this 28th  
day of November, 2001

*Cheryl A. Childers*  
Notary Public, Lapeer County, Michigan

CHERYL A. CHILDERS  
Notary Public, Lapeer County, MI  
My Comm. Expires July 18, 2004

My commission expires \_\_\_\_\_

Prepared by  
**The County Press**  
1521 Imlay City Rd.  
Lapeer, MI 48446