ORDINANCE NO. 142

Village of Laurium, Laurium, Michigan

The Village of Laurium Ordains:

The Village of Laurium hereby ordains as follows: It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building. A "Substandard Building" means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

Defined; condemnation.

Any building or portion thereof including any dwelling, dwelling unit, rooming house, rooming unit, motel, hotel or the premises on which the same is located, in which there exists any of the conditions prohibited by this division to an extent that endangers the health, safety and welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and shall be condemned as unfit for human habitation.

Inadequate sanitation.

Inadequate sanitation in any dwelling unit or premises where located, which shall include but not be limited to the following is prohibited:

((1) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit;

(2) Lack of adequate heating facilities;

(3) Dampness of habitable rooms;

(4) Infestations of insects, vermin or rodents;

(5) General dilapidation or improper maintenance;

(6) Lack of connection or required sewage disposal system;

(7) Improperly enclosed, ventilated or unsanitary underfloor area;

(8) Lack of adequate garbage and rubbish storage and removal facilities.

Structural hazards.

Structural hazards in any dwelling unit or premises where located which shall include but not be limited to the following are prohibited;

(1) Deteriorated or inadequate foundations;

(2) Defective or deteriorated flooring or floor supports;

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety;

(4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

(5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;

(8) Fireplaces or chimneys which list, bulge of settle, or which are of insufficient size or strength to carry imposed loads with safety;

Faulty weather protection.

Faulty weather protection in any dwelling unit or premises where located, which shall include but not be limited to the following is prohibited;

(1) Deteriorated, crumbling or loose plaster;

(2) Deteriorated of ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

(3) Broken, rotted, split or buckled exterior wall coverings or roof coverings.

Fire hazard.

Any fire hazard in any dwelling unit or premises where located, which shall include any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause is prohibited.

Definition of public nuisance.

Any building in the Village of Laurium which is dangerous to the health or safety of inhabitants of the Village of Laurium by reason of damage, decay, dilapidation, unsanitary condition, unsafe condition, fire damage, vermin infestation or otherwise, shall be a public nuisance.

Prohibition.

The keeping or maintenance of any building which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates serious hazard to the health or safety of the public, shall constitute a misdemeanor.

Inspection and evaluation.

When a condition or conditions exists or is suspected existing, the village administrator, or designated delegate, shall make an inspection and evaluation of the building and shall set forth in detail the results of his inspection and evaluation.

Notice to abate nuisance.

If , on the basis of the inspection and evaluation, the village administrator, or designated delegate, concludes that a public nuisance exists he shall cause a written notice to be sent to the owner, agent, person in control of the premises or party having an interest in the premises as the name appears on the tax rolls of the Village of Laurium. Such notice is deemed to be properly served if a copy is sent by certified mail, return receipt requested, registered mail, notifying the owner, agent, person in control of the premises or party having interest in the premises of the condition or conditions which constitute the nuisance and giving thirty (30) days time to abate the nuisance. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner shall constitute service of notice upon the owner, agent, person in control or party having an interest in the premises as the name appears on the tax rolls of the Village of Laurium.

Noncompliance; hearing, notice.

If the nuisance is not abated within the thirty (30) day time frame given by the village administrator or designated delegate, he shall so report to the Village Council and the Village Council, if it deems it desirable to proceed, shall set a hearing date when it will meet to give opportunity to the owner, agent, person in control or person with an interest in the premises as it appears on the tax rolls of the Village of Laurium, to appear and show cause why the Village of Laurium should not demolish the structure and/or abate the nuisance and/or collect the cost thereof from the owner. Notice of such meeting is to be in the same manner as the notice to abate.

Hearing; council determination.

At the hearing by the council, which shall be held at a regular or special meeting of the council, the council shall determine from the evidence presented to it whether a public nuisance exists. Thereafter, full opportunity to be heard shall be given the parties in interest who appear at the hearing to explain how and when the nuisance shall be abated, and the council may thereupon grant a thirty (30) day time frame for the nuisance to be abated, taking into account all circumstances.

Performance by village; cost, recovery.

If the nuisance is not abated within the time frame designated by the council, if the council grants such time, the council may direct that the nuisance be physically abated by the village and the cost thereof placed in the tax rolls. The council, if it deems it desirable, may direct demolition or other method of abatement of the nuisance forthwith and the cost incurred placed on the tax rolls.

Court suit; council, authority.

The council, if it deems it desirable, shall direct the village attorney to institute suit in circuit court to abate the nuisance.

Cost, recovery; civil suit authorized.

Nothing herein contained shall preclude civil suit to collect the cost of abatement.

Penalty.

Any person violating the Ordinance shall also be subject upon conviction to a fine of not more than $500 or imprisonment in the County Jail for a period of 90 days or both, and the costs of prosecution, in addition to the costs of clean up and abatement provided for in this ordinance.

Effective.

This Ordinance shall be effective under publication and expiration of time as prescribed by law.

Adopted and approved by the Village Council of the Village of Laurium

on this 13th day of July, 1998.

Patricia M. Golus
Village Clerk

Edward Jenich
Village President

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Laurium, County of Houghton, State of Michigan, on the 13th day of July, 1998, and that public notices of said meeting was given to and in compliance with Act Number 267, Public Acts of Michigan, 1976.

Patricia Golus, Village Clerk