

VILLAGE OF SHEPHERD  
ISABELLA COUNTY MICHIGAN

DANGEROUS AND DILAPIDATED BUILDING ORDINANCE  
#35.300

An ordinance to promote the health, safety and welfare of the people of the Village of Shepherd ("Village"), Isabella County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the types of buildings and structures regulated by this ordinance; to establish procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE VILLAGE OF SHEPHERD ("VILLAGE") ORDAINS:

SECTION I TITLE

This ordinance shall be known and cited as the Village of Shepherd "Dangerous and Dilapidated Building Ordinance."

SECTION II PURPOSE

The purpose of this ordinance is to regulate and prohibit the existence of dangerous and/or dilapidated buildings within The Village of Shepherd. Furthermore, it is the intent and purpose of this ordinance to promote the health, safety, and welfare of the people of The Village of Shepherd by regulating the maintenance, alternation, health, safety, and improvement of buildings and structures and to establish remedies and provisions for the enforcement of this ordinance.

SECTION III DEFINITIONS OF TERMS

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

A. "Dangerous Building" means any building or structure, residential or otherwise, that has one or more of the following defects or conditions or is in one or more of the following conditions:

1. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less that it was before the catastrophe 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 Complied Laws, or of the Isabella County Building Code for a new building or structure, purpose or location.

2. A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.

3. The building or structure, or a part of the building or structures, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for any 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.

4. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used or intended to be used.

5. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or 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.

6. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, which because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that a Village official or the health officer of the Village of Shepherd or County of Isabella 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.

7. A building or structure is vacant, dilapidated and open at the door, wall, roof, or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

8. Any portion of a building or structure open to the elements whether such opening occurs due to a broken, missing, or dilapidated door, wall, roof, or other structural or exterior component of the building.

B. "Enforcing agency" means this Village, through the Village Building Official, Zoning Administrator, and/or such other official's) or agency as may be designated by the Village Council to enforce this ordinance.

C. "Owner" means any person, corporation, partnership, or entity which owns, co-owns, or has an ownership interest in the property at issue.

#### SECTION IV PROHIBITION OF DANGEROUS BUILDINGS

It shall be unlawful for any owner or agent thereof to keep, possess, own, or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

## SECTION V PENALTIES FOR VIOLATION OF THIS ORDINANCE

A violation of the ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of the ordinance, shall be in violation of this ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other cost, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

This ordinance applies to the property at issue in a particular circumstance. For purposes of being found responsible for a violation of this ordinance (and for being subject to and bound by any penalties and court orders for violation of this ordinance), the word "owner" shall include not only the person, partnership, corporation, or other entity shown as evidenced with the relevant real estate document recorded with the Isabella County Register of Deeds records, but in addition, shall also include any owner or co-owner of the property (whether or not shown of record with the Isabella County Register of Deeds records), and where a land contract is involved, shall apply to both the record owner of the property as well as the person or persons purchasing the property on land contract. Anyone who assists another in violating this ordinance, or who aids and abets another in violation of this ordinance, shall also be deemed to be in violation of this ordinance

In addition to the other remedies mentioned above, upon a finding of responsibility for a civil infraction, the Court may also issue an order requiring that the property or building involved either be brought into full compliance with ordinance ( as well as the Isabella County Building Code and any other applicable ordinances or codes) or alternately, that the owner of the property completely demolish or remove the building or structure involved within a reasonable period of time. Such a court order may also provide that if demolition and/or removal of a building or structure is ordered (or some other action is required to be take by the property owner) and the property owner does not fully comply with the order, the Village shall be authorized to enter the property involved and remove or fully repair the dwelling or structure involved (or bring the property into full compliance with the court order) and that the Village shall be fully reimbursed for all of its costs and expenses, with the same being secured by a lien on the property.

In addition to the above mentioned remedies, the Village is also authorized (at its option and discretion) to pursue a civil lawsuit to enforce and/ or ensure compliance with this ordinance in the Isabella County Trial Court.

This ordinance may be enforced by the Village Zoning Administrator, the Village Building Inspector, and such other Village official or agent as the Village council may designate from time to time by resolution.

SECTION VI 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.

SECTION VII REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of any such conflict; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Village Building Code ( or maintenance, electric, plumbing, or similar code) or the Village Zoning Ordinance.

SECTION VIII EFFECTIVE DATE

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

The above ordinance was offered for enactment by Council Member DeGraw and was seconded by Council Member Clevenger at a meeting of the Village Council of the Village of Shepherd, held at the Coe Township Hall, on the 15th day of August, 2011 7:00p.m., the vote being as follows:

YEAS: Clevenger, DeGraw, Reynolds, Coughlin

NAYS: None

ABSENT/ABSTAIN: Edwards, Myers, Strange

CERTIFICATION BY GINA GROSS VILLAGE TOWNSHIP CLERK

  
Gina Gross

8-16-11 5:17 pm  
faxed

VILLAGE OF SHEPHERD  
SHEPHERD MI 48883

August 17, 2011

TO: Grim Printing  
Fax: (989) 828-5361

FROM: Gina Gross  
Clerk

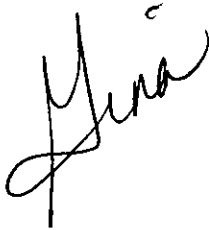
RE: Attached Copy

Please run the attached ad in the Wednesday, August 24, 2011 edition of the Shepherd Argus.

Please send billing to Village of Shepherd, c/o Gina Gross, PO Box 523, Shepherd, MI 48883 and provide an affidavit of publication.

If you have any questions, please call me at 828-5278.

Thank you.



***PLEASE TAKE NOTICE***

**New Ordinance # 35.300**

**Dilapidated Buildings**

The Village of Shepherd, at a regularly scheduled Council Meeting on Monday, August 15, 2011 at 7:00 p.m., at the Coe Township Hall, 309 Wright Ave., Shepherd, Michigan approved to adopt a new ordinance #35.300 for Dilapidated Buildings. This ordinance may be viewed in full at the Clerk's office at 251 W. Wright Avenue during office hours Monday through Thursday 8:00 am – 4:30 pm and Friday 1:30 pm – 4:30 pm; or viewed on the Village of Shepherd's website at [www.villageofshepherd.org](http://www.villageofshepherd.org)

This new ordinance shall take effect fifteen (15) days after its publication:

Adopted: August 15, 2011  
Published: August 24, 2011  
Effective: September 7, 2011

Ordinance offered by: DeGraw  
Supported by: Clevenger  
Ayes: Clevenger, DeGraw, Reynolds, Coughlin  
Nays: None  
Absent: Edwards, Myers, Strange

**CERTIFICATION**

I, the undersigned, the duly qualified and Clerk of the Village of Shepherd, Michigan do hereby certify that the foregoing is a true and complete copy of a new ordinance adopted by the Village Council at a regular meeting held on August 15, 2011 an original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act no. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Gina L. Gross  
Village Clerk  
Signed: August 15, 2011