

## CHAPTER 36 DILAPIDATED AND DANGEROUS BUILDINGS

- 36.1 PURPOSE.** It shall be the purpose of this Chapter to provide standards for the identification, securing, repairing and removal of dangerous buildings.
- 36.2 DEFINITION.** All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings:"
- A. Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
  - B. Those which, exclusive of the foundation, show thirty-three (33%) per cent or more, of damage or deterioration of the supporting member or members, or fifty (50%) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
  - C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
  - D. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Village of Vermontville.
  - E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to reasonable decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.
  - F. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who may live or occupy therein.
  - G. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of evacuation.
  - H. Those which have parts thereof so attached that they may fall and injure members of the public or property.
  - I. Those, which because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of the Village of Vermontville.
- 36.3 STANDARDS FOR REPAIR, VACATION, OR DEMOLITION.** The following standards shall be followed in substance by the authorized building inspector(s) in ordering repair, vacation, or demolition:
- A. If the "dangerous building" can be reasonably repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be repaired.
  - B. If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered vacated.

- C. In any case where a "dangerous building" is fifty (50%) per cent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be demolished. In all cases, where a "dangerous building" is a fire hazard existing or erected in violation of the terms of any of the Village of Vermontville ordinances or statute of the state of Michigan, it shall be demolished.
- 36.4 DANGEROUS BUILDINGS-NUISANCES.** All "dangerous buildings" within the terms of this Chapter are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided by this Chapter.
- 36.5 FIRE INSURANCE WITHHOLDING PROGRAM.** In the event the Village elects to participate in the Michigan Fire Insurance Withholding Program authorized by Section 2845 of the Michigan Insurance Code, the Village Council shall adopt the required resolution establishing escrow accounts equivalent to up to twenty-five percent (25%) of the fire insurance settlement amount, but not to exceed the maximum escrow amount established from time to time by the Office of Financial and Insurance Services of the Michigan Department of Consumer and Industry Services. The Village shall notify insurers within the Village of the application of such escrow requirements thirty (30) days before the effective date of said resolution.
- 36.6 DUTIES OF AUTHORIZED COUNTY BUILDING INSPECTORS.** The building inspector(s) shall:
- A. Inspect or caused to be inspected periodically, all public buildings, schools, hall, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of this Chapter.
  - B. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or maybe existing in violation of this Chapter.
  - C. Inspect any building, wall, or structure reported as hereinafter provided by the fire or law enforcement departments operating in the Village of Vermontville, that a building, wall, or structure as probably existing in violation of the terms of this Chapter.
  - D. Notify in writing the owner, occupant, leasee, mortgagee, agent, and all other persons having an interest in said building as shown by land records of the register of deeds of the County of Eaton, of any building found to be a "dangerous building" within the standards of this Chapter, that:
    - 1) The owner must vacate, or repair, or demolish said building in accordance with terms of notice set forth by this Chapter and by violations of this Chapter.
    - 2) The occupant or leasee must vacate said building or may have it repaired in accordance with this notice and remain in possession.
    - 3) The mortgagee, agent, or other persons having an interest in said building, may, at their own risk, repair, vacate, or demolish said building or have such work or act done. Provided, that any person notified under this Chapter, repair vacate, or demolish any

building shall be given reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided herein.

- E. Set forth in the notice provided for in Subsection 36.5, D, hereof, a description of the building, or structure deemed unsafe, a statement of the violations of this Chapter which describe the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such a condition as to comply with this Chapter, within such a length of time, not exceeding thirty (30) days, as is reasonable.
- F. Report to the village council any non-compliance with the notice provided herein.
- G. Appear at all hearings conducted by the Vermontville Village Council and testify as to the condition of "dangerous buildings".
- H. Place a notice on all "dangerous buildings" reading as follows:

This building has been found to be a dangerous building by the authorized building inspectors of the Village of Vermontville according to Article Four, Chapter 36 of the Ordinances of the Village of Vermontville.

This notice shall remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, leasee, mortgagee, or agent of the building, and all other persons having an interest in said building, as shown by the register of deeds of the County of Eaton. This notice shall not be removed until notice is complied with.

### 36.7 VILLAGE COUNCIL HEARING

- A. Upon receipt of a report of the authorized building inspector(s) of the Village of Vermontville as provided in this Chapter, Section 36.4, the Village Clerk shall give written notice to the owner, occupant, mortgagee, leasee, agent, and all other persons having an interest in said building, as shown by the land records of Eaton County, to appear before the Village Council on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the authorized building inspector(s) , notice provided in this Chapter.
- B. On the date provided by the Vermontville Village Council, the Vermontville Village Council shall hold a hearing and hear such testimony as the authorized building inspector(s) or the owner, occupant, mortgagee, leasee, or any other person having an interest in said building shall offer relative to the "dangerous building".
- C. The Vermontville Village Council shall make findings of fact from the testimony offered as to whether or not the building in question is a "dangerous building" within the terms of this Chapter, which shall be made in writing and a public made thereof.
- D. The Vermontville Village Council shall issue an order based upon findings of fact made pursuant to Subsection 36.6, C, ordering the owner, occupant, mortgagee, leasee, agent, and all other persons having an interest in said building as shown by the land records of

- the Register of Deeds of the County of Eaton, to demolish, vacate, repair any building found to be a "dangerous building" within the terms of this Chapter.
- E. If the owner, occupant, mortgagee, or leasee fails to comply with the order provided for in Ssubsection 36.6, D, hereof, within ten (10) days, the authorized building inspector(s) shall cause such building or structure to be repaired, vacated, or demolished as the facts and findings relative to this Chapter and herein provided by this Chapter, maybe with the legal council of the Village attorney(s), and cause the cost of such repair , demolition, or vacation be charged against the land upon which the building stands or did stand, or dangerous erection has occurred upon. This does not prohibit the decision of council to recover costs of such under any other recourse allowed by law. The cost against the land, aforementioned, shall be by special assessment. It shall be the decision of the Vermontville Village Council and in the opinion of council, whether or not delays are acceptable or the immediate action of council is needed for the welfare of the public, regarding village action to demolish, repair, or the vacation of "dangerous buildings"
- 36.8 VIOLATIONS-DISREGARDING OF NOTICES OR ORDERS.** Any owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building, *issued by the Village Council*, authorized Village of Vermontville representatives , *including the Village's authorized* legal representative, is guilty of violation of this Chapter. Any occupant , leasee *or property owner* in possession who fails to comply with any notice to vacate or who fails to repair such said building in accordance with this Chapter, is in violation and shall be guilty of a misdemeanor upon conviction and shall be subject to a fine of \$500.00 together with the costs of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both such fine and imprisonment at the discretion of the Court.
- Revised 6-9-05/Revision E (underlined)      Revision I/9-7-06 (in italics)
- 36.9 EMERGENCY CASES.** In cases where it reasonably appears there is immediate danger to life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the authorized Village of Vermontville building inspector(s), with the approval of the Village Council, shall cause the immediate repair, vacation, or demolition of said "dangerous building". The costs of such emergency repair, vacation, or demolition, of said "dangerous building" shall be as the same manners allowed in Section 36.6, E of this Chapter.
- 36.10 NOTIFICATION.** Any notice required under this Chapter shall be by first class mail.