

CONWAY TOWNSHIP DANGEROUS BUILDING ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN

Ordinance No. 23

An ordinance to promote the health, safety and welfare of the people of Conway Township, Livingston County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF CONWAY, COUNTY OF LIVINGSTON, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Conway Township Dangerous Building Ordinance.

Section 2: Definition of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein.

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Township Building Code or the Fire Code enforced by the State of Michigan, Livingston County, or the Township.
2. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of the Housing Law of Michigan (Housing Law), 1917 PA 167, MCL 125.401 et seq., as amended, or Township Building 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 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 by the Housing Law, 1917 PA 167, MCL 125.401 et seq., or the Township Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, 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 or 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, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an 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 for other reasons, is unsanitary or unfit for human habitation, is in a condition that the Township or Livingston County 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.

B. "Enforcing Agency" means the Zoning Administrator for the Township, or other person designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, et seq., as amended, which may include the Code adopted and enforced by Livingston County or the State of Michigan.

Section 3: Prohibition of Dangerous Buildings

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

Section 4: Notice of Dangerous Building; Hearing

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. Parties Entitled to Notice. 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 of the Township.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should

not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D. Service of Notice. 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 owner or party in interest at the address shown on the tax records. If a notice is served upon 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 10 days before the date of the hearing included in the notice.

Section 5: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at the Supervisor'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, or member of a community housing organization. A Township employee shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the Enforcing Agency, 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.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent or lessee shall comply with the order.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5(D) of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after the date for compliance set in the order 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 the manner prescribed in Section 4(D) of this ordinance.

Section 6: Enforcement Hearing Before the Township Board

The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 5(C) of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 4(D) of this ordinance 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 Township Board shall either approve, disapprove or modify the order. If the Township Board approves or modifies the order, the Township Board 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

60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, 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 21 days after the date of the hearing under this section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Section 7: Implementation and Enforcement of Remedies

A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs 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 Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears. The costs of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the Livingston County Register of Deeds, demolition and dumping charges, court reporter attendance fees, costs of the collection of the charges authorized under the Housing Law, 1917 PA 167, MCL 125.401, et seq., court costs, and actual attorney fees.

C. Notice of 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 Township assessor of the amount of the costs 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 Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. 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 costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, 1893 PA 206, MCL 211.1, et seq., as amended.

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full costs 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. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take

effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section 7(E) of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section 7(E) of 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 which the judgment is obtained. A lien provided for in this subsection 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 8: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board under Section 6 of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, and may be prosecuted according to the policies and procedures of the Conway Township Municipal Violations Bureau Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 9: Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board 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 10: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section 12: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

The above Ordinance was offered for adoption by Township Board Member Larry Parsons and was seconded by Township Board Member Michael Rife, the vote being as follows:

ROLL CALL VOTE:

Rife: Yea
Grubb: Yea
Dickerson: Nay
West: Nay
Parsons: Yea

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

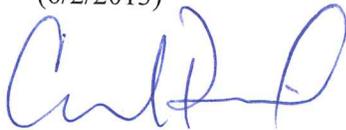
I hereby declare that the above is a true copy of an ordinance adopted by the Conway Township Board at a General meeting held on May 21, 2013, at the Conway Township Hall, pursuant to the required statutory procedures.

Dated: May 28, 2013

Respectfully submitted,

By Cindy Dickerson, Conway Township Clerk

(6/2/2013)



Affidavit of Publication

STATE OF MICHIGAN, }
County of Livingston } ss.

Dawn M. Horton

being first duly sworn, deposes and says that he is one of the Publishers of the Fowlerville News & Views, a newspaper printed and circulated in said County of Livingston; for the

annexed notice of *Conway Township*

Dangerous Building Ordinance

has been duly published in said paper for

one issues, on the following dates, to-wit:

Feb 3rd A.D. 20*13*

A.D. 20

A.D. 20

A.D. 20

A.D. 20

A.D. 20

A.D. 20

Dawn M. Horton

Subscribed and sworn to before me this *10*

day of *July* A.D. 20*13*

Jodi J. Dillard
Notary Public for Livingston County

My Commission expires *3/22* 20*14*

TO THE RESIDENTS OF CONWAY TOWNSHIP

PLEASE BE NOTIFIED, that the Conway Township Board of Trustees will be holding a Public Hearing on February 19, 2013 at 7:30 p.m. at the Conway Township Hall, 8015 North Fowlerville Road for the following Ordinance addressing Dangerous Buildings. Ordinance Number 23.

