

**SALEM TOWNSHIP**  
**Washtenaw County, Michigan**  
**Ordinance No. \_\_\_\_\_**

This Ordinance authorizes Salem Township to promote the health, safety, and welfare of the citizens of the Salem Township by regulating the safety and maintenance of certain buildings and eliminating the instance of dangerous buildings within the Township. This Ordinance is authorized by and pursuant to the Housing Law of Michigan, MCL 125.401 to 125.541.

**THE SALEM TOWNSHIP BOARD OF TRUSTEES ORDAINS:**

**Section 1: Title**

This Ordinance shall be known as the “Salem Township Dangerous Building Ordinance.”

**Section 2: Intent and Purpose**

The Board of Trustees finds that:

This Ordinance is intended to promote the health, safety, and welfare of the citizens of the Township of Salem by regulating the safety and maintenance of certain buildings and eliminating the instance of dangerous buildings within the Township. The provisions of this article must be liberally interpreted to facilitate this intent.

**Section 3: Cumulative power; interaction with other law.**

This Ordinance is intended to supplement other legal bases for the elimination of dangerous buildings. The powers provided in this Ordinance are cumulative to the Township’s powers under other law, and are not intended to provide any limitation on powers granted to the Township under other law.

**Section 4: Definitions and interpretations of certain terms.**

(a) As used in this article:

- (1) *Building* refers to both buildings and other structures.
- (2) *Building department* means the Salem Township Building Department.
- (3) *Dangerous building* means any building that exhibits any of the following defects or is in any of the following conditions:

- a. A door, aisle, passageway, stairway, or other means of ingress or egress to or from the building does not conform to the applicable fire code;
- b. A portion of the building has sustained damage due to fire, wind, flood, vandalism, neglect, or other cause, such that the strength or stability of the building is appreciably less than it was before the damage, and is less than the applicable building code's minimum requirements for an otherwise similar new building;
- c. A portion of the building has sustained damage due to fire, wind, flood, vandalism, neglect, or other cause, and has become:
  1. An attractive nuisance to children;
  2. A harbor for vagrants, criminals, or persons seeking to commit unlawful or immoral acts; or
  3. Enables persons to resort to the building to commit nuisance, immoral acts, or unlawful acts;
- d. All or any portion of the building is likely to fall, become detached or dislodged, or collapse;
- e. An interior wall or other vertical structural member that lists, leans, or buckles to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third of the wall or vertical structural member;
- f. A supporting wall or member is deteriorated, damaged, or otherwise insufficient to continue to provide necessary support for the building;
- g. All or any portion of the building's foundation or underpinning, due to dilapidation, deterioration, decay, faulty construction, or removal or movement of some portion of the ground necessary to support all or a portion of the building, is likely to buckle, give way, fall, or collapse;
- h. A building is vacant and its interior becomes exposed to the elements or accessible to entrance by trespassers;
- i. A building is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease, as determined by a Township or county health official;
- j. For any reason whatsoever, all or any portion of the building is manifestly unsafe for the purpose for which it is used.

(4) *Enforcing agency* means the township, through the township building official and/or such other official or agency as may be designated by the township board to enforce this article.

(5) *Lienholder* means a person that holds a lien or other security interest against a property or building.

(6) *Nuisance* means a nuisance as defined under Michigan law or Township Ordinance.

(7) *Occupant* means a person occupying a property or building pursuant to an agreement with the building's owner.

(8) *Owner* means each person in whose name a building or property appears on the latest Township tax assessment records, and, if applicable, the responsible registered local agent.

#### **Section 5: Dangerous buildings prohibited.**

It is unlawful to keep or maintain any building that is a dangerous building.

#### **Section 6: Inspection; basis.**

The building department may inspect buildings located in the Township on any of the following bases:

- (a) An area basis, such that all or a sample of buildings within a predetermined geographic area may be inspected within a reasonable period of time;
- (b) A complaint basis, such that complaints that a building is in violation of state or local law may be inspected within a reasonable time;
- (c) A visual appearance basis, such that a building may be inspected if the portion of the building open to public view suggests that the building is likely in violation of state or local law;
- (d) A recurrent violation basis, such that buildings that have previously been in violation of state or local law may be inspected more frequently;
- (e) A periodic basis, such that any building may be inspected if the building has not been inspected for a reasonable time.

## **Section 7: Inspection; permission; warrants; hours of inspection; emergency.**

(a) The building department shall seek permission to inspect a building before inspecting the building. An inspection conducted pursuant to permission may begin at any time agreeable to the building owner or occupant.

