

ARTICLE VI. CONDEMNATION AND ABATEMENT OF DANGEROUS BUILDINGS, STRUCTURES OR PREMISES\*

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**\*Editor's note:** Ord. No. 80-625, § 2, adopted March 14, 2006, repealed Art. VI, in its entirety, which pertained to the property maintenance code. Section 4 of said ordinance, enacted provisions designated as a new Art. VI to read as herein set out. See also the Code Comparative Table.

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DIVISION 1. CONDEMNATION

Sec. 9-156. Grounds.

Any dwelling, dwelling unit or rooming unit shall be condemned and posted as unfit for human habitation by the code official, health officer or designated representative if the dwelling, dwelling unit, or rooming unit has any of the following defects or conditions:

- (1) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;
- (2) Those which have become or are so dilapidated, decayed, unsafe or unsanitary to the health, safety or general welfare of those living therein;
- (3) Those having light, air or sanitation facilities which are inadequate to protect the health, safety or general welfare of any occupant;
- (4) Those having inadequate means of egress as required by law;
- (5) Those which have parts thereof which are so attached that they may fall and cause bodily injury.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-157. Placarding.

- (a) Whenever a dwelling, dwelling unit or rooming unit has been condemned in accordance with section 9-159, the code official, health officer or designated representative shall post, in a conspicuous place or places, a placard or placards bearing the following words: "Condemned As Unfit For Human Habitation."
- (b) The code official, health officer or designated representative is the only person authorized to remove a condemnation placard or notice to vacate issued under the provisions of this article.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-158. Vacating.

Whenever it shall be found by the code official, health officer or designated representative that a dwelling, dwelling unit or rooming unit is unfit for human habitation, the official shall order the dwelling, dwelling unit or rooming unit vacated. A copy of the order shall be posted on the front of the dwelling at least ten (10) days before it shall be effective, unless the situation requires immediate action, in which case the effective time of the order shall be that which the code official, health officer or designated representative determines is reasonable and proper. A copy

of the order shall be served in accordance with section 9-160. The dwelling, dwelling unit or rooming unit ordered vacated shall not again be occupied until a written statement is secured from the code official, health officer or designated representative stating that the dwelling, dwelling unit or rooming unit has been made to comply with this article.  
(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-159. Notice of condemnation.

Whenever the code official, health officer or designated representative determines that a dwelling, dwelling unit or rooming unit is unfit for human habitation and posts it condemned, the code official, health officer or designated representative shall provide written notice of condemnation to the owner, agent or occupant. The notice of condemnation shall include the address of the property, the date of the inspection, the name of the inspector, the grounds for the determination as unfit for human habitation and a complete statement of the rights of the occupant or owner to a hearing before the housing appeal board and the procedure to request a hearing.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-160. Service of notice of condemnation.

The notice of condemnation shall be in writing and served upon the owner, agent or occupant as the case may require. Notice is properly served upon the owner, agent or occupant if served personally or in lieu of personal service, the notice may be mailed by certified mail, return receipt requested, addressed to the owner or occupant at the address shown on the tax records. If service by certified mail is used, a copy of the notice shall also be posted upon a conspicuous part of the dwelling, dwelling unit or rooming unit condemned.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-161. Request for hearing.

Any person affected by a notice of condemnation may have a hearing on the matter before the hearing officer defined in section 9-169 by filing a written petition with the hearing officer requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of the petition, the hearing officer shall set a time and place for hearing and shall give the petitioner written notice thereof. At the hearing the petitioner shall be given an opportunity to be heard and show why the notice of condemnation should be modified or withdrawn. The hearing shall be held not later than ten (10) days after the petition was filed, however, the hearing may be adjourned upon application of the petitioner and a showing of good cause.

(Ord. No. 80-625, § 3, 3-14-06)

Secs. 9-162--9-164. Reserved.

## DIVISION 2. ABATEMENT OF DANGEROUS BUILDINGS, STRUCTURES OR PREMISES

Sec. 9-165. Definition, dangerous building.