CONWAY TOWNSHIP DANGEROUS BUILDING ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN

(Ordinance No. 23)

An ordinance to promote the health, safety and welfare of the people of Conway Township, Livingston County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF CONWAY, COUNTY OF LIVINGSTON, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Conway Township Dangerous Building Ordinance.

Section 2: Definition of Terms

As used in this ordinance, including in this

6. The building or 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, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an 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 for other reasons, is unsanitary or unfit for human habitation, is in a condition that the Township or Livingston County 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.

B. "Enforcing Agency" means the Zoning Administrator for the Township, or other person designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, et seq., as amended, which may include the Code adopted and enforced by Livingston County or the State of Michigan.

Section 3: Prohibition of Dangerous Buildings
It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

a community housing organization. A Township employee shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the Enforcing Agency, 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.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner, agent or lessee shall take and sets a date by which the owner, agent or lessee shall comply with the order. If the building is a dangerous building under Section 2(A)(10) of 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.

E. Noncompliance with Hearing Officer Order/ Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5(D) of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after the date for compliance set in the order 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 the manner prescribed in

B. Reimbursement of Costs. The costs 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 Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears. The costs of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the Livingston County Register of Deeds, demolition and dumping charges, court reporter attendance fees, costs of the collection of the charges authorized under the Housing Law, 1917 PA 167, MCL 125.401, et seq., court costs, and actual attorney fees.

C. Notice of 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 Township assessor of the amount of the costs 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 Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. 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 costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, 1893 PA 206 MCL 211.1 et seq., as amended.

2
section, the following words and terms shall have the meanings stated herein.

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Township Building Code or the Fire Code enforced by the State of Michigan, Livingston County, or the Township.

2. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of the Housing Law of Michigan (Housing Law), 1917 PA 167, MCL 125.401 et seq., as amended, or Township Building 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 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 by the Housing Law, 1917 PA 167, MCL 125.401 et seq., or the Township Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, 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.

Section 4: Notice of Dangerous Building; Hearing

A. **Notice Requirement.** Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. **Parties Entitled to Notice.** 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 of the Township.

C. **Contents of Notice.** The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D. **Service of Notice.** 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 owner or party in interest at the address shown on the tax records. If a notice is served upon 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 10 days before the date of the hearing included in the notice.

Section 5: Dangerous Building Hearing

Officer; Duties; Hearing; Order

A. **Appointment of Hearing Officer.** The Hearing Officer shall be appointed by the Township Supervisor to serve at the Supervisor'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, or member of a

Section 4(D) of this ordinance.

Section 6: Enforcement Hearing Before the Township Board

The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 5(C) of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 4(D) of this ordinance 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 Township Board shall either approve, disapprove or modify the order. If the Township Board approves or modifies the order, the Township Board 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 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed

by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, 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 21 days after the date of the hearing under this section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Section 7: Implementation and Enforcement of Remedies

A. **Implementation of Order by Township.** In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

E. Court Judgment for Unpaid Costs.

In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full costs 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. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. **Enforcement of Judgment.** A judgment in an action brought pursuant to Section 7(E) of this ordinance may be enforced against assets of the owner other than the building or structure.

G. **Lien for Judgment Amount.** In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section 7(E) of 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 which the judgment is obtained. A lien provided for in this subsection 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 8: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board under Section 6 of this ordinance within the time prescribed by that ...

CONTINUED



Mrs. Glover's kindergarten students created Vegetable Vests in their classroom. The vests incorporate learning phonics and letters, as well as plant life. The students paraded through the elementary hallways showing off their colorful creations.



Savana Stiffler recently donated 10 inches of her hair to the Pantene Pro-V Beautiful Lengths organization. This charity creates wigs and hair pieces for women with cancer. This is Savana's second donation to Pantene, but she has donated her gorgeous locks a total of four times! Parents, Brian and Heather Stiffler, are very proud of Savana's caring donations. Thank you, Savana!

