

18.000

**DANGEROUS BUILDINGS
CITY OF GAYLORD, MICHIGAN
Ord. Amend. Eff. July 12, 2009**

18.001

Sec. 1. DANGEROUS BUILDING, PROHIBITIONS.

It is unlawful for any owner of real property in the City of Gaylord to keep or maintain or allow to be kept or maintained on such property any dangerous building as defined in Section 18.002. All such dangerous buildings shall be abated by alteration, repair, rehabilitation, demolition or removal in accordance with the procedures specified in this Chapter.

18.002

Sec. 2. "DANGEROUS BUILDINGS" DEFINED.

A dangerous building is any building or structure which has one or more of the following defects or is in one or more of the following conditions:

1. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner or to such an extent that the structural strength or stability is appreciably less than it was before such damage and is less than the minimum requirements of the applicable building code for a new building or structure of the same use or purpose.
2. 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.
3. Whenever any portion has settled to such an extent that the walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the applicable building code.
4. 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 other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.
5. Whenever for any reason whatsoever the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used.
6. 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 or enter therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable unauthorized persons to enter therein for the purpose of unlawful or immoral acts or so as to constitute a nuisance to neighboring properties.

7. Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, lack of repair or maintenance, 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 to work injury to the health, safety or general welfare of those living within, when so determined by a health officer appointed by the City Manager for such purpose.
8. Whenever any building or structure becomes vacant, dilapidated and open at door or window, leaving the interior of the building or structure exposed to the elements or accessible to entrance by trespassers.

18.003

Sec. 3. COMMENCEMENT OF PROCEEDINGS.

The City Manager may appoint a qualified person as his designee who shall examine or cause to be examined any building or structure reported as unsafe or damaged, or which in the opinion of the City Manager may meet the definition of a dangerous building, and such person shall report in writing to the City Manager and if such person finds the building or structure to be a dangerous building as defined in Section 18.002, the City Manager shall commence proceedings in accordance with this Chapter to cause the repair, rehabilitation, demolition or removal of the building or structure. The qualified designee of the City Manager shall be a person who, because of training, education, or experience has the expertise necessary to properly examine a building or structure and determine whether the same constitutes a dangerous building as defined in Section 18.002, and to determine what repairs, rehabilitation or alteration is necessary or whether the building or structure is beyond repair or rehabilitation.

18.004

Sec. 4. NOTICE AND ORDER.

1. After receipt of the report reference in Section 3 above, the City Manager shall issue a Notice and Order directed to the owner of record of the subject building or structure, stating the defects therein. 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 City Manager 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 qualified designee of the City Manager.
2. Service of the Notice and Order shall be made upon the owner by:
 - a. Personally delivering a copy to the owner or
 - b. Mailing a copy by certified mail, postage prepaid, return receipt requested, to the owner as indicated by the records of the City

Assessor and posting a copy thereof upon, or near a part of the building or structure, or

- c. When service cannot be made by either of the above methods and when the whereabouts of the owner and/or his or her residence are not known, publishing a copy in a newspaper at least once each week for four consecutive weeks and mailing on or before the second publication a copy to the owner at his or her last known address.

18.005 **Sec. 5. POSTING OF SIGNS.**

The City Manager or his designee shall cause to be posted at the entrance of such a dangerous building or structure 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 City Manager and no person shall enter such building or structure except for the purpose of making the repairs required, demolishing the building, or inspecting the same.

18.006 **Sec. 6. FAILURE TO COMPLY; ORDER TO SHOW CAUSE; NOTICE LIS
PENDENS.**

If at the expiration of any time stated in the notice provided for in Section 18.004(1), the owner has not complied with the requirements thereof, the City Manager shall report same to City Council who shall issue a Notice and Order to Show Cause to the owner of the building. The Notice and Order to Show Cause shall specify the conditions making the building or structure dangerous, the action necessary to alleviate the dangerous condition, and the time and place of a hearing on the condition of the building or structure. Notice shall be given to the owner in the same manner as provided in Section 18.004(2). At the hearing, to be conducted before the City Council, the owner shall have the opportunity to show cause why the building or structure should not be demolished or otherwise made safe as required by the Notice and Order issued under Section 4 above. At the same time that the owner is notified of the show cause proceedings, the City Manager shall file a copy of said Notice and Order with the Register of Deeds for Otsego County.

18.007 **Sec. 7. HEARING; TESTIMONY, ORDER; NONAPPEARANCE OR NON-
COMPLIANCE; COSTS.**

1. The City Council shall conduct a public hearing in order for the owner to show cause why the determination of the City Manager or his designee, as set forth in the Notice and Order to Show Cause, should not be complied with.
2. The City Council shall take testimony of the City Manager's designee who conducted the inspection and made the report to the City Manager. The City Council may also take testimony from any other party or witnesses as the City Council may determine. The owner may offer such testimony and evidence as the owner desires. The City Council may inspect the building or structure that is the subject matter of the proceedings prior to or as a part of said

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proceedings. The City Council shall render a written decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe.

3. If it is determined by the City Council that the building or structure is a dangerous building and should be repaired or demolished, the City Council shall so order, specifying the action required of the owner and fixing a time by which the action required by the order shall commence and be completed. The written decision and order of the City Council shall be provided to the owner in the same manner as required by Section 18.004(2).
4. If the owner fails to comply with the decision and order provided for in Section 18.007(3) above, the City Manager shall cause the requirements of the decision and order of the City Council to be performed. The cost incurred by the City in performing and completing the requirements of the decision and order of the City Council shall be a lien against the real property and shall be reported to the City Assessor, who shall assess the cost against the property on which the building or structure is located
5. The owner in whose name the property appears upon the 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 or she fails to pay the same within 30 days after mailing by the City Assessor of the notice of the amount thereof, the City Assessor shall add the same to the next tax roll of the City of Gaylord and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Gaylord.

18.008 **Sec. 8. JUDICIAL REVIEW.**

An owner aggrieved by any decision or order of the City Council may appeal such decision or order to the Otsego County Circuit Court by filing a petition for an order of superintending control within twenty-one (21) days from the date of the decision and order of the City Council.

18.009 **Sec. 9. WAIVER PROVISION.**

The owner of any building may at any time admit in writing that such building is a "dangerous building" within the meaning of Section 18.002, waive notice, hearing, findings, order and service of the order under this Chapter, and court review of such order, and consent that said building may be demolished, and the cost thereof charged against the premises, in which event the City Manager may have said building demolished and the cost charged against said premises shall be collected in the same manner as provided for in Section 18.007 of this Chapter.

18.010 **Sec. 10. EMERGENCY CASES.**

In cases where it reasonably appears that there is immediate danger to the public safety or health unless a dangerous building or structure as defined in Section

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18.002 is immediately demolished or otherwise made safe, the City Manager, upon report by his designee shall cause the immediate repair or demolition of such dangerous building or structure or cause the same to be temporarily made safe. The costs of such emergency repair or demolition shall be assessed and collected in the manner as provided for in Section 18.007(5) of this Code.

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Sec. 12. EFFECTIVE DATE.

This Amended Ordinance shall take effect after legal publication, and in accordance with the Charter of the City.

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