

CITY OF MUNISING  
DANGEROUS BUILDINGS

ORDINANCE NO. 4

An Ordinance to provide for the vacation, alteration, repair or demolition of any building or other structure which is or threatens to be a Public nuisance, dangerous to the welfare of the people of the City of Munising; to provide for the abatement thereof and the recovery of costs in connection therewith; and to provide for a penalty for the violation thereof.

THE CITY OF MUNISING ORDAINS:

SECTION 1.       "Dangerous Buildings" Defined:

All buildings or other structures which have any or all of the following defects shall be deemed "dangerous buildings":

A. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety or the general health and welfare of the occupants or the people of the City of Munising.

B. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, safety or general welfare of those living therein or those living in close proximity thereto.

C. Those having sight, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or might live therein.

D. Those which have parts thereof which are so detached or dilapidated that they may fall and injure members of the public or property.

E. Those which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the City of Munising.

SECTION 2.       Dangerous Buildings-Nuisances:

All such "dangerous buildings" are hereby declared to be public nuisances and may be repaired, altered, vacated or demolished as hereinafter provided.

SECTION 3.       Standards for Repair, Alteration, Vacating or

Demolition:

The following standards shall be followed by any Building Inspection Team and the City Commission in ordering any repair, alteration, vacating or demolition:

A. If the dangerous building can reasonably be repaired or altered so that it will no longer exist in violation of the terms of this Ordinance it shall be ordered repaired or altered.

B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants it shall be ordered vacated.

C. In any case where a "dangerous building" is fifty (50%) percent damaged or decayed, or deteriorated from its original value or structure it shall be demolished, and in all cases where a building cannot be repaired or altered so that it will no longer exist in violation of the terms of this ordinance it shall be demolished.

SECTION 4. Duties of Building Inspection Team: Inspection

The Building Inspection Team shall:

A. Inspect or cause to be inspected any building or other structure which may be in violation of the terms of this ordinance, or about which a complaint is filed by any person to the effect that a building or other structure is or may be in violation of the terms of this ordinance, or which is reported by the City Fire Department or Police Department or the County Health Department as existing in violation of the terms of this ordinance.

B. Determine for each inspection required, within the standards of Section 1 of this ordinance, whether or not a violation in fact exists, and make a written record of such determination.

SECTION 5. Duties of Building Inspection Team; Notice to Abate

Whenever the Building Inspection Team determines that a dangerous building exists within the standards of Section 1 of this ordinance they shall:

A. Notify, in writing, by registered mail or personal service, the owner, occupant, lessee, mortgagee, agent and all other persons having interest in said building of the condition or conditions that make the building a "dangerous

building" within the standards set forth in Section 1 of this ordinance, and further notifying:

1. the owner to vacate or repair, alter, or demolish said building in accordance with the Notice and this Ordinance;

2. the occupant or lessee to vacate said building or have it repaired in accordance with the Notice and remain in possession;

3. the mortgagee, agent or other person having an interest in said building as shown by the land records or the Register of Deeds of Alger County that they may, at their own risk and cost, repair, alter, vacate or demolish said building.

B. Set forth in the Notice a description of the land upon which the building or structure deemed unsafe is located, a statement of particulars which make the building or structure a "dangerous building", and an order requiring the same to be put in compliance with the terms of this ordinance within thirty (30) days. The Building Inspection team may grant one or more extensions of time for compliance with the Notice, upon request from the owner, occupant, lessee, mortgagee, agent or other person having an interest in said building, when in the opinion of the Building Inspection Team the need for such extension is justified by circumstances beyond the control of said interested person or persons, and the interested person(s) is making a reasonable effort to comply. The total of all such extensions shall not exceed one hundred and twenty (120) days.

C. Place a Notice on all dangerous buildings reading as follows:

"This building has been found to be a dangerous building by the Munising Building Inspection Team. This Notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the Notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of Alger County. It is unlawful to remove this Notice until such Notice is complied with."

