

VILLAGE OF NASHVILLE

REMOVAL OF UNSAFE BUILDING ORDINANCE

ORDINANCE 11-13-2014 A

Council Member Kenyon, seconded by Council Member Coll, moved the adoption of the following ordinance:

AN ORDINANCE TO AMEND VILLAGE OF NASHVILLE ORDINANCE #18 (11-6-1905), TO PROVIDE FOR THE ABATEMENT OR REMOVAL OF BUILDINGS DEEMED UNSAFE, OR WHICH CONSTITUTE A NUISANCE.

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1. Amendment of Ordinance #18 (11-6-1905). That Village of Nashville Ordinance #18 (11-6-1905) is amended to read in its entirety as follows:

- A. The Village of Nashville ordains, whenever any building or buildings within the corporate limits of the Village of Nashville, by reason of being inherently weak, dilapidated, damaged or weakened by fire or other causes, or by being in a dilapidated or ruinous condition, or from any other causes, become dangerous or liable to fall in such a manner as to injure passersby or other persons, or shall be or become a nuisance, such building or buildings may be pulled down, abated or removed, as hereinafter provided.
- B. Any building or structure which poses a risk to the public health, safety or welfare due to it unsafe or dangerous condition is declared to be a nuisance per se and shall be subject to abatement in accordance with the provisions of this ordinance. For purposes of this ordinance, "unsafe or dangerous condition" shall be defined to mean a building which is deficient due to: its failure to provide adequate means of egress; there is substantial danger of structural collapse; it constitutes a fire hazard; it is vacant and is not secured or otherwise guarded so as to prevent ingress by trespassers, minors or third parties; or it is otherwise dangerous to human life or the public welfare.
- C. The Common Council shall cause to be given a written notification from a licensed building inspector of an unsafe structure, to the occupant, or owner of unoccupied premises, to declare the property to be unsafe or dangerous or constituting a nuisance, requiring said owner or owners or occupants to repair said building, within a stipulated time to be determined by the Village Council, and place the same in such a condition as to be reasonably safe, or to pull down, abate or remove the same within a stipulated time to be determined by the Village Council. Said notice shall be given as follows; either a) by delivering to the owner or occupant of said property either personally or by leaving it at his residence, office or place of business with some person of suitable age and

discretion; b) by mailing said notice by certified mail to such owner at his last known address; or c) if the owner is unknown and the premises are unoccupied the posting of said notice in some conspicuous place on the premises for five days.

If the estimated cost of repairs will exceed the SEV of the building or structure to be repaired, the building or structure must be immediately demolished.

- D. Any person who fails to abate an unsafe or dangerous building as defined in this ordinance, or who otherwise violates or refuses to comply with any provision of this ordinance shall be responsible for a municipal civil infraction and shall be sanctioned by a civil fine of two hundred dollars (\$200) for a first violation, five hundred dollars (\$500) for a second violation, and one thousand dollars (\$1,000) for a third or subsequent violation and shall, in addition, be liable for the payment of the Village's costs of prosecution in an amount of not less than nine dollars (\$9) and not more than five hundred dollars (\$500). Each act of violation and every day upon which any such violation shall occur or continue shall constitute a separate offense and shall make the violator liable for the imposition of a fine for each day. In addition to the fines and penalties provided for in this section, the district court shall have jurisdiction to enforce any judgment, writ, or order as necessary to enforce the terms of this ordinance including, but not limited to, abatement of the violating condition, authorizing the Village to remedy the unsafe or dangerous condition and assess its costs and fees as a lien on the property, or granting injunctive relief. In addition, the court may impose the total amount of the civil fine, costs, or both as a single lot special assessment pursuant to the existing provisions of the special assessment ordinance Section 1.B single lot special assessment.

SECTION 2. Repealer. All ordinance and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 3. Effective Date. This Ordinance shall be published in accordance with state law and shall become effective twenty (20) days after its adoption or upon its publication, whichever occurs later.

PASSED and adopted by the Village of Nashville, Michigan on November 13, 2014.

YEAS: Kenyon, Coll, Courtney, Fisher, Hartwell, Dunham

NAYS: none

ABSENT: Zoerman

Ordinance No. 11-13-2014 A adopted.

Cathy Lentz, Village Clerk

Frank Dunham, President

I, Cathy Lentz, the Clerk for the Village of Nashville, Barry County, Michigan, hereby certify that the forgoing is a true and accurate copy of an ordinance adopted by the village Council of the Village of Nashville at a regular meeting held on November 13, 2014.

Cathy Lentz, Village Clerk

Adopted: 11-13-2014

Published: 11-15-2014

Effective: 12-3-2014