

ORDINANCE NO. 26

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 CITY.

THE CITY OF AU GRES ORDAINS:

Section I.

It shall be the duty of the City of Au Gres Council to determine by resolution when any condition exists upon any premises, lots or parcels of land within the City 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 II.

It shall be the duty of the City of Au Gres Council 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 III.

DEFINITIONS: Any building or structure shall be deemed to be such 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 50% of damage or deterioration of the non-supporting, enclosing or outside walls or covering;
- (3) Those which 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 so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants of the people of the City.

(5) Those which 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 which have parts thereof which are so attached 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 persons in the City;

(10) Those existing in violation of any Ordinance or code of the City or County or any statute of the State of Michigan now in effect or which may hereafter be enacted.

Section IV

Such 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 of the City of Au Gres 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 such 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 council for the City of Au Gres.

Section V.

The Chief of the Department of Public Works, or the Chief of the Fire Department or the Director of the Department of Public Health, 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 City of Au Gres for the purpose of examination without liability for trespass.

Section VI.

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, their respective deputies or representatives will make an investigation and if he 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 City of Au Gres Council which shall be the basis for the Resolution hereinbefore set forth.

Section VII.

Upon the date set for hearing, the City of Au Gres Council 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 VIII.

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 City of Au Gres is hereby authorized to proceed on failure of the owner to comply.

Section IX.

If the Chief of the Fire Department, Chief of the Department of Public Works, or the Director of the Department of Public Health, their respective deputies or representative, after investigation provided for in Section V, shall determine that the condition of the building or other structure is such that an emergency exists, 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 IV hereof need not be given.

Section X.

In the event the City of Au Gres proceeds to make the necessary repairs or are 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 Department of Public Works to the City of Au Gres Council 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 Charter or Statute of said City for special assessments. Said special assessments shall be reported to the City Assessor and shall be placed upon the tax roll of said City and collected in the manner provided by the Charter or Statute of said City.

Section XI.

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

Section XII.

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

We hereby certify that the foregoing Ordinance is adopted by the Council of the City of Au Gres on the 2nd day of June, 1983.

I certify that the foregoing Ordinance was published in the Arenac County Independent, a newspaper published and circulated in the County of Arenac on 8th day of June, 1983.

Dorothy Hill
City Clerk