(b) If the building department does not receive permission to inspect a building, the building department may apply to a court of competent jurisdiction to obtain a warrant to enter and inspect the building. The warrant must recite:

- (1) The building's address or a description of the building sufficient to identify it;
- (2) The basis for and the nature of the inspection;
- (3) A description of the building department's efforts to obtain permission to inspect the building;
- (4) That the warrant is being issued under this article, for the purposes set forth in this Ordinance or in other law providing for buildings to be inspected;
- (5) The date(s) when the inspection will be conducted.

The court may issue the warrant if it finds the warrant is in proper form, protects the owners' and occupants' constitutional rights and is in accordance with this article. The warrant, upon issuance, shall be served on the owners, occupants, tenants and lessees at least seven (7) days prior to the inspection unless the court directs otherwise.

Except as provided in subsection (c), an inspection conducted pursuant to a warrant must begin during regular business hours.

(c) In the event of an emergency, the building department may immediately enter and inspect a building without permission and without a warrant. An emergency shall exist for purposes of this article when the building department or a building inspector employed by the Township has reason to believe that a condition hazardous to health or safety exists with respect to a building that requires immediate attention. Entry under this emergency basis must be for the sole purpose of confirming that an emergency exists and shall be limited to inspection and correction of the condition that created the emergency.

## **Section 8: Notice of dangerous building; time and place for hearing.**

(a) If the building department inspects a building and determines that the building is a dangerous building, it shall issue a report and notice that the building is a dangerous building. The report shall indicate the findings that support the determination that the building is a dangerous building.

(b) A notice that a building has been determined to be a dangerous building must:

- (1) Be in writing;
- (2) Specify a time and place for a hearing on whether the building is a dangerous building;
- (3) Identify the hearing officer that will preside over such hearing; and
- (4) Direct the building's owner and occupant to appear at the hearing.
- (5) Explain that at the hearing, the owner or party in interest will be provided an opportunity to show cause as to why the building should not be deemed a dangerous building.

(c) A notice that a building has been determined to be a dangerous building must be served on the building's owner at the address provided in the latest Township tax assessment records, or, if applicable, the owner, agent or lessee may be served at the address provided to the Township for service. Service may be accomplished in person or by certified mail, return receipt requested. If service is accomplished by certified mail, a copy of the notice must also be conspicuously posted on the building. It shall be the responsibility of the building's owner to immediately notify any lienholders of the notice and the hearing date and time.

(d) A copy of the notice and report must be submitted to the hearing officer prior to the hearing.

**Section 9: Schedule for hearing; hearing procedure; decision.**

(a) The hearing for a building that has been determined to be a dangerous building may not begin less than ten (10) days after notice has been provided under Section 8 of this Ordinance.

(b) The building's owner, occupant, or lienholder must demonstrate that the building is not a dangerous building. The hearing officer shall receive testimony and evidence from the enforcing agency; the owner, occupant or lienholder of the property; and any other interested party. The type, manner and scope of evidence considered shall be within the discretion of the hearing officer and is not limited by the rules of evidence.

(c) If the building's owner, occupant, or lienholder fails to respond to the notice, at the time and place scheduled for the hearing, the hearing officer may elect to receive sworn testimony from representatives of the Township, the building department or other interested parties or witnesses, or may elect to receive only documentary evidence before closing the hearing.

(d) Not more than five (5) days after the close of the hearing, the hearing officer shall issue a written decision containing the officer's findings and either close the proceedings or order the building to be demolished or repaired.

(e) If the hearing officer finds that the building is a dangerous building, and, consequently, must be demolished or repaired, the decision shall provide for one of the following:

- (1) An order for specific repairs or alterations to the building that must be completed by a specific date.
  - (i) Before or on the date that the repairs are ordered to be completed, the building's owner, occupant, or lienholder must provide the hearing officer with satisfactory evidence demonstrating that the repairs or alterations have been completed.
  - (ii) If the hearing officer is not provided with satisfactory evidence demonstrating that the repairs or alterations have been completed by the date provided in the order, then the hearing officer shall issue a further order that the building must be demolished.
- (2) An order that the building must be immediately demolished. When issuing an order that a building must be demolished, the hearing officer's order shall include an estimate of the cost to demolish the building.

(f) Copies of the hearing officer's decision and order shall be served in person or by first class mail on the Township's building official, the building's owners and occupants, any lienholder that appeared at the hearing, and the Township Board, and must be conspicuously posted at the building.