**CONWAY TOWNSHIP
LIVINGSTON COUNTY,
MICHIGAN
(Ordinance No. 23)
CONTINUED**

Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, and may be prosecuted according to the policies and procedures of the Conway Township Municipal Violations Bureau Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 9: Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board 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 10: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section 12: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

American With Disabilities (ADA) Notice

The Township will provide necessary reasonable services to individuals with disabilities at the Planning Commission meetings upon 7 days notice.

Contact Cindy Dickerson at 517-223-0358 or Mike Rife at 517-294-2438

Cindy Dickerson
Conway Township Clerk
02/03/2013

**Village of Fowlerville.
Notice of Public Hearing
Tuesday, February 12, 2013
at 6:45 p.m. and 6:50 p.m.**

A public hearing has been scheduled by the Village of Fowlerville Planning Commission for **Tuesday, February 12, 2013 at 6:45 p.m. and 6:50 p.m.**, in the Village Council Chambers, 213 South Grand Avenue, Fowlerville, Michigan 48836. The purpose of the Public Hearing is to solicit public comments on the following:

6:45 p.m.

Proposed Sign Ordinance

6:50 p.m.

Proposed Zoning Ordinance

The public shall have the right to appear before the Planning Commission to express their views and opinions on the request. Requests to review the application and written comments are welcome and should be addressed to the Village Clerk. Regular office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

The Village of Fowlerville will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting for the sight impaired, to individuals with disabilities at the hearing upon 5 days in advance notice to the Village Clerk.

Kathryn Arledge, Clerk
Village of Fowlerville
213 South Grand Avenue
Fowlerville, MI 4883
517-223-3771 ext.14
02-03-13

Affidavit of Publication

STATE OF MICHIGAN, }
County of Livingston } ss.

Dawn M. Horton

being first duly sworn, deposes and says that he is one of the Publishers of the Fowlerville News & Views, a newspaper printed and circulated in said County of Livingston; for the

annexed notice of *Conway Township*

Residents Dangerous Building

Ordinance Approved and will take effect July 2 Ordinance No 23

has been duly published in said paper for

one issues, on the following dates, to-wit:

June - 2nd A.D. 2013

A.D. 20

A.D. 20

A.D. 20

A.D. 20

A.D. 20

A.D. 20

Dawn M. Horton

Subscribed and sworn to before me this *10*

day of *July* A.D. 2013

Fred J. Dillard
Notary Public for Livingston County

My Commission expires *3/22* 2014

NOTICE TO CONWAY TOWNSHIP RESIDENTS THE FOLLOWING DANGEROUS BUILDING ORDINANCE WAS APPROVED BY THE CONWAY TOWNSHIP BOARD AND WILL TAKE EFFECT ON JULY 2, 2013. CONWAY TOWNSHIP DANGEROUS BUILDING ORDINANCE CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN Ordinance No. 23

An ordinance to promote the health, safety and welfare of the people of Conway Township, Livingston County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF CONWAY, COUNTY OF LIVINGSTON, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Conway Township Dangerous Building Ordinance.

Section 2: Definition of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein.

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Township Building Code or the Fire Code enforced by the State of Michigan, Livingston County, or the Township.
2. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of the Housing Law of Michigan (Housing Law), 1917 PA 167, MCL 125.401 et seq., as amended, or Township Building 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 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 by the Housing Law, 1917 PA 167, MCL 125.401 et seq., or the Township Building Code.
5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, 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 or 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, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the

Township Board not more than five days after the date for compliance set in the order 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 the manner prescribed in Section 4(D) of this ordinance.

Section 6: Enforcement Hearing Before the Township Board

The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 5(C) of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 4(D) of this ordinance 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 Township Board shall either approve, disapprove or modify the order. If the Township Board approves or modifies the order, the Township Board 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 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, 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 21 days after the date of the hearing under this section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Section 7: Implementation and Enforcement of Remedies

A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs 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 Township by the owner or party in interest in whose name the property appears. The costs of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the Livingston County Register of Deeds, demolition and dumping charges, court reporter attendance fees, costs of the collection of the charges authorized under the Housing Law, 1917 PA 167, MCL 125.401, et seq., court costs, and actual attorney fees.

C. Notice of 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 Township assessor of the amount of the costs 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 Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance as provided by law. 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 costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, 1893 PA 206, MCL 211.1, et seq., as amended.