Any building or structure, which has one (1) or more of the following conditions:

(1) A door, aisle, passageway, stairway, or other means of exit does not conform to the fire code.

- (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 this article, the **building** code or other ordinance.
- (3) A part of the **building** or structure is likely to fall, become detached, dislodged or collapse and injure persons or damage property.
- (4) A portion of the **building** or structure has settled to such an extent that 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.
- (5) The **building** or structure, or a 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 manifestly 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 other trespassers.
- (8) A **building** or structure, including the adjoining grounds, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, arrangement, or is otherwise unsanitary or unfit for human habitation, is in a condition that the code official, health officer or designated representative 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 **building** or structure that remains unoccupied for a period of one hundred eighty (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 MCL 339.2501 to 339.2515, unless:
  - a. A **building** or structure that has remained unoccupied for more than one hundred eighty (180) consecutive days is not a **dangerous** structure if all of the following requirements are met:
    1. The owner or agent notifies the public service director, or his designee, that the **building** or structure will remain unoccupied for a period in excess of one hundred eighty (180) consecutive days pursuant to Warren Code of Ordinance section 9-176, et seq. The notice shall be given by the owner or agent not more than thirty (30) days after the **building** structure becomes unoccupied; and
    2. The **building**, structure and adjoining grounds are maintained in accordance with this article, the Michigan Construction Code and all other applicable city ordinances, state statutes and regulations; and
    3. Even if a **building** or structure is 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 MCL 339.2501 to 339.2515, the property shall be maintained so that there are no Warren Code of Ordinance violations whatsoever, including the registration requirement herein.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of one hundred eighty (180) consecutive days or more shall not be a **dangerous building** if the owner notifies the public service director, or his designee, pursuant to Warren Code of Ordinance section 9-176, et seq. that the dwelling will remain unoccupied for a period of one hundred eighty (180) days or more. An owner who has given the notice prescribed by this subparagraph shall notify the public service director or his designee not more than thirty (30) days after the dwelling becomes unoccupied. 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.

(Ord. No. 80-625, § 3, 3-14-06; Ord No. 80-645, § 1, 4-24-07)

Sec. 9-166. Definition, **dangerous** premises.

Any premise which has any or all of the following defects shall be deemed a "**dangerous** premise":

(1) An accumulation of refuse, junk or debris to the extent that same has become a nesting place for rats or other rodents or is likely to cause sickness or disease to the public or is in any way detrimental to the health, safety or general welfare of the public;

(2) An uncontrollable growth of noxious weeds or any accumulation of water or any other substance which injure the health, safety or welfare of the public.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-167. **Dangerous building**, structure, premise, nuisance, abatement.

Wherever any **building**, structure or premise is found to be **dangerous** as defined by section 9-165 or section 9-166, such **dangerous building**, structure or premise is hereby declared a nuisance and shall be abated. The abatement of nuisances may be by repair, maintenance or demolition.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-168. Notice of **dangerous building**, structure or premise.

(a) The code official, health officer or designated representative shall issue a written notice of **dangerous building**, structure or premise to the owner, occupant or other party in interest. The notice of **dangerous building**, structure or premises shall include the date of inspection, the name of the inspection, the name of the inspector, the condition of the **building**, structure or premises, the repairs necessary to abate the nuisance and the time within which the nuisance shall be abated.

(b) The notice shall be served personally; or in lieu of personal service may be mailed by certified mail, return receipt requested, addressed to the owner, occupant or other party in interest at the address shown on the tax records. If service by certified mail is used, a copy of the notice shall also be posted upon a conspicuous part of the **building** or structure.

(c) The notice shall specify the time and place of hearing to determine whether the **building**, structure or premise is **dangerous** within the definition of section 9-165 or section 9-166. The person to whom notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the **building** or structure demolished, made safe or the premise properly maintained. The notice shall be served at least ten (10) days before the date of the hearing specified in the notice.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-169. Hearing officer.

