

**VILLAGE OF EMPIRE
DANGEROUS STRUCTURES ORDINANCE
Ordinance No. 98 of 2005**

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. "Dangerous Structure" Defined.

As used in this Ordinance a "dangerous structure" means a building or structure that has one (1) or more of the following defects or is in one (1) or more of the following conditions:

- (a.) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structure 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 building code enforced within the Village for a new building or structure.
- (b.) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (c.) 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 building code enforced within the Village.
- (d.) 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 reasons, 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.
- (e.) The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (f.) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and has become an attractive nuisance to children who might play in the building or structure to their danger.
- (g.) The building or structure is vacant, dilapidated, and opened at door or window, leaving the interior of the building exposed to the elements or accessible entrance by trespassers.

Section 2. Prohibition.

No person, corporation, limited liability company, trust, partnership, or other legal entity shall own, occupy or maintain any dangerous structure within the Village.

Section 3. Notice.

If a building or structure is found to be a dangerous structure, the Village shall give the owner of the building or structure written notice of the dangerous condition and thirty (30) days to demolish and remove the dangerous structure from the property or to repair the dangerous structure to make it safe. The notice may be personally delivered to the owner or mailed to the owner by first-class mail and certified mail with return receipt at the address shown on the assessor's rolls. The thirty (30) day period may be extended by the Village Council for hardship shown.

Section 4. Inspection.

Village representatives shall have the right to inspect buildings or structures to determine violations of or compliance with this Ordinance. Village representatives may exercise this right to inspection by consent of the person having the right to possession of the building or structure or any part thereof, or by administrative search warrant. Property may also be inspected by any other government authorized to inspect it.

Section 5. Penalty/Civil Infraction

Any person who shall violate any provision of this Ordinance shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 6. Enforcement.

The Village Zoning Administrator and Village President are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 7. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 8. Injunctive Relief.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9. Abatement by Village.

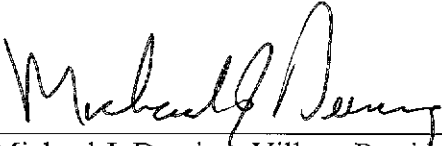
If a Court of competent jurisdiction finds the owner or occupant of a building or structure in violation of this Ordinance, the Court, in addition to ordering the owner or occupant to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to

Section 5. Severability:

The invalidity of any clause, sentence, paragraph, or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.

Section 6. Effective Date:

This Ordinance was adopted by the Village Council of Empire on May 15, 2001 and shall become effective on June 5, 2001.



Michael J. Deering, Village President



Patricia L. Zoyhofski, Village Clerk