

Chapter 100

ARTICLE I

DANGEROUS BUILDINGS

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[HISTORY: Adopted by the Township Board of the Charter Township of Rutland January 10, 2018.]

EFFECTIVE: FEBRUARY 17, 2018

ARTICLE I

Dangerous Buildings

[Adopted 1-10-2018 by Ord. No. 2018-163]

PREAMBLE

An Ordinance to amend the Rutland Charter Township Code by enacting as new Chapter 100 pursuant to pertinent provisions of the Housing Law of the State of Michigan (*MCL 125.538 et. seq.*), and Section 15 of the Charter Township Act (*MCL 42.15*) and/or the Township Ordinances Act (*MCL 41.181*) to promote the health, safety and welfare of the people of Rutland Charter Township, Barry County, Michigan by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix sanctions for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

§ 100-1. Title

This ordinance shall be known and cited as the Rutland Charter Township Dangerous Buildings Ordinance.

§ 100-2. Definitions of terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

- A. "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 does not conform to the Township Fire Code or Township Building Code.
 2. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage 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 Township Building Code 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 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 Township Building Code.
 5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, 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, is dilapidated or deteriorated and becomes an attractive nuisance to children who might

play in the building or structure to their danger, 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 for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
9. The 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, 1980 PA 299, *MCL 339.2401 to 339.2518*. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
 - (a) A building or structure if the owner or agent does both of the following:
 - (1) Notifies the Barry 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) Maintains the exterior of the building or structure and adjoining grounds in accordance with the Housing Law of the State of Michigan or the Building Code administered and enforced in Rutland Charter Township.
 - (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 Barry 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 Barry 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, including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

- B. "enforcing agency" means this Township, through the Township Building Official and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.
- C. "Township Building Code" means the construction code(s) administered and enforced by the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being section 125.1501 et seq. of the Michigan Compiled Laws.

§ 100-3. 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.

§ 100-4. Notice of dangerous building; hearing

- A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.
- B. Parties Entitled to Notice. The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the township.
- C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and 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.
- D. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

§ 100-5. Dangerous Building Hearing Officer; duties; hearing; order

- A. Appointment of Hearing Officer. The 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. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

- B. Filing Dangerous Building Notice with Hearing Officer. The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after 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.
- D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner, agent or lessee shall take and that sets a date by which the owner, agent or lessee shall comply with the order.
- E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under § 100-5.D of this chapter, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after the date for compliance set in the order, and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in § 100-4.D of this chapter.

§ 100-6. Enforcement hearing before the Township Board

The Township Board shall set a date not less than 30 days after the hearing prescribed in § 100-5.C of this chapter 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 § 100-4.D of this chapter 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, unless the Township Board order specifies a different period of time greater than 60 days. For an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, 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 of demolition within 21 days after the date of the hearing under this section, unless the Township Board order specifies a different period of time greater than 21 days. If the estimated cost of repair exceeds the state equalized value of the

building or structure to be repaired, there is a rebuttable presumption that the building or structure requires immediate demolition.

§ 100-7. Appeal of Township Board order

An owner aggrieved by any final decision or order of the Township Board under § 100-6 of this chapter 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 or order.

§ 100-8. Implementation and enforcement of remedies

- A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the order 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.
- B. Reimbursement of Costs. The costs 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. The cost of demolition includes, but is not limited to, fees paid to the Hearing Officer, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this ordinance.
- C. Notice of Costs. 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 costs 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.
- D. 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, 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, 1893 Public Act 206, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.
- E. 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.

- F. Enforcement of Judgment. A judgment in an action brought pursuant to § 220-8.E of this ordinance may be enforced against assets of the owner other than the building or structure.
- G. Lien for Judgment Amount. The Township shall have a lien for the amount of a judgment obtained pursuant to § 100-8.E of this chapter 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.

§ 100-9. Violations and enforcement

- A. A person who fails or refuses to comply with an order approved or modified by the Township Board under § 100-6 of this chapter within the time prescribed is guilty of a misdemeanor, punishable by imprisonment for not more than 120 days and/or a fine of not more than \$1,000.
- B. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- C. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- D. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Rutland Charter Township and by such other person or persons as the Township Board may designate.

§ 100-10. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

§ 100-11. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the State Construction Code Ordinance (Article 1 of Code Chapter 95) or any code administered thereunder, or any provision of the Zoning Ordinance (Code Chapter 220).

§ 100-12. Effective date

This ordinance shall take effect 30 days after publication as required by law.

**ARTICLE II
ANTI-BLIGHT**

§ 100-20.	Title.	§ 100-26.	Additional Regulations.
§ 100-21.	Purpose.	§ 100-27.	Effective Date.
§ 100-22.	Definitions.		
§ 100-23.	Regulations.		
§ 100-24.	Violations and Enforcement.		
§ 100-25.	Validity.		

[HISTORY: Adopted by the Township Board of the Charter Township of Rutland May 11, 2022.]

EFFECTIVE: JUNE 18, 2022

**ARTICLE II
Anti-Blight
[Adopted 5-11-2022 by Ord. No. 2022-182]**

§ 100-20. Title

This Ordinance shall be known and cited as the “Rutland Charter Township Anti-Blight Ordinance.”

§ 100-21. Purpose

The purpose of this Ordinance is to promote and preserve the general health, safety and welfare of the residents and property owners of Rutland Charter Township, and to minimize the devaluation of property and the psychological ill effects of the presence of blighting conditions upon adjoining residents and property owners, by preventing, reducing, or eliminating blight, or potential blight, in the Township through the prevention or elimination of certain causes of blight or blighting conditions and causes in the Township.

