

VILLAGE OF OTTER LAKE

DANGEROUS BUILDINGS

ORDINANCE NUMBER 14

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 VILLAGE OF OTTER LAKE ORDAINS:

Section 1. **Definition of “Dangerous Building”** As used in this ordinance, “dangerous Building” means any building, structure, or part thereof, 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 Village building code for a similar new building or structure.

B. Whenever a building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or inadequate foundation support, such building or portion thereof is likely to partially or completely collapse.

C. Whenever a building or structure is open and accessible and has been damaged by fire, wind, or flood, or deterioration as to become a potential attractive nuisance to children who might play therein to their danger.

D. 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 cause injury to the health, safety or general welfare of those living in or near it.

Section 2. **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 3. **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 village tax assessment records and to any other person or persons known to have an ownership interest in the property.

B. The notice shall specify the time and place of a hearing before the village council 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 mail or otherwise delivered to the person or persons to whom the notice is directed, at least ten (10) days before the date of the hearing described in the notice.

Section 4. **Hearing** The Village council 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. If it is determined by the Village council that the building or structure is not dangerous or unsafe, no further action shall be taken.

B. If it is determined by the Village Council 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 village Council shall be sent by regular mail or otherwise delivered to the person or persons to whom the original notice was sent.

Section 5. **Compliance** Complying with Village Council 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 6. **Failure to Comply; Lien** If the responsible persons do not comply with the Village Council's decision within the time specified, the Village council may arrange to have the required repair, demolition, or other work completed. The cost of such required repair, demolition, or other work shall be alien 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 7. **Appeal:** A person affected by a Village Council 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 Village Council.

Section 8. **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 9. **Enactment and Effective Date.** This Ordinance shall become effective upon the date of publication.

We, the undersigned, President and Clerk of the village of Otter Lake, Lapeer County, Michigan, do hereby certify that this Ordinance was passed by the Otter Lake Village Council on the 20th day of July, 1981, and was published in the Lakeville Aerial on the 29th day of July, 1981.

Bernard Ruby

Bernard Ruby, President

Roberta Jenkins

Roberta Jenkins, Clerk