The hearing officer shall be appointed by the mayor to serve at the mayor's pleasure. The hearing officer shall be a person who has expertise in construction and housing matters such as an engineer, architect, building contractor or inspector. A present employee of the city shall not be appointed as hearing officer.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-170. Hearing.

(a) The hearing officer shall take the testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five (5) 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 the premise be properly maintained.

(b) If the hearing officer determines that the building, structure or premise 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.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-171. Failure to appear or to comply.

If the owner, occupant or other party in interest fails to appear or neglects or refuses to comply with the order issued by the hearing officer, the report and findings of the hearing officer together with a copy of the order shall be filed with the city council, or in the alternative if the city council has created one, to the nuisance abatement board of appeals, not more than five (5) days after noncompliance. In addition, the hearing officer shall request that necessary action be taken to enforce the order. A copy of the findings and order shall be served on the owner, occupant or other party in interest.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-172. Public appeal hearing.

Upon the failure to comply with the order issued by the hearing officer, the city council, or in the alternative if the city council has created one, the nuisance abatement board of appeals, shall have a date for an appeal hearing on the findings and order of the hearing officer scheduled not less than thirty (30) days after the initial hearing. The notice of appeal hearing shall state the time and place for the appeal hearing and be served on the appellant in the same manner provided by section 9-168. A notice of appeal hearing shall be sent to all property owners as indicated on the most recent tax records located within three hundred (300) feet of the subject property. At the hearing the owner, occupant or other party in interest shall be given the opportunity to show cause why the order should not be enforced.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-173. Decision of city council.

The city council, or in the alternative if the city council has created one, the nuisance abatement board of appeals, shall either approve, disapprove or modify the order of the hearing officer. If the order is approved or modified, the city council, or in the alternative if the city council has created one, the nuisance abatement board of appeals, shall take all necessary action to enforce the order. If the other is approved or modified, the owner, occupant, or other party in interest

shall comply with the order within sixty (60) days after the date of the appeal hearing. In the case of an order of demolition, if the city council, or in the alternative if the city council has created one, the nuisance abatement board of appeals, 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, occupant or other party in interest shall comply with the order of demolition within twenty-one (21) days after the date of the hearing under this subsection.  
(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-174. Appeal of decision of city council.

An owner aggrieved by any final decision or order of the city council, or in alternative if the city council has created one, the nuisance abatement board of appeals, may appeal the decision or order to the Circuit Court pursuant to MCL 125.542 of the State Housing Code, by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-175. Reimbursement of costs.

(a) The cost of the demolition, of making the **building** safe, or of maintaining the exterior of the **building** or structure or of maintaining the grounds, incurred by the city to bring the property into conformance with this article shall be reimbursed to the city, by the owner or party in interest in whose name the property appears upon the last tax assessment records.

(b) The owner or party in interest in whose name the property appears upon the last tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the **building** safe, or of maintaining the exterior of the **building** or structure or grounds by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within thirty (30) days after mailing by the assessor of the notice of the amount of the cost, the city shall have a lien on the property for all costs incurred to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, P.A. No. 206 of 1893, being MCL 211.1 to 211.157.

(c) In addition to other remedies available, the city authorizes its legal department to bring an action against the owner of the **building**, structure or premise for the full cost of the demolition, of making the **building** safe, or of maintaining the premise or adjoining grounds. The judgment obtained may be enforced against the assets of the owner other than the **building**, structure or premise. The city shall have a lien for the amount of the judgment obtained 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**, structure or premise against whom judgment is obtained. The lien shall not take effect until notice of the lien is filed or recorded.

(Ord. No. 80-625, § 3, 3-14-06)

Sec. 9-176. Definition of vacant dwelling unit.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dwelling unit* means any **building** used for residential purposes, or intended, constructed, or designed for such use, except **buildings** in a commercially zoned district wherein such **building** is occupied by a commercial business, office, shop, or other enterprise and the residential portion thereof is incidental to the commercial use of such **building**. Such definition shall include all accessory **buildings** located on the same lot as the primary dwelling unit.

*Vacancy* means the nonoccupancy of a dwelling unit by any persons.

