

CHARTER TOWNSHIP OF HAMPTON, ORDINANCE NO. 14

ADOPTED: April 15, 1969

EFFECTIVE: May 30, 1969

An ordinance to secure the public peace, health, safety, welfare, and convenience of the residents and property owners of the Charter Township of Hampton, Bay County, Michigan, a municipal corporation, by the regulation of uncompleted, abandoned, dilapidated or deteriorated and dangerous buildings injurious to life or health, within said township; to provide penalties for the violation thereof; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE CHARTER BOARD OF THE CHARTER TOWNSHIP
OF HAMPTON, ORDAINS:

1. NAME. This ordinance shall be known and cited as the CHARTER TOWNSHIP OF HAMPTON DANGEROUS AND UNSAFE BUILDING ORDINANCE.
2. REGULATIONS.
 - a. All buildings and parts thereof erected on or before the effective date of this ordinance shall be completed and fully and permanently enclosed in accordance with the building permit issued to the owner and/OR CONTRACTOR and in accordance with Ordinance No. 6 of the Unified Building Code of the Township, or in the alternative, shall be torn down and removed, and any excavation thereunder filled in to grade level.
 - b. No building or structure, whether now existing or hereafter erected, shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage by fire, collapse, or act of God, or by virtue of any other cause, but shall be forthwith repaired or rehabilitated, and the dangerous or hazardous condition removed by the owner or occupant thereof, or in the alternative,

torn down and removed, and any excavation thereunder filled to grade level.

3. It is unlawful for the owner to permit any building or structure, or part thereof, to be in an unsafe or dangerous condition. For the purposes of this Ordinance "dangerous building" means any building or structure which has any of the defects, or is in any of the conditions hereinafter described:

a. Whenever any door, aisle, passageway, stairway, or other means of exit is not sufficient in width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic, for all persons housed or assembled therein who would be required to, or might use, such door, aisle, passageway, stairway or other means of exit.

b. Whenever any portion has been damaged by 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 this act for a new building or similar structure, purpose, or location.

c. Whenever any portion or 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.

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 any 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 of 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 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 when so determined by the health officer, or is likely to work injury to the health, safety, or general welfare of those living within.

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.

DANGEROUS BUILDINGS AS PUBLIC NUISANCES

4. All such dangerous buildings are hereby determined to be public nuisances and shall be abated by alteration, repair, rehabilitation, demolition, or removal in accordance with the procedures specified elsewhere in this chapter.

COMMENCEMENT OF PROCEEDINGS

5. The Building Inspector for the Charter Township of Hampton 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 this Ordinance, he shall commence proceedings to cause the repair or rehabilitation of said building. If the Building Inspector determines that it is necessary for removal, demolition or condemnation of the building, he shall first report in writing to the Hampton Township Board such determination and obtain approval from the Hampton Township Board before proceeding further.

NOTICE AND ORDER

6. The building inspector shall issue a Notice and Order directed to the owner of record of the building or structure stating the defects thereof. This notice may require the owner of the building or premises, within 48 hours, to commence either the required alterations, repairs, or improvements, or the demolition and removal of the building and structure or portions thereof, and all such work shall be completed within such period of time as the 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 to be re-occupied until the required repairs and improvements are completed, inspected and approved by the building inspector.

Service of the Notice and Order shall be made upon the owner either personally or by: (1) Mailing a copy of such Notice and Order by certified mail, postage prepaid, return receipt requested, to the owner as indicated by the records of the Township Assessor; or (2) if not address so appears or is known to the building inspector, a copy of the Notice and Order shall be mailed to the owner at the address of the building or structure; a copy of the notice also to be posted in a conspicuous place on the building or structure. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner

herein provided shall be effective on the date of mailing. Proof of the service of the Notice and Order shall be by affidavit sworn to by the person affecting service; declaring time, date, and the manner in which the service was made. The affidavit together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the Notice and Order retained by the building inspector.

POSTING OF SIGNS

7. The building inspector shall cause to be posted at each entrance of such a dangerous building 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 building official and no person shall enter this building except for the purpose of make^{ing} the repairs required or demolishing the building.

CONDEMNATION PROCEDURE

8. If at the expiration of any time limit in the notice provided for in Paragraph 6 hereof, the owner has not complied with the requirements thereof, the building inspector may recommend abatement in accordance with the following provisions:

a. The building inspector, having ascertained that ANY time limit provided in the notice has expired and that the REQUIREMENTS OF THE NOTICE TO HAVE BEEN COMPLETED BY THAT TIME HAVE NOT BEEN COMPLETED, shall issue a notice to the owner of record to appear at a hearing before a hearings officer and show cause why the building or structure should not be demolished or otherwise made safe. Notice shall be given to the owner in the same manner as provided in Paragraph 6 hereof, to appear at the hearing on the date specified in the notice which shall not be less than ten days after the mailing of the notice.

b. The Supervisor of the Township, with the approval of the Township Board, shall appoint a hearings officer in each individual pending matter to conduct a public hearing in order for the owner to show cause why the determination of the building inspector as set forth in the Notice and Order should not be complied with or the building or structure in question should not be demolished. The hearings officer may be the Supervisor himself or the Township Clerk of the Charter Township of Hampton.

c. The following procedures shall govern the conduct of the public hearing by the hearings officer:

1. Record. A record of the entire proceedings shall be made by tape recording or by other means or permanent recording determined appropriate by the examiner. A transcript of the proceedings shall be made available to all parties upon request and upon payment of a fee prescribed therefor. The fee may be established by the hearings officer but shall not be greater than the cost involved.

