

**LEE TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. 2021**

**DANGEROUS BUILDINGS ORDINANCE**

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Lee Township, Allegan County, 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; and to provide penalties and sanctions for the violation of said Ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings.

**THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN,  
ORDAINS:**

**Section 1. Title.**

This Ordinance shall be known as the Lee Township Dangerous Buildings Ordinance.

**Section 2. Dangerous building defined.**

As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, including but not limited to a mobile home, modular home, or manufactured home, which has any of the following defects or is in any of the following conditions:

- a. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the Building Codes or fire codes effective within the Township, it shall be considered that such building does not meet the requirements of this Ordinance.
- b. 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 occurrence and is less than the minimum requirements of the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, the "Stille-DeRossett-Hale Single State Construction Code Act, as amended, or the building

codes of the Township, for a new building or similar structure, purpose or location.

- c. Whenever any portion of member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- d. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, the "Stille-DeRossett-Hale Single State Construction Code Act, as amended, or the building codes of the Township.
- e. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to fall or give way.
- f. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- g. When 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, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- h. Whenever a building or structure used 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 Township or County of Allegan determines is likely to causes sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
- i. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- j. Whenever 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, being Sections 339.2501 to 339.2515 of the Michigan Compiled Laws, or (if the building or structure) has not been publicly offered for sale by the owner of the building or structure during said period. 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:

- (i) A building or structure as to which the owner or agent does both of the following:
    - (a) Notifies the Allegan County Sheriff Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the Allegan County Sheriff Department 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 codes of the Township.
  - (ii) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Allegan County Sheriff Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Allegan County Sheriff Department 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 year.
- k. The term "dangerous building" shall also include any sign, fence, shed, lean-to, cellar or other structure which has become so rotted, broken, infirm or dilapidated so as to endanger persons or property.

### **Section 3. Prohibition.**

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.**

- a. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township building official shall issue a notice of the dangerous condition.
- b. 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 of the Township.
- c. 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.
- d. 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 party in interest at least ten days before the date of the hearing included in the notice.

#### **Section 5. Hearing officer; duties.**

- a. 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 a hearing officer.
- b. The building official shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
- c. At a hearing prescribed by this Ordinance, the hearing officer shall take testimony of the building official, other representatives of the Township, the owner, agent, or lessee 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.

- d. 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 2j. 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.
- e. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under subsection d, 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. If the Township Board has established a Board of Appeals, 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 a manner prescribed in Section 4d of this Ordinance.

#### **Section 6. Hearing before the Township Board or Board of Appeals.**

The Township Board or the Board of Appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in Section 5c 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 4d 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 or the Board of Appeals shall either approve, disapprove or modify the order. If the Township Board or the 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 section. 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 section.

#### **Section 7. Work done by Township.**

- a. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, or the Board of Appeals, 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. 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. 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 Assessor of the amount of 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 by first class mail at the address shown on the records.
- d. 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, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance, if the building or structure which was demolished, made safe or had the exterior of the building or structure or grounds adjoining the building or structure properly maintained, is a single-family dwelling or a two-family dwelling. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. 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, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.
- e. 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, if the judgment is entered in a case involving a single-family dwelling or a two-family dwelling the lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.
- f. A judgment in an action brought pursuant to subsection e may be enforced against assets of the owner other than the building or structure.

- g. The Township shall have a lien for the amount of a judgment obtained pursuant to subsection e 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, if the judgment is entered in a case involving a single-family dwelling or a two-family dwelling. 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 8. Appeal.**

An owner aggrieved by any final decision or order of the Township Board or the Board of Appeals, if applicable, under Section 6 of this Ordinance may appeal the decision or order to the circuit court by a petition for an order of superintending control within 20 days from the date of the decision.

### **Section 9. Sanctions.**

In addition to any other civil penalties or remedies provided for in this Ordinance, any person, firm, association, partnership, corporation or governmental entity who fails or refuses to comply with an order approved or modified by the Township Board or Board of Appeals under Section 6 of this Ordinance within the time prescribed by that section shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 <sup>st</sup> Offense	\$ 75.00	\$500.00
2 <sup>nd</sup> Offense within 3-year period*	150.00	500.00
3 <sup>rd</sup> Offense within 3-year period*	325.00	500.00
4 <sup>th</sup> or More Offense within 3-year period*	500.00	500.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lee Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

The building official and any deputy sheriff enforcing township ordinances pursuant to an interlocal agreement between the Township and the county sheriff are hereby authorized to issue and serve appearance tickets under this Ordinance and as provided by MCL 764.9c(2).

#### **Section 10. Board of Appeals; duties.**

- a. The Township Board may establish a Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in Section 6 of this Ordinance. If the Township Board establishes a Board of Appeals, the establishment and operation of the Board of Appeals shall be controlled by the following provisions:
- b. The Board of Appeals shall be appointed by the Township Board and shall consist of the following members:
  - i. A building contractor;
  - ii. A registered architect or engineer;
  - iii. Two members of the general public;
  - iv. 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, being Sections 338.2301 to 338.2313 of the Michigan Compiled Laws. The individual may be an employee of the enforcing agency.
- c. Board of Appeals members shall be appointed for three years, except that of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three 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 re-appointed for additional terms.
- d. The Board of Appeals annually shall select a chairperson, vice chairperson and other officers that the Board considers necessary.
- e. 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.
- f. 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. 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, being Sections 15.261 to 15.275 of the Michigan Compiled Laws. 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. 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, being Sections 15.231 to 15.246 of the Michigan Compiled Laws.

### Section 11. 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.

### Section 12. Effective date.

This Ordinance shall take effect 30 days following publication as required by law.

Moved by member Moore, supported by member Pericola to adopt the foregoing ordinance.

Ayes: Black, Pericola, Lowery, Moore, & Christensen

Nays: None

Absent/Abstentions: None

### CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Board of Lee Township, Allegan County, Michigan, at a meeting held on May, 13, 2002. I further certify that the Ordinance was published on May, 23, 2002 in the Allegan County News. I

further certify that a copy of this Ordinance was filed with the Allegan County Clerk on  
May, 24, 2002

Donna L. Christensen  
Township Clerk

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