

ARTICLE I. VACATION, REMOVAL, REPAIR OR DEMOLITION OF STRUCTURES

Sec. 6-1. Dangerous buildings defined.

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (b) Those which, exclusive of the foundation, show thirty-three (33%) percent or more, of damage or deterioration of the supporting member or members, or fifty (50%) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) 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 of Bad Axe.
- (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (f) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
- (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (i) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this city.
- (j) Those buildings existing in violation of any provision of the Building Code of this City, or any provisions of the fire prevention code, or other ordinances of this City.

Sec. 6-2. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the Building Inspector and the City Manager in ordering repair, vacation, or demolition:

- (a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be ordered repaired.
- (b) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.

(c) In any case where a "dangerous building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the city or statute of the State of Michigan, it shall be demolished.

Sec. 6-3. Dangerous buildings--nuisances.

All "dangerous buildings" within the terms of Section 6-1 of this ordinance are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

Sec. 6-4. Duties of building inspector.

The Building Inspector shall:

(a) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this ordinance.

(b) Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of the terms of this ordinance.

(c) Inspect any other buildings as determined by the City Council.

(d) Notify in writing the owners, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, of any building found by him to be a "dangerous building" within the standards set forth in Section 6-1 of this ordinance, that (1) The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this ordinance; (2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (3) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron may at his own risk repair, vacate, or demolish said building or have such work or act done; PROVIDED that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding 90 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(e) Set forth in the notice provided for in subsection d hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding 90 days, as is reasonable.

(f) Report to the City Manager any non-compliance with the "notice" provided for in subsections d and e hereof.

(g) Appear at all hearings conducted by the City Manager, and testify as to the condition of "dangerous buildings".

(h) Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in

accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron. It is unlawful to remove this notice until such notice is complied with."

Sec. 6-5. Duties of City Manager.

The City Manager shall:

(a) Upon receipt of a report of the Building Inspector as provided for in Sec. 6-4, subsection f hereof, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, to appear before him on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in Sec. 6-4, subsection e.

(b) Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, shall offer relative to the "dangerous building".

(c) Make written findings of fact from the testimony offered as to whether or not the building in question is a "dangerous building" within the terms of Section 6-1.

(d) Issue an order based upon findings of fact made pursuant to subsection 6-5(c) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron, to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this ordinance and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building"; or any persons not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the city as provided in subsection 6-5(e).

(e) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection 6-5(d), within 10 days, the Building Commissioner shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 6-2 of this ordinance, and shall with the assistance of the City Attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; PROVIDED, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the City Manager shall notify the City Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(f) Report to the City Attorney the names of all persons not complying with the order provided for in Sec. 6-5, subsection (d).

Sec. 6-6. Violations - penalty for disregarding notices or orders.

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this ordinance to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred (\$500.00) Dollars for each offense and a further sum of ten (\$10.00) Dollars for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not exceeding five hundred (\$500.00) Dollars for each offense and further a sum of ten (\$10.00) Dollars for each and every day such failure to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for in Sec. 6-4, subsection (j) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred (\$500.00) Dollars for each offense.

Sec. 6-7. Duties of the city attorney.

The City Attorney shall:

- (a) Prosecute all persons failing to comply with the terms of the notices provided for herein in Sec. 6-4 and the order provided for in Sec. 6-5.
- (b) Appear at all hearings before the City Manager in regard to "dangerous buildings" if requested to do so.
- (c) Bring suit to collect all municipal liens, assessments, or costs incurred by the City Manager in repairing or causing to be vacated or demolished "dangerous buildings".
- (d) Take such other legal action as is necessary to carry out the terms and provisions of this ordinance.

Sec. 6-8. Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the Building Inspector shall report such facts to the City Manager and the City Manager shall cause the immediate repair, vacation, or demolition of such "dangerous building". The costs of such emergency repair, vacation, or demolition of such "dangerous building" shall be collected in the same manner as provided in Sec. 6-5, subsection (e).

Sec. 6-9. When owner is absent from city.

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the City all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Huron to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

Sec. 6-10. Administrative liability.

No officer, agent, or employee of the City of Bad Axe shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent, or employee of the City of Bad Axe as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the City Attorney until the final determination of the proceedings therein.

Sec. 6-11. Duties of fire department.

The employees of the Fire Department shall make a report in writing to the Building Inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance. Such reports must be delivered to the Building Inspector within 24 hours of the discovery of such buildings by any employee of the Fire Department.

Sec. 6-12. Duties of the police department.

All employees of the Police Department shall make a report in writing to the Building Inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance. Such report must be delivered to the Building Inspector within 24 hours of the discovery of such buildings by any employee of the Police Department.

Sec. 6-13. Separability.

It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Secs. 6-14--6-24. Reserved.