

CHARTER TOWNSHIP OF HAMPTON ORDINANCE NO. 14.1

CHARTER TOWNSHIP OF HAMPTON  
DANGEROUS BUILDING ORDINANCE

An ordinance to promote the health, safety and welfare of the people by regulating dangerous buildings; to establish administrative requirements and to establish remedies and fixed penalties for the violation thereof.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY,  
MICHIGAN, ORDAINS:

That Ordinance No. 14, designated the "Charter Township of Hampton Dangerous And Unsafe Building Ordinance" adopted April 15, 1969, and effective May 20, 1969, shall be and is hereby amended in its entirety as follows:

SECTION 1. Short Title

This Ordinance shall be known and cited as the "Charter Township of Hampton Dangerous Building Ordinance".

SECTION 2. Designation of Administrative Officer

The Charter Township of Hampton Building Inspector is hereby designated as the local officer who shall administer the provisions of this Ordinance.

SECTION 3. Dangerous Building, Prohibition

It is unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in Section 4.

SECTION 4. Definition of "Dangerous Building"

As used in this Ordinance, "Dangerous Building" means 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 approved fire code of the Charter Township of Hampton, 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 or 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 Charter Township of Hampton Building Code 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 by the Charter Township of Hampton Building Code.

(e) Whenever the building or structure, or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal of movement of some portion of the ground necessary for the purpose of supporting said building or portion thereof, or for other reasons, 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 act.

(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.

SECTION 5. Notice of Dangerous and Unsafe Condition, Issuance, Recipient, Contents, Filing, Form, Service; Hearing Officer, Appointment

(1) Notwithstanding any other provision of this Ordinance, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing officer shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4) The hearing officer shall be appointed by the Township Supervisor to serve at his pleasure. The enforcing officer shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(5) All notices shall be in writing and shall be served upon the person to whom they are directed personally or, in lieu of personal service may be mailed by certified mail -- return receipt requested addressed to such owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

SECTION 6. Testimony; Determination to Close Proceedings or Order Building Demolished or Made Safe, Compliance, Hearing, Cost of Compliance as Lien, Collection

(1) The hearing officer shall take testimony of the enforcing officer, the owner of the property and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished and filling and making safe the resulting excavation, or ordering the building to be otherwise made safe.

(2) If it is determined by the hearing officer that the building or structure should be demolished and filling and making safe the resulting excavation, or ordering the building to be otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee, to comply therewith.

(3) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the legislative body of the Township and request that the necessary action be taken to demolish and fill and make safe the resulting excavation or otherwise make safe the building or structure. 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 5.

(4) The legislative body of the Township shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 5 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 building should not be demolished and the resulting excavation filled and made safe, or the building otherwise made safe and the legislative body of the Township shall either approve, disapprove or modify the order for the demolition and filling and making safe the resulting excavation, or making safe of the building or structure.

(5) The cost of the demolition and filling and making safe the resulting excavation, or making the building safe 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.

(6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class 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 tax to the next tax roll of such Township, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by such Township.

#### SECTION 7. Review

An owner aggrieved by any final decision or order of the legislative body under Section 6, may appeal the decision or order to the Circuit Court by filing a Petition for an Order of Superintending Control within twenty (20) days from the date of the decision.

#### SECTION 8. Separability

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such

portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

SECTION 9. Penalty

Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine of not more than One Hundred (\$100.00) Dollars or imprisonment in the county jail not to exceed ninety (90) days, or both, such fine and imprisonment in the discretion of the Court.

SECTION 10. Ordinances Repealed

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. Publication

A true copy of this Ordinance shall be published in a newspaper circulated within the Charter Township of Hampton, Bay County, Michigan, within ten (10) days following the adoption thereof.

SECTION 12. Effective Date

This Ordinance shall take effect immediately upon publication thereof.

C E R T I F I C A T I O N

I, ELLA JANE MARTINI, as Clerk for the Charter Township of Hampton, Bay County, Michigan, hereby certify the following relative to the foregoing Ordinance:

1. That same was introduced and received by the Charter Township of Hampton Board on the 5<sup>th</sup> day of November, 1973;
2. That same was published in The Bay City Times on the 9<sup>th</sup> day of November, 1973;
3. That same was adopted by the Charter Township of Hampton Board on the 12<sup>th</sup> day of November, 1973; and,
4. That same was published in The Bay City Times on the 16<sup>th</sup> day of November, 1973.

DATED: November 19th, 1973

CHARTER TOWNSHIP OF HAMPTON  
Bay County, Michigan

By: Ella Jane Martini  
ELLA JANE MARTINI  
Its Clerk