

**CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 294
DANGEROUS BUILDING ORDINANCE**

An ordinance to secure public health, safety, and general welfare of the residents and property owners of the City of Bangor, Van Buren County, Michigan; by regulating, preventing, reducing, or eliminating dangerous buildings in the City; to establish procedures for eliminating dangerous buildings, and to establish penalties for violating the ordinance, and to replace and supersede any prior ordinance adopted by the City that is inconsistent with the provisions of this ordinance.

THE CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE AND REPEAL OF PRIOR ORDINANCES

This article shall be known and cited as the "Dangerous Building Code" and is enacted pursuant to Act No. 167 of the Public Acts of 1917, as amended, to regulate dangerous buildings within the city.

SECTION 2. DANGEROUS BUILDING PROHIBITION

It shall be unlawful for any owner or agent thereof to keep or maintain any building, structure or part thereof which is a dangerous building as defined in this article.

SECTION 3. DANGEROUS BUILDING DEFINITION

As used in this article "dangerous building" means any building or structure which has any of the following defects or is in any of the following conditions:

- (1) A door, aisle, passageway, stairway, or other means of exit or egress does not conform to the approved fire code of the city.
- (2) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Michigan Building Code or the Michigan Residential Code for a new building or structure, purpose, or location.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to such an extent that the walls or other structural portions of the building or structure have materially

less resistance to wind than is required in the case of new construction by the Michigan Building Code or the Michigan Residential Code.

- (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building, structure, or a part of the building or structure is clearly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that a health official determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A portion of a building or structure remains on a site after demolition or destruction of the building or structure or whenever any building, structure or portion thereof is abandoned so as to constitute an attractive nuisance or a hazard to the public.
- (11) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2501 to 339.2515 of the Michigan Compiled Laws. For purposes of this subsection, "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:
 - (a) A building or structure as to which the owner or agent does both of the following:

- (i) Notifies the city police department that the building or structure will remain unoccupied for a period of 180 consecutive days or more. The notice shall be given to the city police department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 - (ii) Maintains the exterior of the building or structure and adjoining grounds in accordance with the Michigan Building Code or the Michigan Residential Code, and the property maintenance code.
- (b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 consecutive days or longer each year, if the owner notifies the city police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the city police department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home that is occupied by the owner or a member of the owner's family during part of a year.

SECTION 4. NOTICE OF DANGEROUS CONDITIONS, HEARING OFFICER, SERVICE

- (1) Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the building official shall issue a notice that the building or structure is a dangerous building. The notice may be served by the building official or the official's designee. The notice shall contain:
- (a) The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.
 - (b) A brief and concise description of the condition found to render the building or structure dangerous.
 - (c) A statement of action required to be taken as determined by the building official.
 - (d) If determined necessary by the building official, a statement advising that the structure must be vacated until any required repair or demolition work is completed.
- (2) The notice shall be served on the owner or agent that is registered with the city building and code enforcement division. If an owner or agent is not registered with the city building and code enforcement division, the notice

shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment record. Service may be accomplished in person, by certified or registered mail, or by affixing the notice to the front door of any structure located on the property. The notice shall be served at least ten days before the date of any hearing included in the notice.

- (3) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (4) The hearing officer shall be appointed by the City Manager, to serve at his or her pleasure, and shall be paid a reasonable sum to be set from time to time by resolution of the city commission. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or a member of a community housing organization. An employee of the city building and code enforcement division shall not be appointed as hearing officer. The hearing officer shall not reside in the City of Bangor or have any financial ties to the City. The building official shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

SECTION 5. HEARING AND ENFORCEMENT

- (1) At a hearing prescribed by Section 4, the hearing officer shall take testimony of the building official, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- (2) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.
- (3) If the owner, agent, or lessee fails to appear for the hearing or neglects or refuses to comply with the order issued under subsection (b), the hearing officer shall file a report of the findings and a copy of the order with the legislative body of the city not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order.

A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in one of the ways that the original notice may be served.

- (4) The city council shall fix a date not less than 30 days after the hearing before the hearing officer for a hearing before the council on the findings and order of the hearing officer and shall give notice to the owner, agent, 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 order should not be enforced. The time allowed for such a showing may be limited by the Mayor. The city council shall either approve, disapprove or modify the order. If the city council approves or modifies the order, it shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 30 days after the date of the hearing under this subsection or by another date set by the city council. In the case of an order of demolition, if the city council determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 14 days after the date of the hearing under this subsection.
- (5) The cost of demolition, of making the building safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure incurred by the city to bring the property into conformance shall be reimbursed to the city by the owner or party in interest in whose name the property appears.
- (6) The owner shall be invoiced, and if uncollected or unpaid, assessed to the owner.
- (7) In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION. 6. ENFORCEMENT OF JUDGMENT, LIEN FOR JUDGMENT AMOUNT

- (1) A judgment in an action brought under this ordinance may be enforced against assets of the owner other than the building or structure.

- (2) The city shall have a lien for the amount of a judgment obtained pursuant to this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION 7. FAILURE OR REFUSAL TO COMPLY WITH ORDER

A person who fails or refuses to comply with an order approved or modified by the city council within the time prescribed by that section is guilty of a misdemeanor, subject to penalties consisting of a fine of \$500, 93 days in jail, or both, such penalties to be in addition to any other legal or equitable remedies that are available under this article.

SECTION 8. APPEALS

An owner or party in interest aggrieved by any final decision or order of the city commission under this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective 10 days after publication.

At a regular meeting of the City Council of the City of Bangor held on _____, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for: _____

Voting against: _____

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member _____ moved for adoption of said Ordinance No. 294, and that Council Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____ and that the following members voted against such Ordinance: _____

I further certify that said Ordinance No. 294 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a _____ meeting held this ___ day of _____, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor