

July 10th 1985

ORDINANCE NO. 5

AN ORDINANCE TO PROHIBIT THE MAINTENANCE OF DANGEROUS UNSANITARY BUILDINGS, TO DECLARE BUILDING MAINTENANCE IN VIOLATION OF ITS TERMS TO BE A PUBLIC NUISANCE, TO PROVIDE FOR THE REPAIR OR DESTRUCTION OF SUCH BUILDINGS, TO PROVIDE PENALTIES FOR VIOLATION OF ITS PROVISIONS.

The Township of Hematite Ordains:

SECTION 1: It shall be unlawful for any person, firm or corporation to maintain within the limits of the Township of Hematite, any building or structure, either public or private, which, by reason of improper construction, or for any other cause is dangerous to life, limb or property or is liable to fall.

SECTION 2: It shall be unlawful for any person, firm or corporation to maintain within the limits of the Township of Hematite, any building or other structure, either public or private, which, by reason of improper construction, wants of repairs, damage by fire or the elements, improper or insufficient fire escapes, age or dilapidated condition, or for any other cause, as especially to fire and which is so situated to endanger other property, or which is so occupied that fire would endanger persons or property therein.

SECTION 3: It shall be unlawful for any person, firm or corporation to maintain within the limits of the Township of Hematite, any building or other structure, either public or private which, by reason of improper construction, wants of repairs, damage by fire or the elements, unsanitary condition therein, age or dilapidated condition, or for any other cause, is a menace.

SECTION 4: Any building or other structure, public or private, maintained in violation of Section 1, 2 or 3, hereof is hereby declared to be a public nuisance.

SECTION 5: Upon complaint that any of the provisions of this Ordinance are being violated, or upon motion without complaint, the Township Board may direct an investigation and if the investigation shall find that any building or other structure is maintained in violation of this Ordinance, the investigating officer shall make a written determination as to whether, and to what extent, the offending building or other structure should be repaired or whether such structure should be torn down or completely removed. Upon making such determination, it shall be the duty of the directed inspector to notify the owners of such buildings or other structure of such determination. Such notice

shall be in writing and shall also set the date which such owner may appear before the Township Board and be heard concerning the condition of such building or structure. Such notice may be served upon such owner or person of suitable age and discretion, or 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 township, 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 effect as if served upon the owner. If such owner cannot be found, and his address is unknown and there are no tenants or other persons in possession or in charge of such building or structure, then such notice may be served by posting the same securely upon said building or structure. If personal service upon such owner cannot be had within two (2) 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 may be had. Such notice shall be served either personally or by substitute service at least three (3) days prior to the date of the hearing before the Township Board.

SECTION 6: Upon the date set for hearing, the council shall consider the determination of the designated inspector and shall consider all pertinent evidence introduced by either the designated inspector or by the owner of such building or structure. Any person holding a mortgage or other lien upon such building or structure or having any interest therein, shall have the right to be heard in such proceeding, although no notice need to be given to such person. The council may affirm or reverse, wholly or partly or modify, the determination of the designated inspector and shall be a resolution to enter an order accordingly. Determination of the directed inspector as affirmed or modified by the Township Board shall be final and conclusive insofar as involves find the fact or exercise of discretion.

SECTION 7: If the order of the Township Board is to repair, the owner of such building or structure shall be given not less than twenty (20) days from the entry of such order of the Township Board to signify in writing his intention to comply therewith and to begin making said repairs; if such order is to tear down or remove, the owner of such building or structure shall be given not less than twenty (20) days from the date of such order by the council to signify his intention to comply therewith and to begin such work. When the work of repairing, tearing down or removing, as the case may be, it shall be the duty of the owner to carry the same forward with reasonable diligence. Failure of the owner to signify his intention in writing to comply with the terms of the order of the Township Board and begins such work within the time specified herein, or failure of such owner to carry such work forward with reasonable diligence after beginning the same shall be deemed a refusal to

comply with the terms of the order of the Township Board and a violation of this Ordinance.

SECTION 8: If the owner of such building or structure shall fail to comply with the order of the Township Board within the time herein before limited, or, having begun the work of repair, tearing down or removing of such building or structure in compliance of such order, shall fail to prosecute such work with reasonable diligence, the Township Board is hereby authorized to direct someone to proceed forthwith to make such repairs and tear down or remove such building or structure, as the case may be on behalf of the Township of Hematite.

SECTION 9: Any expense which may be incurred by the Township in repairing, tearing down or removing any building or structure under authority of Section 8 hereof, shall be a debt due from the owner of such building or structure to the Township, and may be recovered by the Township in an action of a sum set against the owner. In addition to the above remedy for the recovery of such expenses, the Township Board may charge the same, or such part there as it may deem proper, upon the lot or premises upon the account of which such expenses were incurred and cause same to be levied upon the lot or premises and place upon a tax role as a special tax and collect therefrom.

SECTION 10: In addition to other proceedings and remedies provided in this Ordinance, the Township may institute proceedings in any court of competent jurisdiction to have any offending building or structure declared a nuisance and abated.

SECTION 11: Any person, firm or corporation which violates or fails to comply with the provision of the Ordinance or any order made under the authority hereof, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$100.00 or by imprisonment in the county jail for a period not to exceed 90 days or by both such fine and imprisonment in the discretion of the court.

SECTION 12: This Ordinance may be sited and referred to as an "Unsafe Building Ordinance".

SECTION 13: This Ordinance shall become effective thirty (30) days after publication.

This Ordinance adopted on this 10th day of July, 1985.

ATTESTED:

Laurel H. Mabe

Township Clerk