

DANGEROUS BUILDINGS
Ord. No. 21
Adopted: August 4, 1977

105.000

105.001 Dangerous building, prohibitions.

Sec. I. It is unlawful for any owner or agent thereof to keep or maintain any dangerous building or part thereof as defined in the following section. All such dangerous buildings shall be abated by alteration, repair, rehabilitation, demolition or removal in accordance with the procedures specified elsewhere in this Article.

105.002 Dangerous buildings defined.

Sec. II. A dangerous building is any building or structure 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 exit does not conform to the State fire code.
- 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 catastrophe and is less than the minimum requirements of the Lyon Township building code for a new building or similar structure, purpose or location.
- C. Whenever any portion or member of 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 the walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the building code of Lyon 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 partially or completely collapse, or some portion of the foundation or underpinning 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. 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, 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, outbuilding or other structure, 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 when so determined by health officer of the Township or county or is likely to work injury to the health, safety or general welfare of those living within.
- I. Whenever any building or structure becomes vacant, dilapidated and open at door or window, leaving the interior of the building or structure exposed to the elements or accessible to entrance to trespassers.

105.003 Commencement of proceedings.

Sec. III. The Lyon Township Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as unsafe or damaged, and if such is found to be a dangerous building as defined in section II, the said Building Inspector shall commence proceedings to cause the repair, rehabilitate, demolition or removal of the building or structure.

105.004 Notice and order.

Sec. IV.

- A. The Lyon Township Building Inspector shall issue a Notice and Order directed to the owner of the building or structure stating the defects thereof. This notice may require the owner of the building or premises, within fourteen (14) days, to commence either the required alterations, repairs, or improvements, or the demolition and removal of the building and structure or portions thereof or take such steps necessary to comply with this ordinance. All such work shall be completed within such period of time as the Lyon Township Building Inspector shall determine to be reasonable to accomplish the work, which said period shall be stated in the notice. If necessary, such notice shall also require the building, structure, or portion thereof, to be vacated forthwith and not be re-occupied until the required repairs and improvements are completed, inspected and approved by the Lyon Township Building Inspector.
- B. Service of the Notice and Order shall be made upon the owner or agent by:
 - 1. Personally delivering a copy to the owner or agent and completing an Affidavit of such delivery, or
 - 2. Mailing a copy by certified mail, postage prepaid, return receipt requested, to the owner as indicated by the records of the Township Assessor and posting a copy thereof upon a conspicuous part of the building or structure, or
 - 3. When service cannot be made by either of the above methods and when the whereabouts of the owner and his residence are unknown, publishing a copy in a newspaper at least once each week for four consecutive weeks and mailing on or before the second publication a copy to the owner at his last known address.

150.005 Posting of signs.

Sec. V. The Lyon Township Building Inspector shall cause to be posted at each entrance of such a dangerous building or structure a notice to read: "Do not enter, unsafe to occupy." Such notice shall remain posted until the required repairs, demolition or removal is completed. Such notice shall not be removed without written permission of the Lyon Township Building Inspector, and no person shall enter this building except for the purpose of making repairs required, demolishing the building or inspecting same.

150.006 Failure to comply; order to show cause; notice lis pendens.

Sec. VI. If at the expiration of any time limit in the notice provided for in Section IV, the owner has not complied with the requirements thereof, the Lyon Township Building Inspector shall issue a Notice and Order to Show Cause to the owner of the Building. The Notice and Order to Show Cause shall specify the conditions making the building or structure dangerous, the action necessary to alleviate the dangerous condition; and the time and place of a hearing on the condition of the building or structure. Notice shall be given to the owner in the same manner as provided in Section IV (B). At the hearing, to be conducted by the Lyon Township Board, the owner shall have the opportunity to show cause why the building or structure should not be demolished or otherwise made safe as recommended by the Lyon Township Building Inspector. At the same time the owner is notified of the show cause proceedings, the Lyon Township Building Inspector shall file a copy of said Notice and Order with the Register of Deeds for Roscommon County.

150.007 Hearing; testimony, order; non-appearance or non-compliance; costs.

Sec. VII.

- A. The Lyon Township Board shall conduct a public hearing in order for the owner to show cause why the determination of the Lyon Township Building Inspector, as set forth in the Notice and Order to Show Cause, should not be complied with.
- B. The Lyon Township Board shall take testimony of the enforcing agency, the owner of the property and any interested party. The Lyon Township Board may inspect any building or structure or premises involved in the hearing proceedings or ordering the building or structure to be demolished or otherwise made safe.
- C. If it is determined by the Lyon Township Board that the building or structure should be demolished or otherwise made safe, it shall so order, fixing a time in the order by which the requirements of the order shall commence and be completed. The notice of the findings and Order shall be given to the owner in the same manner as provided in Section IV (B).
- D. If the owner fails to comply with the decision and order provided for in section VII (B), the Lyon Township Building Inspector shall cause such building to be demolished or otherwise made safe at the owner's expense, and the cost of said demolition or making the building safe including all incidental costs appurtenant thereto shall be a lien against the real property and shall be reported to the

assessing officer of the Township who shall assess the cost against the property on which the building or structure is located.

- E. The owner whose name appears upon the last local tax assessment records shall be notified of the amount of such costs by certified mail at the address shown on the records. If he fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of Lyon Township, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by Lyon Township.

150.008 Judicial review.

Sec. VIII. An owner aggrieved by any decision or order of the Lyon Township Board under section VII may appeal the decision or order to Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

150.009 Waiver provision.

Sec. IX. The owner of any building may at any time admit in writing that such building is a "dangerous building" within the meaning of Section II, waive notice, hearings, findings, order and service of the order under this Article, and court review of such order, and consent that said building may be demolished, and cost thereof charged against the premises, in which event the Lyon Township Board may have said building demolished and the cost charged against said premises shall be collected in the same manner as provided for in section VII of the Article.

105.010 Emergency cases.

Sec. X. In cases where the property owner cannot be notified after a reasonable attempt and it reasonably appears that there is immediate danger to the public safety or health, unless a dangerous building or structure as defined in Section II is immediately demolished or otherwise made safe, the Lyon Township Building Inspector shall report such facts to the Lyon Township Board, who shall cause the immediate repair or demolition of such dangerous building or structure. The costs of such emergency repair or demolition shall be collected in the same manner as provided for in section VII of this Article.

Effective Date: thirty days after publication.