D. Report to the City Commission any non-compliance with the "Notice" provided for hereinabove.

E. Appear at all hearings conducted by the City Commission as to the condition of dangerous buildings.

SECTION 6. Procedure for Non-Compliance:

Upon receipt of a report from the Building Inspection Team as provided hereinabove, the Commission shall:

A. Give written Notice by registered mail or personal service to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by land records of the Register of Deeds of Alger County to appear before them on a date specified in the Notice to show cause why the building or structure reported to be a dangerous building should not be repaired, altered, vacated or demolished in accordance with this ordinance. Notice of the hearing shall be mailed at least twenty-one (21) days prior to the date of said hearing.

B. Hold a hearing and hear such testimony as the Building Inspection Team and the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the records of the Register of Deeds for Alger County, shall offer relative to the building, as well as testimony from other citizens affected by the building.

C. Make written findings of fact from the testimony offered as to whether or not the building in question is a "dangerous building" as defined by this ordinance.

D. Issue an order based upon those findings of fact ordering the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Register of Deeds for Alger County to repair, alter, vacate or demolish any building found to be a "dangerous building" as defined by this ordinance.

E. The Order shall also provide that if the owner, occupant, mortgagee, or lessee fails to comply with the Order within thirty (30) days, the City shall cause the dangerous building to be repaired, altered, vacated or demolished as the facts may warrant, under the standards provided herein, and shall cause the costs of such repair, alteration, vacating or demolition to be charged, by special assessment in accordance with the provisions of the City Charter, against the property on which the dangerous building was located. In lieu of said special assessment, or as an additional remedy, the City may bring an action against the owner or owners of said premises to recover the cost of such repair, alteration or demolition. In cases where such procedure is desirable and any delay resulting will not be dangerous to the health, safety or general welfare of the people of the City of Munising, the City Commission may direct the City Attorney to take legal action to force the owner or owners to make all necessary repairs or alterations or demolish the building.

SECTION 7. Emergency Cases:

Notwithstanding the provisions of Section 5 and 6 of this ordinance, in cases where it reasonably appears there is immediate danger to the life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, altered, vacated or demolished, the Building Inspection Team shall report such facts to the City Commission, which shall cause the immediate repair, alteration, vacating or demolition of the dangerous building. The cost of the emergency repair, alteration, vacation or demolition shall be collected in the same manner as provided in Section 6 of this ordinance.

SECTION 8. Administrative Liability:

No officer, agent or employee of the City of Munising shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties, done in good faith, under this ordinance. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties done in good faith under this ordinance may, upon Commission approval, be defended by the City Attorney until the final determination of the proceedings therein.

SECTION 9. Violation-Penalty for Disregarding Notice or Orders; Penalty-Civil Infraction/Misdemeanor

The owner of any dangerous building who shall fail to comply with any Notice or Order to repair, alter, vacate or demolish said building shall be guilty of a civil infraction or a misdemeanor, as provided below.

A person found responsible hereunder shall be guilty of a civil infraction as defined in RFA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00.

Any person who commits three or more violations of Section 1 shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one year period, time shall run from the date the first ticket was issued.

The occupant or lessee in possession who fails to comply with any Notice to Vacate or who fails to repair or alter

said building in accordance with any Notice given as provided for in this ordinance shall be guilty of a civil infraction or a misdemeanor, as provided below.

A person found responsible hereunder shall be guilty of a civil infraction as defined in RFA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00.

Any person who commits three or more violations of Section 1 shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one year period, time shall run from the date the first ticket was issued.

Any person removing the Notice provided for in Section 5 (C) shall be guilty of a civil infraction or a misdemeanor, as provided below.

A person found responsible hereunder shall be guilty of a civil infraction as defined in RFA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00.

Any person who commits three or more violations of Section 1 shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one year period, time shall run from the date the first ticket was issued.

#### SECTION 10. Building Inspection Team


The Building Commission shall consist of the Chief of Police, Fire Chief, and a representative from the Department of Public Health.

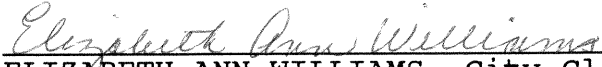
SECTION 11. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

SECTION 12. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 13. WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

ADOPTED: March 15, 1993.

  
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GLENN CHAMPAGNE, Mayor

  
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ELIZABETH ANN WILLIAMS, City Clerk

Date Introduced: November 23, 1992

Date Adopted: March 15, 1993

Date Published: April 14, 1993

Date Effective: April 25, 1993