



**ORDINANCE TO AMEND REGULATIONS REGARDING NEGLECTED OR
DILAPIDATED BUILDINGS**

**ORDINANCE NO. 334
Effective: April 15, 2018**

THE CHARTER TOWNSHIP OF TEXAS ORDAINS:

Section 1. Amendment of Section 6-61.

Section 6-61 of the Township Code is hereby amended to read, in its entirety, as follows:

Sec. 6-61. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, or the Michigan Building Code/Residential Code/Fire Code (as applicable).
2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, or the Michigan Building Code/Residential Code (as applicable) 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 such 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 of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended being Section 125.401 et seq. of the Michigan Compiled Laws, or the Michigan Building Code/Residential Code (as applicable).



5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or 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, or it is dilapidated or deteriorated and becomes an unattractive nuisance to children who might play in the building or structure to their danger, or 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 otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the Township or county determines 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.
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, Act No. 299 of the Public Acts of 1980, being Sections 339.2501 et seq. of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subsection 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 Kalamazoo 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) Maintain the exterior of the building or structure and adjoining grounds in accordance with the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section



125.401 et seq. of the Michigan Compiled Laws, and the Michigan Building Code/Residential Code (as applicable.)

- (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 Kalamazoo 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 Kalamazoo 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 such as a vacation home, hunting cabin or summer home, that is occupied by the owner or member of the owner's family during part of the year.

Enforcement Officers means the persons to whom enforcement of this article is delegated by the township board.

Section 2. Amendment of Section 6-62.

Section 6-62 of the Township Code is hereby amended to read in its entirety as follows:

Sec. 6-62. – 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 3. Amendment of Section 6-63.

Section 6-63 of the Township Code is hereby amended to read in its entirety as follows:

Sec. 6-63. – Notice of dangerous building; hearing.

1. If the Township Ordinance Enforcement Officer determines that a building or structure is a dangerous building as defined in this Ordinance, the Ordinance Enforcement Officer shall issue a first notice that the building or structure is a dangerous building.
2. The first notice shall be served on the owner or party in interest that is registered with the Township. If an owner or party in interest is not registered, then the notice shall be served on each owner or party in interest in the building or structure in whose name the property appears on the last Township assessment records.
3. The first notice shall specify the time and place for the owner or party in interest to meet with the Ordinance Enforcement Officer to discuss the status of the building or structure, and what steps need to be taken to demolish or otherwise make the building or structure safe. If the owner or party in interest fails to attend the meeting or a



satisfactory resolution cannot otherwise be reached between the Ordinance Enforcement Officer and the owner or party in interest, the matter shall be referred to the Township's Building Official. The Township's Building Official shall be requested to inspect the building or structure and provide a written opinion as to whether the building or structure constitutes a dangerous building under this Ordinance. If the Township's Building Official determines that the building or structure is a dangerous building pursuant to this Ordinance, a final notice shall be served on the owner or party in interest.

4. The final notice shall specify the time and place of the hearing on whether the building or structure is a dangerous building and shall 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.
5. The final notice shall be in writing and shall be served upon the person to whom it is directed personally or, in lieu of personal service, may be mailed by Certified Mail - Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing described in the notice. If any person to whom the notice is directed is not personally served, then, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure at least 10 days prior to the hearing.

Section 4. Addition of Section 6-64.

A Section 6-64 of the Township Code is hereby added to read in its entirety as follows:

Sec. 6-64. – Hearing Officer.

1. A Hearing Officer shall be appointed by the Township Supervisor to serve at his or her 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.
2. The Ordinance Enforcement Officer shall file a copy of the final notice of dangerous building with the Hearing Officer.
3. At the hearing, the Hearing Officer shall take the testimony of the Ordinance Enforcement Officer, the Township Building Official, the owner or party in interest of the property and any other interested party. Not more than 5 days after the 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.