#### **Section 10: Hearing officer.**

The hearing officer shall have expertise in building matters and shall be appointed by the Township Supervisor to serve at the Supervisor's pleasure. The hearing officer shall not be a Township employee.

#### **Section 11: Procedure before Township Board; notices; decision.**

(a) If the owner, occupant or lienholder fails to comply with the order issued under Section 8 by the date specified in such order, the hearing officer shall file a report describing such non-compliance with the Board of Trustees not more than five (5) days after the date set forth in the order for compliance and request that action be taken to enforce the order. A copy of the hearing officer's findings shall also be served on the owner, occupant or lienholder in the manner prescribed in Section 8.

(b) The Township Board shall then set a hearing, not less than thirty (30) days after the hearing prescribed in Section 9, to review the findings and order of the hearing officer. The Township shall give notice to the owner, occupant or lienholder in the manner prescribed in Section 8.

(1) At the hearing, the owner, occupant or lienholder of the property shall be provided the opportunity to present evidence and/or testimony demonstrating why the hearing officer's order should not be enforced.

(2) After the close of the hearing, the Township Board shall approve, disapprove or modify the hearing officer's order.

(c) If the Township Board approves or modifies the hearing officer's order, it shall take all necessary action to enforce the order, and the owner, occupant or lienholder shall comply with the order within sixty (60) days of the hearing date set in subsection (b).

(d) A decision from the Township Board modifying a demolition order to allow repair or alteration to the building will require that the building's owner, occupant, or lienholder complete all of the following

(1) Within fourteen (14) days of the Township Board 's decision, post a cash or surety bond with the Township Treasurer's office in an amount equal to the hearing officer's estimate of the cost to demolish the building;

(2) Within fourteen (14) days of the Township Board's decision, apply with the building department for all permits necessary for the repairs to the building and pay all permit fees;

(3) Obtain a certificate of occupancy from the building department within six (6) months from the date that the permits are issued, or within any extensions of time that the building department may grant not to exceed an additional six (6) months.

### **Section 12: Appeal to circuit court.**

An owner, occupant, or lienholder aggrieved by a final decision or order of the Township Board under Section 11 of this Ordinance may appeal to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the Township Board's decision.

### **Section 13: Costs of demolition; Township demolition; lien; Township remedies.**

(a) The Township shall provide the building's owner and occupant with a statement of the costs incurred to demolish or repair the dangerous building. Costs shall include all applicable costs related to enforcement of this Ordinance including, but not limited to, costs of demolition, obtaining estimates, title searches and commitments, demolition

and dumping charges, clean-up charges, recording fees, fees paid to hearing officers and attorneys, and the costs related to conducting the hearings.

(b) The building owner appearing upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition or repair of the building by first class mail at the address appearing on the records. If the Township is not reimbursed for the costs within thirty (30) days after the statement of costs is mailed, the Township shall have a lien against the underlying real estate. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act No. 206 of 1892 (MCL 211.1 et seq.).

(c) In addition to other remedies under this article, the Township may file an action against the building's owner and occupant to recover the cost incurred to demolish or repair the building. A judgment obtained in such an action may be enforced against the underlying property and other assets.

(d) If any building owner fails to pay any costs, fees and/or judgments required and/or obtained in accordance with this article, then the amount due shall accrue interest at the rate of six (6) percent per annum from the date when it becomes due and shall be filed with the Salem Township assessor and shall be collected in the manner fixed by law for the collection of taxes and assessments.

#### **Section 14: Immediate hazard; abatement; notice; remedies.**

(a) If the building department determines that a building is an immediate hazard, it may take any action that it deems necessary to abate the hazard, including demolition, regardless of whether the procedures provided in this article have been instituted.

(b) A building is an immediate hazard if the building department determines that the building is a dangerous building and that (1) there is immediate danger that the building or any part of the building will collapse, or (2) the building exhibits other conditions that endanger life or constitute an immediate hazard to the general public.

(c) If the building department determines to demolish an immediate hazard, it shall attempt to notify the owner of the demolition by serving a written notice at the address provided in the latest Township tax assessment records and, if applicable, at the address provided to the Township for service. Service may be attempted in person or by first class mail. Upon attempting to provide notice of the demolition, the building department may proceed to demolish an immediate hazard without additional delay.

(d) If the building department abates an immediate hazard as provided in this section, it may pursue the remedies provided in Section 13 of this Ordinance.