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full costs 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. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is

becomes a hazard to vegetation, animals or structural persons, or causes persons to be injured.

building or structure for committing a nuisance or an 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 for other reasons, is unsanitary or unfit for human habitation, is in a condition that the Township or Livingston County 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.

B. "Enforcing Agency" means the Zoning Administrator for the Township, or other person designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, et seq., as amended, which may include the Code adopted and enforced by Livingston County or the State of Michigan.

Section 3: Prohibition of Dangerous Buildings
It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

Section 4: Notice of Dangerous Building; Hearing

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. Parties Entitled to Notice. 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 of the Township.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe or properly maintained.

D. Service of Notice. 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 owner or party in interest at the address shown on the tax records. If a notice is served upon 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 10 days before the date of the hearing included in the notice.

Section 5: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at the Supervisor'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, or member of a community housing organization. A Township employee shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the Enforcing Agency, 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.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent or lessee shall comply with the order.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5(D) of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the

filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section 7(E) of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section 7(E) of 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 which the judgment is obtained. A lien provided for in this subsection 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 8: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board under Section 6 of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, and may be prosecuted according to the policies and procedures of the Conway Township Municipal Violations Bureau Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 9: Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board 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 10: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed, provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section 12: Effective Date

This ordinance shall take effect 30 days after publication as required by law. The above Ordinance was offered for adoption by Township Board Member Larry Parsons and was seconded by Township Board Member Michael Rife, the vote being as follows:

ROLL CALL VOTE:

- Rife: Yea
- Grubb: Yea
- Dickerson: Nay
- West: Nay
- Parsons: Yea

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Conway Township Board at a General meeting held on May 21, 2013, at the Conway Township Hall, pursuant to the required statutory procedures.

Dated: May 28, 2013
Respectfully submitted,
By Cindy Dickerson, Conway Township Clerk
(6/2/2013)

Search Mail

Search Web

Hi, Cindy

INBOX

CONTACTS

CALENDAR

FW: dangerous buildi...

Trending Now on Yahoo! Chris Brown hit-and-run?

Compose

Delete

Move

Spam

Actions

Inbox (372)

Conversations

Drafts

Sent

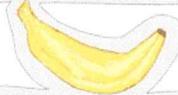
Spam (6)

Trash

FOLDERS

MESSANGER

5 Foods to never eat :



Cut down a bit of stomach fat every day by never eating these 5 foods. Never eat

unleashyourthin.com

FW: dangerous building ordinance

DOC 44KB
1 Attachment | 44.5KB | [Save to](#)
 Dangerous Building Ordinance
[Save](#)

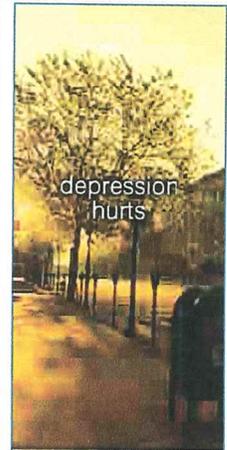
Cindy,
 Here is a Word copy. It will go into effect after the 30 days. Please forward me a copy of the final ordinance for my in-office ordinance book. Thanks Cindy.

Abby H. Cooper
 Cooper & Riesterer, PLC
 (810) 227-3103 ext. 15
abby@crlaw.biz

From: Cindy Dickerson [<mailto:cindy@conwaytownship.com>]
Sent: Wednesday, May 22, 2013 2:57 PM
To: Abby Cooper
Subject: dangerous building ordinance

Hi Abby,
 Last night the Board passed the Dangerous Building Ordinance but the copy of the revised is in pdf, can you please send it to me in Word format? Thank you
 And does it go in effect right away or do we have to wait the 30 days?

Cindy Dickerson, Clerk
 Conway Township
 PO Box 1157
 8015 N Fowlerville Road
 Fowlerville MI 48836



Cymbalta
 duloxetine hydrochloride capsules

Cymbalta is indicated for the treatment of depression in adults.

Important Safety Information About Cymbalta[®]
 know about Cymbalta:

Antidepressants can increase suicidal thoughts and behaviors in children, teens, and young adults. Suicide is a known risk of

[Prescribing Information](#)
[Medication Guide](#)

COOPER & RIESTERER, PLC

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Facsimile (810) 220-5968
Website: *crlaw.biz*

January 7, 2013

VIA EMAIL (w/encl.)