2. Certification. In any proceedings under this section, a hearings officer has the power to administer oaths and affirmations, and to certify official acts.

3. Reasonable Dispatch. A hearings officer shall proceed with reasonable dispatch to conclude any matter before him. Due regard shall be shown for the convenience and necessity of any party and their representatives.

4. Rules. Hearings need not be conducted according to the technical rules relating to evidence.

5. Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

6. Heresay Evidence. Heresay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in the State.
7. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over the objection in civil actions in courts of competent jurisdiction of this State.
8. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
9. Rights of the Parties. Each party shall have these rights, among others: (1) to call and examine witnesses on any matter relevant to the issues of the hearing; (2) to introduce documentary and physical evidence; (3) to cross-examine opposing witnesses on any matter relevant to the issues of the hearing; (4) to impeach any witness regardless of which party first called him to testify; (5) to refute the evidence against him; and (6) to represent himself or to be represented by any one of his choice who is lawfully permitted to do so.
10. Inspection of Premises. The hearings officer may inspect any building or structure or premises involved in the hearings proceedings.
11. Official Notice. In reaching a decision, official notice may

be taken, either before or after submission of the case for decision, of any fact of which judicial notice may be taken by the courts of this State or of official records of the Board or departments and Ordinances of the Township or rules and regulations of the Board. Parties present at the hearing shall be informed of the matters to be so noticed, and these matters shall be noted in the record.

d. The Hearings Officer shall make a decision with written findings of fact based upon competent evidence and testimony determining whether or not the building in question is a dangerous building within the terms of the Ordinance hereof. If the hearings officer finds the building to be a dangerous building, he shall order the owner to repair or demolish the building, and based on competent evidence and testimony, shall establish a reasonable time by which the requirements of the order shall commence and shall be completed. The notice of the findings and order shall be served in the manner provided in Paragraph 6 hereof.

e. The following standards shall be followed by the hearings officer in ordering the repair or demolition of any unsafe ~~building~~ building: The building so damaged or destroyed must be to such an extent that the cost of repair and rehabilitation to place it in a safe, sound, and sanitary condition exceed 75% of the assessed valuation of the building, at the time the repairs or rehabilitation are to be made, shall ^{NOT} be repaired or rehabilitated unless it is made to comply in _^ all respects with the provisions of all the Charter Township of Hampton Ordinances governing such building. Any building so damaged or destroyed to such an extent that the cost of repair and and rehabilitation to place it in a safe, sound, and sanitary condition

exceed 100% of the assessed valuation at the time when the repairs or rehabilitation are to be made, shall be deemed unfit for human habitation and shall be immediately vacated, and unless made to comply with all the provisions of the Charter Township of Hampton Ordinances and Uniform Building Code for the Township of Hampton, shall be demolished and removed.

f. An order to demolish shall not indicate an alternative to repair; however, an order to repair may be satisfied by demolition.

g. If the owner fails to comply with the decision and order provided for in Paragraph d hereof, the hearings officer shall cause such building to be demolished and shall cause the cost of the demolition to be charged against the premises in accordance with the provisions of this Ordinance and Ordinance No. 6, being the Uniform Building Code for the Township of Hampton.

h. The decision of the hearings officer shall become final upon the service of the decision on the owner in the manner as provided in Paragraphs c and d hereof. Any owner aggrieved by the decision or order of the hearings officer may, within twenty days from the date thereof, seek a review thereof by the circuit court under its power of Superintending Control.

9.

PENALTIES FOR VIOLATIONS

9. Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00, or by imprisonment in the county jail, not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. In addition to the imposition of such fines and penalties, any building which

continues to violate the provisions of this ordinance after the owner or occupant has been ordered by the building inspector or health officer of the township to make the same comply or to demolish or remove such building, may, in the discretion of the township board, be made to comply or be demolished and removed by such township board or its agents, and the costs thereof collected from the owner or occupant of said premises. If the owner or occupant refuses to pay such costs, the same may be assessed against the property of the owner or occupant and collected in the same manner as are taxes assessed under the general laws of the State of Michigan. The owner or occupant who pays such costs may collect from the person or other entity who caused such violation to exist, for such sum so expended, in an appropriate action at law.

The foregoing remedies shall be in addition to the rights of the township to proceed at law or equity with other appropriate and proper remedies.

INTRODUCTION OR ORDINANCE-ADOPTION-EFFECTIVE DATE

10. This ordinance has been introduced the 8th day of April, 1969, by

Trustee Wagner

11. This ordinance shall be published in a newspaper circulated within the Township within ten (10) days of the date it has been introduced and shall become effective ~~ten~~ ³⁰ (10) days after the Ordinance has been passed.

April 15, 1969

Motion by Shea, and supported by Wagner, that the within Ordinance be adopted and become effective the 20 day of May, 1969.

YEAS: Shea Wagner Preston Martin Badour Grew

NAYS: none
absent Walshaw

Ordinance Passed, April 15, 1969.

George H. Badour, Jr.
George H. Badour, Clerk
Charter Township of Hampton