

ERIE TOWNSHIP ORDINANCE NO. 62

DANGEROUS BUILDING

An Ordinance to promote the public health, safety and welfare of inhabitants of Erie Township, by providing for hearings relating to alleged dangerous buildings, establishing the hearing procedure and establishing the procedure for repair or demolition of dangerous buildings, and establishing the procedure to make the cost of repair or demolition a lien against the real estate.

THE TOWNSHIP OF ERIE ORDAINS:

SECTION 1. UNLAWFUL CONDUCT

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or building or structure or part thereof which is a dangerous building as defined in the following section.

SECTION 2. DEFINITION

As used in Section 1, "Dangerous Building" means any building or structure which has any of the following defects, or is in any of the following conditions:

(a.) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to any fire code which may be adopted by Erie Township, it shall be considered that such dwelling does not meet the requirements of this Ordinance.

(b.) Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of this ordinance or any building code of the Township of Erie for a new building or similar structure, purpose or location.

(c.) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(d.) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this ordinance or the building code of the Township of Erie where the building is located.

(e.) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

(f.) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

(g.) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

(h.) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer or is likely to work injury to the health, safety or general welfare of those living within.

(i.) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

SECTION 3. NOTICE: CONTENTS: HEARING OFFICER: FILING OF NOTICE WITH OFFICER: SERVICE

(1) Notwithstanding any other provision of this Ordinance, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to the owner, agent or lessee in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4) The hearing officer shall be appointed by the Township Supervisor to serve at his pleasure. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(5) All notices shall be in writing and shall be served upon the person to whom they are 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 a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

SECTION 4. HEARING: TESTIMONY, DECISION, ORDER: NONAPPEARANCE OR NONCOMPLIANCE: REVIEW, ORDER TO SHOW CAUSE: COSTS.

- (1) The hearing officer shall take testimony of the enforcing agency, the owner of the property and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- (2) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.
- (3) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the Erie Township Board, and request that the necessary action be taken to demolish or otherwise make safe the building or structure. 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 this Ordinance.
- (4) The Erie Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in 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 building should not be demolished or otherwise made safe and the Erie Township Board shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.
- (5) The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Township of Erie, who shall assess the cost against the property on which the building or structures is located.
- (6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of such Township of Erie and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by such township.

SECTION 5.

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not to exceed one hundred (\$100.00) dollars or imprisonment in the Monroe County Jail, not to exceed ninety (90) days, or both such fine and imprisonment, in the discretion of the Court.

SECTION 6.

This Ordinance shall be in full force and effect thirty (30) days after publication, and shall be published in the Monroe Evening News, a newspaper circulating within said Township within ten (10) days after passage.

I, Jeanne M. Pasternak, Clerk of Erie Township, do hereby certify that the above Ordinance was approved and adopted by the Erie Township Board, at the regular meeting thereof, held on the 12th day of November, 1974, the vote thereon being as follows:

In favor of the Ordinance (5)

Against the Ordinance (0)

(signed) Jeanne M. Pasternak

Jeanne M. Pasternak, Clerk

ATTEST:

(signed) John W. Beutler

John W. Beutler, Supervisor