

TOWNSHIP OF FAYETTE ORDINANCE # 2008-01

ABANDONED OR DILAPIDATED BUILDING ORDINANCE

An Ordinance to preserve the public health and general welfare of the inhabitants of the Township of Fayette by the regulation and control of the maintenance, repair, use, upkeep or occupancy of dwellings, buildings or structures within the Township; to compel the upkeep, repair or removal of abandoned, damaged or dilapidated dwellings; to provide for the removal of damaged or dilapidated dwellings; and to provide penalties for the violation of this Ordinance.

The Township of Fayette ordains:

Section 1 - Title- This Ordinance shall be known and cited as the Township of Fayette, Hillsdale County, Michigan Abandoned or Dilapidated Building Ordinance.

Section 2 - Definitions - As used in this Ordinance:

- A. an "abandoned dwelling" is a dwelling where the owner or prior occupant has moved and thereafter the dwelling has not been occupied for a period of more than sixty (60) consecutive days.
- B. a "dilapidated dwelling, building or structure" means any dwelling, building or structure that is in a state of disrepair, deterioration, depreciation, has been damaged by fire, collapse, wind, storm, act of God, or any other cause, or is a nuisance due to its unsightly, hazardous or dangerous nature.
- C. a "weed" shall mean any weed, brush, wilding or other noxious, poisonous, harmful or rank vegetation.
- D. All other words or phrases shall have their common and ordinary meanings.

Section 3 - Unlawful Acts - It shall be unlawful for any person, firm, copartnership, unincorporated association or corporation to do any of the following:

- A. reside or permit anyone else to reside in a dilapidated dwelling, building or structure;
- B. own, possess or make any use of a dilapidated dwelling where action to correct, remove, repair, rebuild, or rehabilitate the dwelling has not been commenced within 45 days and completed within 180 days from the time the condition that makes it a dilapidated dwelling first existed.
- C. permit or suffer the growth or presence of any weed or permit any grass to grow to a height in excess of eight (8") inches in the yard, or if no yard, within fifty (50) feet of an abandoned dwelling.

Section 4 - Penalties - Any person, copartnership, unincorporated association or corporation or firm who shall violate or assist in the violation of any provision of this Ordinance and adjudged

guilty of said violation by a Court of competent jurisdiction shall be punished by a fine of not more than \$500.00 or by incarceration in the County Jail for a period not to exceed 90 days, or both.

Section 5 - Correction or Removal - In addition to any other remedy available to it, upon being authorized by the Township Board, the Township Supervisor, Clerk or other designated representative of the Township may notify the owner or occupant of any property where a violation of this ordinance exists to correct or remedy the violation. Such notice shall be considered given if stated in writing and personally served on the owner of the property, sent by first class mail to the address of the property where the violation exists, or by posting a copy of the notice in a conspicuous place on vacant property. If the violation is not corrected or remedied within ten (10) days from the giving of the notice, the Township thru its agents, may correct or remedy the violation and the costs thereof shall be assessed against the property and subject to collection in the same manner as unpaid property taxes are collected. In the event a building, dwelling or structure is deemed hazardous or dangerous in nature, the Township Board may authorize the Township Attorney to commence an action in a court of competent jurisdiction seeking a judgment to permit the Township, or its agents or employees, to have access to any property where a dilapidated building or structure is located, and to demolish to ground level and remove any such dilapidated building or structure, and to seek the recovery of its costs incurred in bringing such an action, and the costs for demolition and removal, and to file a lien in its favor for any such costs against that property.

Section 6- Penalties - Any person, copartnership, unincorporated association or corporation or firm who shall violate or assist in the violation of any provisions of this Ordinance and adjudged guilty of said violation by a Court of competent jurisdiction shall be punished by a fine of not more than \$500.00 or by incarceration in the County Jail for a period not to exceed 90 days, or both.

Section 7- Cumulative Effect - The remedies and penalties provided herein are cumulative and in addition to any other remedies provided by statutes and laws of the State of Michigan, the Ordinances of Hillsdale County or the Ordinances of the Township of Fayette, Hillsdale County, Michigan.

Section 8- Severability- If any Section, provision, clause or term of this Ordinance or the application thereof to any person, firm, copartnership, unincorporated association or corporation or firm is held to be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

This Ordinance shall become effective thirty (30) days after the first publication of the Ordinance in a newspaper as defined by statute.