

ORDINANCE NO 42

AN ORDINANCE TO PROHIBIT THE MAINTENANCE OF DANGEROUS OR UNSIGHTLY BUILDINGS, TO DECLARE BUILDINGS MAINTAINED IN VIOLATION OF THE TERMS TO BE PUBLIC NUISANCES, TO PROVIDE FOR THE REPAIR OR DESTRUCTION OF SUCH BUILDINGS AND TO PROVIDE FOR SPECIAL ASSESSMENT FOR WORK SO DONE BY THE TOWNSHIP OF PLAINFIELD.

THE TOWNSHIP OF PLAINFIELD ORDAINS:

Section 1.

It shall be the duty of the Township of Plainfield Board to determine by resolution when any condition exists upon any premises, lots or parcels of land within the Township limits that is unsightly, unsanitary or dangerous and constituting a menace to the health and safety of any citizen or of any adjoining property.

Section 2.

It shall be the duty of the Township of Plainfield Board to determine by resolution whenever any building or structure exists in such a condition that it shall be deemed to be a public hazard or nuisance.

Section 3. Definitions

Any building or structure shall be deemed to be a public hazard or nuisance if it shall have any of the following defects:

- 1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through its center of gravity falls outside the middle third of its base;
- 2) Those which exclusive of the foundation show 33% or more of damage or deterioration of the supporting member or members or 33% or more of damage or deterioration of the non-supporting, enclosing or outside walls or covering;
- 3) Those that have improperly distributed loads upon the floor or roof or in which the same are overloaded or which have insufficient strength to be safe for the purpose used;
- 4) Those which have been damaged by fire, wind or other causes as to have become dangerous to life, safety, morals or the general health and welfare of the occupants of the people of the Township;
- 5) Those that have become or are so dilapidated, decayed, unsafe and unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or likely to cause sickness or disease;
- 6) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;
- 7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;
- 8) Those that have parts thereof attached so that they may fall and injure persons or property;
- 9) Those which because of their condition are unsafe, unsanitary or dangerous to the health, moral, safety or general welfare of person in the Township;
- 10) Those existing in violation of any Ordinance or code of the Township or County or any statute of the State of Michigan now in effect or which may hereafter be enacted.

Section 4.

The Township Board resolution shall state the lot or lots on which condition exists, the name or names of the owners if known, and shall direct said owner or owners to correct such conditions, to remove any buildings, wreckage or condition that tends to create any unsightly, unsanitary or dangerous condition. A copy of such resolution shall be served upon the owner of such lot or lots by any peace officer designated by the Board of the Township of Plainfield or the resolution may be served by registered mail, return receipt requested, directed to the owner at his last known address. Service by registered mail shall be deemed personal service. If the owner cannot be found or is absent from the County, such order may be served upon any tenant or occupant of the building or other structure or any person found in charge thereof, with the same force and effect as if served upon the Owner. If the owner cannot be found, and his address is unknown, and there are no other tenants or other persons in charge of such building or structure then such notice may be served by posting the same securely upon such building or structure. If the personal service upon such owner cannot be had within two days after the notice has been placed in the hands of the person whose duty it is to serve the same, then the substituted service herein provided for may be had, such notice shall be served either personally or by substituted service at least three days prior to the date set for hearing before the Board for the Township of Plainfield.

Section 5.

The Chief of the Department of Public Works, or the Chief of the Fire Department or the Director of the Department of Public Health or the Township and/or County Building Inspector, their respective deputies or representatives are hereby authorized and they each shall have the right at all reasonable hours to enter into and upon all premises within the Township of Plainfield for the purpose of examination without liability for trespass.

Section 6.

Upon complaint that any of the provisions of this Ordinance are being violated or upon his own motion without complaint, the Chief of the Fire Department, or Chief of the Department of Public Works, or the Director of the Department of Public Health or the Township and/or County Building Inspector, their respective deputies or representatives will make an investigation and if shall find that any building or other structure is maintained in violation of this Ordinance, he shall make a written determination as to where and to what extent the offending building or other structure should be repaired or whether and to what extent the offending building or other structure shall be torn down or completely removed and shall file his report with the Township of Plainfield Board which shall be the basis for the Resolution hereinbefore set forth.

Section 7.

Upon the date set for hearing, the Township of Plainfield Board shall consider the report and any other evidence presented, and shall make known its findings and by resolution, order such action as shall be necessary to comply with the report and recommendations.

Section 8.

The owner shall have fifteen (15) days to comply with the Resolution. Failure of the owner to comply and complete the requirements of the Resolution with reasonable diligence shall be deemed a refusal to comply with

the terms of the Ordinance and the Township of Plainfield Board is hereby authorized to proceed on failure of the owner to comply.

Section 9.

If the Chief of the Fire Department, or Chief of the Department of Public Works, or the Director of the Department of Public Health or the Township and/or County Building Inspector, their respective deputies or representative, after investigation provided for in Section 5, shall determine that the condition of the building or other structure is such that an emergency exists, or the public safety or health would be endangered by delay, he is hereby authorized to immediately tear down or remove the offending building or structure as the case may be. In such event, the notices and hearing required by Section 4, hereof need not be provided to the owner.

Section 10.

In the event the Township of Plainfield proceeds to make the necessary repairs or is required to tear down or remove the offending building or structure, as the case may be, the costs and expense thereof shall be reported by the Supervisor to the Township of Plainfield Board and it shall thereupon by resolution declare the same to be and become a special assessment and lien upon the lot or lots in the manner provided in the Statute for Townships for special assessments. Said special assessments shall be reported to the Township Assessor and shall be placed upon the tax roll of said Township and collected in the manner provided by the Statute for Townships.

Section 11. Penalty

Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance shall be guilty of a civil infraction. Upon conviction thereof before any Court of the County, the punishment shall be a fine not to exceed \$1,000.00, plus court costs. Each day of a continuing violation shall be construed as a separate offense hereunder. Notwithstanding any other provision of this Ordinance the Township shall be entitled to commence a civil action to enjoin any violation of this Ordinance. The Township shall be entitled to collect all costs, expenses and attorney fees for any criminal or civil action.

Section 12.

This Ordinance being necessary for the safety and general welfare of the residents of the Township of Plainfield, it is hereby ordered to take immediate effect.

Section 13.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

I hereby certify that the foregoing Ordinance was adopted by the Board of the Township of Plainfield on the 17th of September, 2003.

I certify that the foregoing Ordinance was published in the Iosco News, a newspaper published and circulated in the County of Iosco on the 8th day of October, 2003.

I certify that the foregoing Ordinance was filed with the Iosco County Clerk on the 29th of September, 2003.

(signed Elaine J. Bielby, Township Clerk)