

## DIVISION 6. DANGEROUS BUILDINGS

### Sec. 18-220. Dangerous building prohibited.

It is unlawful for any owner, agent, or owner/agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building. All such dangerous buildings shall be abated by alteration, repair, rehabilitation, demolition, or removal in accordance with the procedures specified within this division, or, where applicable, the procedures set forth within chapter 54, Historical Preservation, of this Code.

(Ord. No. 975, 1-21-2003)

### Sec. 18-221. Inspections.

A representative of the city building department with the assistance of the city fire department and/or fire marshal shall inspect or cause to be inspected every building or structure or part thereof reported as or observed to be unsafe or damaged, and if such is found to be a dangerous building as defined in this article, the building department shall commence proceedings to cause the repair, rehabilitation, demolition or removal of the building or structure.

(Ord. No. 975, 1-21-2003)

### Sec. 18-222. Notice.

(a) *Issue.* Notwithstanding any other provision of this division, if a building or structure is found to be a dangerous building, the city building department shall issue a notice that the building or structure is a dangerous building.

(b) *Persons who may be served notice.* The notice shall be served on the owner, agent, or owner/agent. If an owner, agent, or owner/agent is not registered under this article, 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 records.

(c) *Contents, notice of hearing.* 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, properly maintained, and/or, where applicable, referred to the historic district commission for a determination of demolition by neglect. Any repairs or maintenance ordered, where applicable, shall comply with the procedures set forth in chapter 54, Historical Preservation, of this Code.

(d) *Hearing officer; filing of notice with officer.* The hearing officer shall be appointed by the mayor and be approved by city council and shall then serve at the mayor's pleasure. 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, member of a community housing organization, or any person with similar qualifications. An employee of the city shall not be appointed as hearing officer. The city building department shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(e) *Notice in writing; service.* The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the address they provided when registering under this article. If the

owner, agent, or owner/agent is not registered under this article, the notice shall be addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

(Ord. No. 975, 1-21-2003)

### **Sec. 18-223. Hearing; testimony; decision.**

(a) *Generally.* The hearing officer shall take testimony from representatives of the city building department, the city fire department, and/or fire marshal, a representative of the historic district commission where applicable, 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, properly maintained, and/or, where applicable, referred to the historic district commission for a determination of demolition by neglect.

(b) *Order; compliance.* 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 owner/agent to comply with the order. Any repairs or maintenance ordered, where applicable, shall comply with the procedures set forth in chapter 54, Historical Preservation, of this Code. If the building is a dangerous building under subsection (10) of the definition of dangerous building in section 18-111, the order may require the owner, agent, or owner/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.

(c) *Failure to appear, noncompliance; filing report of findings; request to enforce order.* If the owner, agent, or owner/agent fails to appear or neglects or refuses to comply with the order issued under section 18-223, subsection (b), the hearing officer shall file a report of the findings and a copy of the order with the city council not more than five days after noncompliance by the owner or owners 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 owner/agent in the manner prescribed in section 18-222.

(d) *Hearing; notice, show cause why order should not be enforced, decision on order, compliance.* The city council shall fix a date not less than 30 days after the hearing prescribed in subsection (a) for a hearing on the findings and order of the hearing officer and shall give notice to 1) the owner, agent, or owner/agent, and 2) all interested parties, in the manner prescribed in section 18-222 of the time and place of the hearing. At the hearing, any interested party shall be given the opportunity to show cause why the order should not be enforced. The city council shall either approve, disapprove, or modify the order. If the city council approves or modifies the order, the city council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or owner/agent shall comply with the order within 60 days after the date of the hearing under this subsection. 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 owner/agent shall comply with the order of demolition within 21 days after the date of the hearing under this subsection.

(e) *Compliance costs; reimbursement.* The 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 incurred by the city to bring the property into conformance with this division, including the cost of consulting services, investigation, publication charges, attorney fees, court costs,

and all administrative expenses shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

(f) *Notification; failure to reimburse; collection and lien for compliance costs.* The owner or party in interest in whose name the property appears upon the last local 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 adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city shall thereupon place the entire sum, plus collection charge as set by resolution of the city council, on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges shall be added to the general city tax roll, and to the total of the taxes levied on such parcel or lot for the same year. The city shall have a lien for the cost incurred by the city to bring the property into conformance with this division and for any charges imposed until the amounts have been fully paid. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. 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, Act No. 206 of the Public Acts of Michigan of 1893, being MCL 211.1 to 211.157, or the applicable sections of the Ypsilanti City Charter and Code.

(g) *Action against owner; lien on property.* In addition to other remedies under this Code, 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 shall 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.

(Ord. No. 975, 1-21-2003)

#### **Sec. 18-224. Judgment; enforcement against assets of owner.**

(a) A judgment in an action brought pursuant to subsection 18-223(g) may be enforced against assets of the owner other than the building or structure.

(b) Judgment lien. The city shall have a lien for the amount of a judgment obtained pursuant to subsection 18-223(g) 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.

(Ord. No. 975, 1-21-2003)

#### **Sec. 18-225. Noncompliance with order; misdemeanor.**

A person who fails or refuses to comply with an order approved or modified by the city council under section 18-223 within the time prescribed by that section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both.

(Ord. No. 975, 1-21-2003; Ord. No. 1002, § 1, 3-1-2005)

**Sec. 18-226. Judicial review.**

An owner aggrieved by any final decision or order of the city council under section 18-223 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.

(Ord. No. 975, 1-21-2003; Ord. No. 1002, § 1, 3-1-2005)

**Sec. 18-227. Emergency situations.**

Where it reasonably appears to the city building department, fire department, police, or fire marshal that there is immediate danger to the public safety or health unless a dangerous building as defined in section 18-111 is immediately demolished or otherwise made safe, or whenever any building or structure becomes open at door(s) or window(s), or damaged from vandalism, fire, or other cause, including lawful entry by police enforcement, leaving the interior of the building or structure exposed to the elements, or accessible to entrance by trespassers; and the owner(s) or other responsible party is unable to be immediately contacted or cannot adequately secure the building or structure within one hour; and where it is determined that it is inappropriate to delay making such building or structure secure; such facts shall be reported to the building official or fire marshal who shall cause the immediate repair, demolition, or boarding up of such dangerous building or structure. The costs of such immediate repair, demolition, or boarding up shall be the responsibility of the owner or party in interest which costs shall be paid within two weeks. The city may choose to deduct such costs from any escrow established pursuant to section 18-194 for such building and/or the city may collect such costs as set forth in section 18-223.

(Ord. No. 975, 1-21-2003; Ord. No. 1002, § 1, 3-1-2005)

**Sec. 18-228. Compliance; return to pre-vacant building status.**

Dangerous buildings that have been abated by alteration, repair, or rehabilitation, but remain not regularly occupied," shall return to their pre-vacant building status, and all time frames shall be reset so that the building will be considered to have on that day become not "regularly occupied."

(Ord. No. 1002, § 1, 3-1-2005)