Conway Township Board
c/o Michael Rife, Supervisor
8015 N. Fowlerville Road
P.O. Box 1157
Fowlerville, MI 48836-1157

Re: DRAFT Conway Township Dangerous Building Ordinance

Dear Board Members:

Attached for your review and consideration are revisions to the draft Conway Township Dangerous Building Ordinance based on the Board's decision at the December meeting and, otherwise, as we discussed during the meeting. As you go through the Ordinance, please take note of the following:

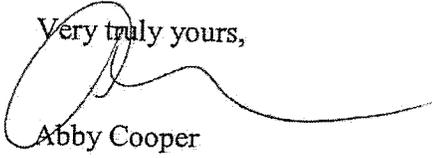
1. I have removed section 2(A)(10) per the Board's decision and made a few other revisions noted on the marked up copy, also included.
2. I wanted you to note that Section 5(D) allows an order to maintain or demolish a dangerous building to include maintenance of the lawn, trees, or shrubs, which will enable the Township to address the overgrown lawn and/or weed issues associated with these buildings.
3. I did some additional research regarding the single-family and two-family dwelling limitation for adding remediation costs to the property tax bill contained in the proposed ordinance. My reading of the statute, and the proposed ordinance containing this limitation, is correct and is consistent with the MTA's legal counsel's position on the issue as well. The basic rationale is that Townships have the statutory authority to regulate the public health, safety, and general welfare of persons and property, which certainly includes the ability to regulate the maintenance and demolition of all types of structures and would support an ordinance addressing the issues. These general laws, however, do not give any authority to add costs to tax rolls. The Housing Law, 1917 PA 167, MCL 125.401 et seq., does grant townships the authority to maintain and demolish AND add these costs to the tax rolls of the property. The catch is that the Housing Law permits this kind of action against only single-family and two-family dwellings, not all buildings. As a result, the proposed ordinance incorporates all buildings into this maintenance/demolition regulation, but limits the lien/property tax roll remedy to single-family and two-family dwellings. I have seen many other ordinances that do not make this distinction. These ordinances are vulnerable to legal challenge. I would be happy to give you more information on this issue if you would like.
4. Reminder: this is a general law ordinance, and will not need to go through the non-zoning procedures for adoption.

COOPER & RIESTERER, PLC

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After your review, please let me know if you have any comments, changes or questions.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Abby Cooper', written over a horizontal line.

Abby Cooper

Attachments

Cc: Conway Township Clerk via email

CONWAY TOWNSHIP DANGEROUS BUILDING ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN (Ordinance No. ____)

An ordinance to promote the health, safety and welfare of the people of Conway Township, Livingston County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF CONWAY, COUNTY OF LIVINGSTON, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Conway Township Dangerous Building Ordinance.

Section 2: Definition of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein.

A. **"Dangerous building"** means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Township Building Code or the Fire Code enforced by the State of Michigan, Livingston County, or the Township.
2. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of the Housing Law of Michigan (Housing Law), 1917 PA 167, MCL 125.401 et seq., as amended, or Township Building 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 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 by the Housing Law, 1917 PA 167, MCL 125.401 et seq., or the Township Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, 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 or 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, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an 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 for other reasons, is unsanitary or unfit for human habitation, is in a condition that the Township or Livingston County 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.

B. "Enforcing Agency" means the Zoning Administrator for the Township, or other person designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, et seq., as amended, which may include the Code adopted and enforced by Livingston County or the State of Michigan.

Section 3: Prohibition of Dangerous Buildings

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

Section 4: Notice of Dangerous Building; Hearing

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. Parties Entitled to Notice. 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 of the Township.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly

maintained.

D. Service of Notice. 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 owner or party in interest at the address shown on the tax records. If a notice is served upon 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 10 days before the date of the hearing included in the notice.

Section 5: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at the Supervisor'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, or member of a community housing organization. A Township employee shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the Enforcing Agency, 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.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent or lessee shall comply with the order. If the building is a dangerous building under Section 2(A)(10) of 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.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5(D) of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after the date for compliance set in the order 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 the manner prescribed in Section 4(D) of this ordinance.

