

ORDINANCE NO. 351

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Definitions.

(1) The term "dangerous building" means any of the following:

(a) A structure which, for want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially liable to fire, and which is so situated or occupied as to endanger any other building or property or human life.

(b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, which is especially liable to cause fire or to endanger the safety of such building, premises, or human life.

(c) A structure which is in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease.

(d) A structure which is in such a weakened, deteriorated, or dilapidated condition as to endanger any person or property by reason of imminent partial or complete collapse.

(2) The term "person" means every natural person, firm, partnership, association or corporation.

Section 2. Nuisance. Every building or part thereof which is found by the council to be a dangerous building is hereby declares' to be a public nuisance. The city may abate such a nuisance by the procedures specified herein, or it may bring a suit for the abatement thereof.

Section 3. Initial Action. Whenever a city official is of the opinion that there is a dangerous building in the city, it shall be that official's duty to report it to the council. The council shall fix a reasonable time and place for a hearing thereon or proceed with a suit for summary abatement under section 10.

Section 4. Notice to the Owner. By certified or registered mail, return receipt requested, the city recorder shall send notice to the owner of record of the premises on which the building in question is located. The notice shall give the time and place of the hearing, and in general terms it shall explain that the hearing will be held to determine the dangerous character of the property. A copy of this notice shall also be posted on the property.

Section 5. Published and Posted Notices. Ten days notice of any such hearing shall be either published in a newspaper of general circulation in the city or posted in two public places in the city in addition to being posted on the property. If such notice is so published or posted, no irregularity or failure to mail notices shall invalidate the proceedings.

Section 6. Hearing . At the time and place fixed by the council, or at such other time and place to which the council may adjourn, the hearing shall be held. The council shall determine by resolution whether or not the building is dangerous. The council may, as part of the hearing, inspect the building, and the facts observed by the council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or any other person interested in the property or building shall have the right to be heard.

Section 7. Council Orders; Notice. The council shall have the power to order a dangerous building removed if, in its judgment, removal is necessary to eliminate the dangerous condition. The council shall also have the power to order the building made safe and to prescribe what acts and things must be done to render it safe. The council shall specify a time period of not less than five days in which its orders must be carried out. Notice of the findings and orders made by the council shall be given to the owner of the building, the agent of the owner, or any other person in control of the building.

Section 8. Abatement by the City. If the orders of the council are not obeyed within the time specified, the council may contract for the repair or removal of the building, or it may file a suit: in circuit court to abate the nuisance.

Section 9. Assessment. If the council contracts for the repair or removal of the building, the cost shall be assessed against the property on which the building is situated. The assessment shall be declared by resolution, and it shall be entered in the docket of city liens, and it shall thereupon become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

Section 10. Summary Abatement. If a building is unmistakably dangerous and imminently imperils human life or property, the council may file a suit in abatement in circuit court instead of following the procedures set forth in sections 4, 5, 6, and 7 of this ordinance.

Section 11. Penalty. A person commits the offense of main-taining a dangerous building if he owns, possesses, or is in responsible charge of, any dangerous building within the city and if he knowingly suffers or permits the building to remain dangerous more than five days beyond the period specified in the council's order. Maintaining a dangerous building is a class "A" misdemeanor.

Section 12. Exclusivity. The provisions of this ordinance shall be exclusive as a matter of local concern, and any statutes or administrative rules pertaining to this matter shall be inoperative.

Section 13. Repeal. Bay City Ordinance No. 305 known as the Dangerous Building Ordinance and codified as Bay City Ordinance 9-2 is hereby repealed in its entirety.

Passed by the council this 1st day of July, 1976, and approved
by the Mayor this 1st day of July, 1976.

/s/ Albert M. Griffin
Albert M. Griffin, Mayor

/s/ D.L. Carver
Dallas L. Carver, City Recorder