4. If it is determined by the Hearing Officer that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner or party in interest to comply therewith. If the building is a dangerous building under Section 6-61(10) of this Ordinance, the order may require the owner or party in interest to maintain the exterior of the building and adjoining grounds of the building including, but not limited to, the maintenance of lawns, trees and shrubs.

5. If the owner, agent or party in interest fails to appear, or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his or her findings and a copy of the order with the Township Board not more than 5 days after noncompliance and request that the necessary action be taken to enforce the order. A copy of such findings and order of the Hearing Officer shall be served on the owner or party in interest in the manner prescribed in Section 6-63(5).

Section 5. Addition of Section 6-65.

A Section 6-65 of the Township Code is hereby added to read in its entirety as follows:

Sec. 6-65. – Enforcement hearing.

The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 6-64(3) 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 6-63(5) 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 or other natural disaster 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 within 21 days after the date of the hearing under this Section.

Section 6. Addition of Section 6-66.

A Section 6-66 of the Township Code is hereby added to read in its entirety as follows:

Sec. 6-66. – Implementation and enforcement of remedies; appeal.

1. 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.

2. Reimbursement of costs. The cost 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.
3. Notice of cost. 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 cost 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.
4. 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 costs, 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, Act No. 206 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.
5. 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 cost 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 pursuant to 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.
6. Enforcement of judgment. A judgment in an action brought pursuant to Section 6-66(5) of this Ordinance may be enforced against assets of the owner other than the building or structure.
7. 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 6-66(5) 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.

8. An owner or party in interest aggrieved by any final decision or order of the Township Board under Section 6-65 of this Ordinance 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 7. Addition of Section 6-67.

A Section 6-67 of the Township Code is hereby added to read in its entirety as follows:

Sec. 6-67. – Sanctions for nonconformance with order.

A person who fails or refuses to comply with an order approved or modified by the Township Board under Section 6-65 of this Ordinance within the time prescribed by that Section shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. Additionally, such person shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Section 8. Addition of Section 6-68.

A Section 6-68 of the Township Code is hereby added to read in its entirety as follows:

Sec. 6-68. – Emergency proceedings to secure premises.

If the Township's Ordinance Enforcement Officer believes an immediate serious danger exists to the public where a vacant building or structure is left open to casual entry, he or she may give notice by personal service to each owner of record as shown on the current tax roll, or by leaving such notice at his or her place of residence as shown on the current tax roll and also similarly serving any other interested persons (as shown on the tax roll) pertaining to a hearing on the matter to be held no sooner than 24 hours after effecting such service. In the case of an owner of record or other interested person (as shown on the current tax roll) who does not reside in the Charter Township of Texas, notice may instead be given by overnight mail addressed to his or her place of residence as shown on the current tax roll, in which case the hearing shall be held not less than 48 hours after the notice is placed in the mail. The purpose of the hearing shall be to consider the request of the Ordinance Enforcement Officer that the Township be authorized to go upon the property for the express purpose of boarding up or otherwise making the premises secure from casual entry immediately. After taking testimony from the Ordinance Enforcement Officer, the Building Official, owner (if he or she appears) and any other interested persons who may appear, the Hearing Officer shall consider the urgency of the matter, whether a real danger exists to persons, including minors, who might enter the building or structure, and whether there



is evidence that unauthorized persons are or have entered the premises. If the Hearing Officer determines that such immediate dangers exist by the building or structure remaining open to casual entry, the Hearing Officer may authorize such work as may be necessary to be done by the Township immediately to make the premises secure from casual entry. The costs of such work shall be paid by the property owner within 30 days of billing by the Township. If such costs are not paid, the Township may institute suit to collect those costs or take such other action as may be allowed by law to compel payment.

Section 9. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 10. Repealer Clause

Any ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 11. Effective Date

This Ordinance shall take effect immediately after adoption and publication in a newspaper of general circulation in the township.

Published: April 14, 2018