Section 6: Enforcement Hearing Before the Township Board

The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 5(C) of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 4(D) of this ordinance 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 Township Board shall either approve, disapprove or modify the order. If the Township Board approves or

modifies the order, the Township Board 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 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, 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 21 days after the date of the hearing under this section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Section 7: Implementation and Enforcement of Remedies

A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs 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 Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears. The costs of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the Livingston County Register of Deeds, demolition and dumping charges, court reporter attendance fees, costs of the collection of the charges authorized under the Housing Law, 1917 PA 167, MCL 125.401, et seq., court costs, and actual attorney fees.

C. Notice of 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 Township assessor of the amount of the costs 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 Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. 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 costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, 1893 PA 206, MCL 211.1, et seq., as amended.

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full costs 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. In the case of a single-family dwelling

or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section 7(E) of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section 7(E) of 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 which the judgment is obtained. A lien provided for in this subsection 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 8: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board under Section 6 of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, and may be prosecuted according to the policies and procedures of the Conway Township Municipal Violations Bureau Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 9: Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board 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 10: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section 12: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

CONWAY TOWNSHIP DANGEROUS BUILDING ORDINANCE

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CONWAY TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
(Ordinance No. _____)

An ordinance to promote the health, safety and welfare of the people of Conway Township, Livingston County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF CONWAY, COUNTY OF LIVINGSTON, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Conway Township Dangerous Building Ordinance.

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Section 2: Definition of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein.

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Township Building Code or the Fire Code enforced by the State of Michigan, Livingston County, or the Township.
2. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of the Housing Law of Michigan (Housing Law), 1917 PA 167, MCL 125.401 et seq., as amended, or Township Building 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 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 by the Housing Law, 1917 PA 167, MCL 125.401 et seq., or the Township Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, 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 or 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, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an 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 for other reasons, is unsanitary or unfit for human habitation, is in a condition that the Township or Livingston County 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.

B. "Enforcing Agency" means the Zoning Administrator for the Township, or other person designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, et seq., as amended, which may include the Code adopted and enforced by Livingston County or the State of Michigan.

Section 3: Prohibition of Dangerous Buildings

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

Section 4: Notice of Dangerous Building; Hearing

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. Parties Entitled to Notice. 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 of the Township.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly

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10. 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, 1980 PA 299, MCL 339.2501, et seq., or is not publicly offered for sale by the owner. This subdivision 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:

(1) Notifies the Livingston County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law, 1917 PA 167, MCL 125.401, et seq., as amended, or the Township Building Code.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Livingston County Sheriff's 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 Livingston County Sheriff's 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, including but not limited to, 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 year.

maintained.

D. Service of Notice. 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 owner or party in interest at the address shown on the tax records. If a notice is served upon 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 10 days before the date of the hearing included in the notice.

Section 5: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at the Supervisor'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, or member of a community housing organization. A Township employee shall not be appointed as a Hearing Officer.

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Deleted: elected Township official,
Deleted: , Enforcing Agency, or any employee of the Enforcing Agency

B. Filing Dangerous Building Notice with Hearing Officer. The Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the Enforcing Agency, 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.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent or lessee shall comply with the order. If the building is a dangerous building under Section 2(A)(10) of 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.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5(D) of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after the date for compliance set in the order 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 the manner prescribed in Section 4(D) of this ordinance.

Deleted: The owner, agent, or lessee may file an appeal to the Township Board.

Section 6: Enforcement Hearing Before the Township Board

The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 5(C) of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 4(D) of this ordinance 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 Township Board shall either approve, disapprove or modify the order. If the Township Board approves or

modifies the order, the Township Board 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 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, 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 21 days after the date of the hearing under this section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Section 7: Implementation and Enforcement of Remedies

A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs 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 Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears. The costs of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the Livingston County Register of Deeds, demolition and dumping charges, court reporter attendance fees, costs of the collection of the charges authorized under the Housing Law, 1917 PA 167, MCL 125.401, et seq., court costs, and actual attorney fees.

C. Notice of 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 Township assessor of the amount of the costs 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 Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. 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 costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, 1893 PA 206, MCL 211.1, et seq., as amended.

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full costs 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. In the case of a single-family dwelling

or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section 7(E) of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section 7(E) of 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 which the judgment is obtained. A lien provided for in this subsection 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 8: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board under Section 6 of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, and may be prosecuted according to the policies and procedures of the Conway Township Municipal Violations Bureau Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 9: Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board 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 10: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

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