(Ord. No. 80-645, § 1, 4-24-07)

#### Sec. 9-177. Permit required.

The owner of every dwelling unit located in any residentially zoned district in the city which has been vacant for more than one hundred eighty (180) days shall secure a revocable vacancy permit from the public service department.

(Ord. No. 80-645, § 1, 4-24-07)

#### Sec. 9-178. Application.

Applications for revocable vacancy permits shall be made upon forms furnished by the public service department and shall be accompanied by a permit fee of fifty dollars (\$50.00). This fee may be modified by a resolution of the city council as adopted from time to time. The application shall be signed by the owner of the property and shall contain:

(1) The name and address of the person who can be contacted for the of gaining access to the dwelling unit and accessory **buildings** in case of fire or other emergency.

(2) The owner's explanation for the reason for vacancy.

(3) A statement regarding owner's intent regarding the securing of an occupant for such dwelling.

(4) An acknowledgement by the owner that the provisions of this article relative to demolition of vacant dwelling units are known to such owner.

(Ord. No. 80-645, § 1, 4-24-07)

#### Sec. 9-179. Conditions.

Any dwelling unit for which a vacancy permit has been issued and which is in effect shall be maintained in accordance with the following:

(1) The dwelling unit and all accessory **buildings** shall be made secure against entry by unauthorized persons without the boarding up or covering of doors or windows with any materials which prevent the interior of such **building** from being viewed from the outside.

(2) The windows and doors of any vacant dwelling unit shall be kept in good repair and shall be locked.

(3) No rubbish or debris shall be stored within or allowed to accumulate within the dwelling unit, accessory **buildings**, or upon the lot.

A violation of any provision of this article by any person, firm, or corporation shall be a violation to be enforced pursuant to the Warren Code of Ordinances.

(Ord. No. 80-645, § 1, 4-24-07)

#### Sec. 9-180. Expiration and renewal.

Each vacant dwelling permit shall be valid for one hundred eighty (180) days from the date of issuance. Upon application of the owner and payment of renewal fee of twenty-five dollars (\$25.00), such vacant dwelling permit may be extended once for a period of ninety (90) days by

the public service director upon making a determination, based on information furnished by the owner, that the owner has made a good faith effort to cause the dwelling unit to be occupied and that the vacancy is not due to the fault of the owner. This fee may be modified by resolution of the city council as adopted from time to time.  
(Ord. No. 80-645, § 1, 4-24-07)

**Sec. 9-181. Revocation.**

If the public service director, during the term of a vacant dwelling permit, determines that the owner has failed to maintain such property in accordance with the terms of this article, the inspector shall revoke the vacancy permit pertaining to such dwelling. Notice of revocation shall be sent certified mail to the owner at the address contained on the application for such permit.  
(Ord. No. 80-645, § 1, 4-24-07)

**Sec. 9-182. Appeals of revocation.**

Any owner aggrieved by a decision of the public service director under this article may appeal such decision to the city council. Such appeal shall be filed with the city clerk within thirty (30) days from the date of the revocation of such permit. The city council shall conduct a hearing on such appeal and may affirm, modify, or amend the action of the public service director.  
(Ord. No. 80-645, § 1, 4-24-07)

**Sec. 9-183. Demolition of unlicensed vacant dwelling units.**

Any vacant dwelling unit requiring a permit under this article but for which no permit is in effect is hereby declared to be a public nuisance, and such dwelling unit and any accessory buildings shall be promptly abated pursuant to section(s) 9-168, et seq.  
(Ord. No. 80-645, § 1, 4-24-07)

**Sec. 9-184. Procedures for ordering demolition.**

Upon determining that a vacant dwelling unit requiring a permit under the provisions of this article has no permit, or upon the expiration of any vacant dwelling permit or extension thereof, the director of public service shall promptly commence the property abatement procedure pursuant to section(s) 9-168, et seq.  
(Ord. No. 80-645, § 1, 4-24-07)

**Secs. 9-185--9-315. Reserved.**