

**TOWNSHIP OF ELY, MARQUETTE COUNTY, MICHIGAN  
DANGEROUS BUILDINGS ORDINANCE  
ORDINANCE NO. 2021-2**

An Ordinance regulating dangerous buildings in the Township of Ely, Marquette County, Michigan and to provide civil remedies for violation of the Ordinance.

**SECTION 1. TITLE**

This Ordinance shall be known as the Ely Township Dangerous Buildings Ordinance

**SECTION 2. DEFINITIONS**

**Dangerous Building:** 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 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 latest edition of the Michigan Residential Code, or the Michigan Building Codes, including applicable sections of the International Property Maintenance Code, as any of which may periodically be amended.
2. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
3. 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 than 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 latest edition of the Michigan Residential Code, or the Michigan Building Code, including applicable sections of the International Property Maintenance Code, as any of which may periodically be amended.
4. 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 any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is like to fall or give way.

5. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for its use or intended use.
6. 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 enter the building or structure to their danger, or become a harbor for vagrants, criminals or trespassing persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
7. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, deterioration, decay, 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.
8. A building or structure that 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.

**Enforcing Agency:** means Ely Township, through the Township Supervisor, and/or such other official(s) or agency as may be designated by the Ely Township Board to enforce this Ordinance.

### **SECTION 3. PROHIBITION 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 4. NOTICE OF DANGEROUS BUILDING; HEARING**

1. This Ordinance shall be enforced by the Township Supervisor, Zoning Administrator, or by any other person the Township Board may designate by Resolution from time to time.
2. Notice requirement: 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 written notice that the building or structure is found to be dangerous.
3. 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 Ely Township.
4. Contents of notice: The notice shall specify the nature of the condition or conditions alleged to make the building dangerous, the time and place of a hearing on whether the building or structure is a dangerous building and 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.

5. 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, addressed to the owner or party in interest at the address shown on the tax 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 part in interest at least ten days before the date of the hearing included in the Notice.

**SECTION 5. DANGEROUS BUILDING HEARING OFFICER; DUTIES; HEARING; ORDER**

1. 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 a member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.
2. 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.
3. 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 five 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.
4. Compliance with Hearing 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 date and time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building as defined under Section 2.A 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, shrubs.
5. 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.D. 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 five 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 4.D. of this Ordinance.

## **SECTION 6. ENFORCEMENT HEARING BEFORE THE TOWNSHIP BOARD**

The Township Board shall fix a date not less than 30 days after the Date for Compliance prescribed in Section 5. D. of this Ordinance 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 4.D. 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 either approve, disapprove or modify the Order. If the Township Board approves or modifies the Order, the Township Board shall take all necessary action to enforce the Order, and 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 deems 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. Such demolition shall adhere to Marquette County and State of Michigan Demolition Codes.

## **SECTION 7. IMPLEMENTATION AND ENFORCEMENT OF REMEDIES**

1. Implementation by order by Township: 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, at its discretion, contract for the demolition, making safe, or maintenance of the building or structure or grounds adjoining the building or structure.
2. Reimbursement of Costs: The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or the 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.
3. Notice of Costs: The owner or party in interest whose name the property appears upon the last local tax assessment record shall be notified by the Township Assessor of the amount of the costs of the demolition, of making the structure safe, or of maintaining the exterior of the building or structure or the grounds adjoining the building or structure, by first class mail at the address shown on Township records.
4. Lien for unpaid Costs: If the owner or party in interest fails to pay the costs within 30 days after mailing by the Assessor 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 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 No. 206 of the Public Acts of 1893, as amended, being Sections 211.1 et.seq. of the Michigan Compiled Laws.

5. 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. 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 judgment 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 priority over prior filed or recorded liens and encumbrances.
6. Enforcement of Judgment: A judgment in an action brought pursuant to Section 7.E. of this Ordinance may be enforced against assets of the owner other than the building or structure in question.
7. Lien for Judgment 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 judgment obtained pursuant to Section 7.E. of this Ordinance against the 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 judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed and recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

## **SECTION 8. SANCTIONS FOR NON-COMPLIANCE WITH ORDER**

Any person or entity who fails or refuses to comply with an Order approved or modified by the Township Board under Section 6 of this Ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law and equity. Each day a violation of the Ordinance continues to exist constitutes a separate violation.

**SECTION 9. APPEAL OF TOWNSHIP BOARD**

An owner aggrieved by any final decision or order of the Township Board, as applicable, under Section 6 of the 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.

**SECTION 10. SEVERABILITY**

The provisions of this Ordinance are 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 this Ordinance, which shall continue in full force and effect.

**SECTION 11. EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days after publication.

Motion to adopt the Dangerous Buildings Ordinance made by Treasurer Dawn Schuhknecht, and supported by Trustee Art Gischia.

Roll Call Vote:

Ayes: Gischia, Schuhknecht, and Supervisor Jeremy Laakso

Nays: None

Absent: Clerk Molly Taseris and Trustee Glenn Wing

Supervisor Laakso declared the Dangerous Buildings Ordinance adopted on this 21st day of the month of July, 2021.

**Certification**

I, Molly A. Taseris, Ely Township Clerk, certify the Dangerous Buildings Ordinance was adopted on July 21, 2021.

\_\_\_\_\_ Name

\_\_\_\_\_ Date