

Ordinance #9

Dilapidated Buildings

**Norvell (Mich.)
Township**

The Exponent, January 8, 1975

NOTICE is hereby given that resolution pertaining to the Ordinance No. (9) was adopted at a regular meeting held the 4th day of January, 1975. Following is a true copy of said resolution.

RESOLUTION

WHEREAS, under the provisions of the Township Zoning Act and the Building Code Act, being Public Act 184 of 1943, as amended, together with the Ordinance Power in Townships Act, being Public Act 246 of 1945, M. S. A. 5.45 (1) thru 5.45 (3), as amended, a Township has authority to regulate and remove dilapidated buildings, and

WHEREAS, it is desirable that the applicable provisions of said Acts be adopted:

NOW, THEREFORE, the following Ordinance is hereby enacted:

1. The Township Rural Zoning Act and the Building Code Act, being Public Act 184 of 1943, as amended and the Ordinance Power in Township Act, being Public Act 246 of 1945, M. S. A. 5.45 (1) thru 5.45 (3), as amended, are hereby adopted and enacted.

2. That the provisions of said Acts shall apply to the whole of Norvell Township, Jackson County, Michigan.

3. That this Ordinance is in addition to all other Ordinances of the Township and shall not supersede nor repeal any other such Ordinances or parts thereof of whether adopted heretofore or hereafter.

Barbara J. Trolz
Norvell Township Clerk

NORVELL TOWNSHIP ORDINANCE NO. 9 NORVELL TOWNSHIP DILAPIDATED BUILDING ORDINANCE

An Ordinance to secure the public peace, health, safety, welfare and convenience of the residents and property owners of the Township of Norvell, Jackson County, Michigan, by the regulation of uncompleted, abandoned, dilapidated or deteriorated buildings injurious to life or health, within said Township and to provide penalties for the violation thereof.

THE TOWNSHIP BOARD OF NORVELL TOWNSHIP JACKSON COUNTY, MICHIGAN ORDAINS:

1. NAME.

This Ordinance shall be known and cited as the Norvell Township Dilapidated Building Ordinance.

2. REGULATIONS

[a] All buildings and parts thereof in the process of construction with a valid building permit erected on or before the effective date of this Ordinance shall be fully and permanently enclosed within one (1) year from such date, or in the alternative, shall be torn down and removed, and any excavation thereunder filled in to grade level.

[b] All buildings and parts thereof hereafter erected shall be fully and permanently enclosed in accordance

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with the building permit issued therefor, within one (1) year from the issuance of said permit, or the commencement of said construction, whichever shall first occur. This regulation [b] shall not apply to the construction of large buildings containing more than 100,000 square feet of first floor space.

[c] No building or structure, whether now existing or hereafter erected shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage by fire, collapse or act of God, or by virtue of any other cause, but shall be forthwith repaired or rehabilitated, and the dangerous or hazardous condition removed by the owner or occupant thereof, or in the alternative, torn down and removed, and any excavation thereunder filled to grade level.

No building so damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds 75% of the assessed valuation of the building, at the time the repairs or rehabilitation are to be made, shall be repaired or rehabilitated unless it is made to comply in all respects with the provisions of all Norvell Township Ordinances governing such building. Any building so damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds 100% of the assessed valuation at the time when the repairs or rehabilitation are to be made shall be deemed unfit for human habitation and shall be immediately vacated, and unless made to comply with all the provisions of the Norvell Township Building Code, shall be demolished and removed.

[d] Whenever any building or premises or the plumbing, sewage, drainage, lighting or ventilation thereof is, in the opinion of the building inspector or health officer, dangerous or detrimental to life or health, such officer may declare that the same, to the extent he may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify.

[e] Whenever any building or premises or the plumbing, sewage, drainage, lighting or ventilation thereof is, in the opinion of the building inspector or health officer, dangerous or detrimental to life or health, such officer may declare that the same constitutes a health or safety hazard, or both.

3. NOTICE OF HEARING.

Upon making of such a determination of hazard, the Township Supervisor shall send a notice of hearing to the owner or occupants by certified mail, return receipt requested or by personal service. Said notice shall describe the premises; a complete detail of the conditions which are deemed to constitute the hazard; explain the nature of the proceedings, which are to determine whether or not the building is a nuisance and/or a hazard and what action shall be taken; and give notice of the time, place and before whom the hearing

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will be afforded.

[a] The said hearing shall be set no less than fifteen (15) days nor more than twenty (20) days from the date of the determination of hazard or nuisance by the building inspector or health officer. The hearing shall be held before the Township Board and be held at the regular meeting place of the Township Board or at a site designated by the Township Board.

[b] At said meeting, the owner or occupant of the premises cited shall be afforded the right to cross-examine all witnesses who testify against the property, to testify on his own behalf and to produce witnesses on his own account.

[c] After a full consideration according to the evidence presented at the hearing, the Township Board shall take a vote. A majority vote shall be required in order to make a finding that a hazard or nuisance exists. Upon such a finding, the Township Board may order the same to be removed, suspended, altered or otherwise improved or purified, and set terms and conditions for the same.

4. PENALTIES FOR VIOLATIONS

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail, not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. In addition to the imposition of such fines and penalties, any building which continues to violate the provisions of this Ordinance after the owner or occupant has been ordered by the building inspector or health officer of the County or Township to make the same comply, to demolish, to board up or to remove such building, may, in the discretion of the Township Board, be made to comply, be demolished, boarded up or removed by such Township Board, or its agents, and the costs thereof collected from the owner or occupant of said premises. If the owner or occupant refuses to pay such costs, the same may be assessed against the property of the owner or occupant and collected in the same manner as are taxes assessed under the general laws of the State of Michigan.

The foregoing remedies shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies.

5. EFFECTIVE DATE.

The Ordinance shall take effect on the 14th day of February, 1975.

Barbara J. Trolz
Norvell Township Clerk
Adopted: January 8, 1975
Effective: February 14, 1975