§ 100-22. Definitions

For the purpose of enforcing the provisions of this Ordinance certain terms and words used herein shall have the following meaning:

- A. "implement of husbandry" means a farm tractor, a vehicle designed to be drawn or pulled by a farm tractor or animal, a vehicle that directly harvests farm products, or a vehicle that directly applies fertilizer, spray, or seeds to a farm field. Implement of husbandry does not include a motor vehicle licensed for use on the public roads or highways of this state.
- B. "building materials" means lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- C. "inoperable" motor vehicle means any motor vehicle which is being dismantled for the sale, salvage, repair or reclamation of parts thereof, or which does not have all of its main component parts properly attached, or which is incapable of being driven under its own power, lawfully, upon the public streets as a result of any other or additional conditions.
- D. "junk, trash, rubbish or refuse of any kind" means unmotorized vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof, or scrap or waste metal, iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, clothing, wood, plastic, paper, glass or garbage, or appliances, televisions or furniture, or mobile homes not meeting the minimum standards for inhabitation by humans, or trailers or watercraft not usable for the purposes for which they were manufactured, or concrete, brick or other materials from demolished structures, or any other scrap or waste material of any kind, including parts of any of the above. "Junk, trash, rubbish or refuse of any kind" shall not include firewood stored in an orderly manner, and shall also not include domestic refuse stored for fourteen (14) or fewer days in such a manner as not to become offensive by reason of odors, insects, rodents, pollution, litter, inadequate or improperly covered containers for the same, the lack of such containers, or the improper depositing of such material into or around such containers, or in such a manner as to otherwise create a nuisance.
- E. "junk vehicle" means any motor vehicle which is not currently and validly licensed for use upon the public streets and highways of the State of Michigan, and any motor vehicle, whether licensed or not, which is inoperable or does not have all its main component parts attached.
- F. "main component parts" means fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment as are necessary for a vehicle to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300.

§ 100-23. Regulations

- A. It shall be unlawful for any person, firm, corporation or entity of any kind, either as the owner, lessee, renter, occupant or possessor of any property, to cause, permit, or allow any of the following conditions or activities which are hereby determined to be causes of blight or blighting conditions which, if allowed to exist, will adversely affect the public health, safety and welfare:
1. The parking or storage of an inoperable vehicle or unlicensed vehicle outside of a fully enclosed building upon any premises not zoned or approved for such activities; except in the following circumstances:
 - a. Licensed vehicles that are temporarily inoperable because of minor mechanical failure but which are not in any manner dismantled and have substantially all main component parts attached, may be parked or stored upon the premises outside of a fully enclosed building for no more than 30 days in any one calendar year, calculated on a cumulative basis for the same or different vehicles.
 - b. One unlicensed vehicle that (1) is mechanically operable, (2) has substantially all main component parts attached, (3) or is posted for sale by the owner or occupant may be parked upon the premises outside of a fully enclosed building. Only one such vehicle per premises at any one time shall be permitted.
 - c. Such vehicle is an “implement of husbandry” as defined in this ordinance and is used or usable for the agricultural purposes for which it was manufactured.
 2. The storage or accumulation of junk, trash, rubbish, litter or refuse of any kind outside of a fully enclosed building upon any premises not zoned or approved for such activities for a period in excess of 30 consecutive days; provided this regulation does not apply to such materials that are neatly and properly stored between regular collections from the premises at intervals of not less than 30 days.
 3. The storage or accumulation of building materials outside of a fully enclosed building upon any premises not zoned or approved for such activities for a period in excess of 30 consecutive days; unless the materials are for use in a construction project on the premises for which a building permit has been issued by the Township and is in effect.
 4. The storage or accumulation of landscaping materials outside of a fully enclosed building upon premises not zoned or approved for such activities for a period in excess of 30 consecutive days; unless the materials are for use in a landscaping project upon the property and the subject materials are intended for use only in connection with the landscaping project.
 5. The presence of a blighted structure upon any premises.

- B. In the event the foregoing regulations create any special or particular hardship beyond the control of a particular violator thereof because of unforeseen circumstances, upon written application, the Township Board shall have the authority to grant an extension or waiver for the applicant to operate contrary to these regulations for a period of time to be determined by the Township Board, not to exceed 90 days. If the Township Board determines (a) special or peculiar circumstances exist; (b) no adjoining property owner is adversely affected hereby; and (c) the spirit and purpose of these regulations are still being observed, the special permit may be renewed for an additional 30 day period. All extensions and waivers must be in writing.

§ 100-24. Violations and Enforcement

- A. Any person, firm, corporation, or entity of any kind who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order/permit issued under the Ordinance, including any conditions imposed thereon, or who consents to, or aids or abets any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person or entity responsible for a violation of this Ordinance shall be liable as a principal.
- B. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be subject to the Schedule of Fines specified in Section 45-6 and all other applicable parts of Chapter 45 of the Rutland Charter Township Code. Each day a violation continues to exist shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.
- C. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- D. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Rutland Charter Township, and by such other person or persons as the Township Board may designate.

§ 100-25. Validity

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

§ 100-26. Additional Regulations

This Ordinance shall not be construed to repeal by implication any other ordinance of Rutland Charter Township or parts thereof with additional regulations pertaining to the same subject matter.

§ 100-27. Effective Date

This Ordinance shall become effective 30 days after publication as required by law.