

VILLAGE OF DRYDEN

**BUILDING MAINTENANCE ORDINANCE
ORDINANCE NO. 52**

An Ordinance to maintain, preserve and improve the stock of non-residential buildings in the Village by setting minimum standards for the maintenance of such buildings.

THE VILLAGE OF DRYDEN ORDAINS:

ARTICLE I - GENERAL

A. Applicability. The provisions of this Ordinance shall apply to all non-residential buildings located in the commercial or industrial zoning districts.

B. Building Inspector. The requirements of this Ordinance shall be enforced by the Building Inspector.

ARTICLE II - STRUCTURAL MAINTENANCE STANDARDS

All buildings to which this Ordinance applies shall meet or exceed the following standards:

1. Structural Integrity. Basic structural elements, foundations, foundation walls and supporting columns shall be in good repair.

2. Exterior Surfaces. All exterior finish surfaces shall be weathertight and in good repair and shall not have any holes, cracks or deterioration which allow water or vermin to reach any basic structural element or to enter the interior of any building.

3. Protection of Exterior Surfaces. All exterior surfaces of a building made of wood shall be protected from the weather by a properly applied water-resistant paint, stain or finish or shall be chemically treated so as to be weather resistant. Metal surfaces subject to rust shall be similarly protected.

4. Exterior Windows and Doors. All exterior windows shall be weathertight and in good repair or secured against weather by painted boarding.

5. Exterior Attachments. Exterior attachments to basic structural elements, including but not limited to gutters, downspouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs and utility connections, shall be in good repair.

6. Accessory Improvements. All accessory improvements located in a yard, including but not limited to walkways, driveways, parking areas, steps, walls, and freestanding tanks and antennae, shall be in good repair.

ARTICLE III - ENFORCEMENT

A. Enforcement Process. Enforcement of the standards of this Ordinance shall be as follows:

1. Notice of Complaint. When an alleged violation of this Ordinance is reported or observed, the Village shall send a Notice of Complaint to the owners and occupants. The notice may be sent by regular mail and shall state:

- (a) The nature of the alleged violation.
- (b) The provision of this Ordinance indicated as being violated.
- (c) The date that an inspection will be made to see if the reported violation exists.

2. Notice to Repair. Upon verifying the existence of a violation of this Ordinance, the Village shall send a Notice to Repair to the owners and occupants. The Notice to Repair shall be sent by regular mail and shall:

- (a) Specify the date of the inspection.
- (b) Specify the address where the violation was found.
- (c) Include the name and phone number of the inspector.
- (d) Include the description and the location of each violation observed by the inspector.
- (e) State that each violation is a separate punishable offense.
- (f) Order the responsible person to correct all listed violations by a specified date.
- (g) State the date that a reinspection will be made to determine whether all cited violations have been corrected.
- (h) State the right of appeal.

3. Final Notice to Repair. Upon observing the continued existence of a violation after the reinspection specified in the Notice to Repair, the Village shall send a Final Notice to Repair. The Final Notice to Repair shall be sent to the owners and occupants and shall state the items required in section 2(a)-(h) above as well as state that failure to comply with the notice will result in prosecution.

4. Posting Final Notice to Repair. Upon issuing a Final Notice to Repair, the Village shall place a sign on or near the building, reading in part: FINAL NOTICE TO REPAIR. The sign

shall state the address of the building, the name of the responsible person ordered to make repairs and the date by which violations are to be corrected. The sign shall state how further information can be obtained.

5. Time to Correct Violations. All notices to repair or to correct violations shall provide a specified time for achieving compliance in relation to the seriousness of the violation. The following time limits shall be used:

- (a) Not more than twenty-four hours for an emergency.
- (b) Not more than ten days for correcting hazardous conditions.
- (c) Not less than ten nor more than sixty days for all other violations, except as stated otherwise below.
- (d) Repair orders issued between October 31 and April 1 for exterior painting or exterior concrete work may be extended to no longer than June 30.
- (e) The inspector may approve an extension of time to correct a violation up to the doubling of the time provided in a written notice when there are documented extenuating circumstances beyond the control of the responsible person or where the responsible person has made a substantial documented effort to correct violations.
- (f) No further extensions shall be permitted except by order of the Building Maintenance Appeal Board for good cause shown.

6. Prosecution. Upon failure of the responsible person to comply with a Final Notice to Repair, the inspector shall refer the matter to the Village Attorney for prosecution or other appropriate legal action.

7. Emergency Orders. If the Village determines that a condition exists or is likely to exist which is an emergency, the Village shall immediately attempt to verbally inform the responsible person and all occupants of the building of the nature of the condition. The Village shall immediately attempt to give verbal notice to the responsible person to correct the condition. Such an order shall be effective immediately. A written Final Notice to Repair shall be prepared and mailed to the responsible person as soon as practicable after the verbal notice herein referred to has been attempted. Failure to comply with an emergency order constitutes a violation of this Ordinance.

8. Abatement of Emergency. If the responsible person cannot be contacted or fails to correct an emergency condition within the time ordered, the Village President may authorize

corrective actions to abate the emergency. The cost of abatement shall be billed to the owner as a personal debt which, if unpaid, may be assessed as a lien upon the property involved.

B. Removal of Posted Sign or Notices. It shall be a violation of this Ordinance to remove, damage, deface, move or conceal any notice or sign posted in accordance with the provision of this Ordinance without first obtaining permission of the inspector.

ARTICLE IV - COURT ORDERS, PENALTIES AND FEES

Amended 10-15-97
A. ~~Penalties and Sentencing.~~ Upon ~~conviction~~ for violation of this Ordinance, ~~the court shall sentence the defendant to pay a fine of up to Five Hundred (\$500.00) Dollars or up to ninety (90) days in jail or both such fine and imprisonment.~~

B. Village Costs. Upon conviction, the court shall order the defendant to reimburse the Village for all of the costs of enforcement, including but not limited to the costs of inspection, prosecution and administration. If such condition is not imposed, the Village may file a civil action against the defendant and may, upon proof of the defendant's conviction, recover all of the costs referred to above.

C. Fees. Fees shall be established by motion of the Village Council. Unpaid fees shall be a debt to the Village which may be assessed as a lien against the inspected property until paid. Fees covering the following items shall be established:

- (1) For any reinspection conducted to determine compliance with a Notice to Repair.
- (2) For any reinspection conducted to determine compliance with a Final Notice to Repair.
- (3) For any reinspection conducted at the request of the court or an officer of the court to determine compliance.

ARTICLE V - APPEALS

Any person aggrieved by a notice or order issued pursuant to this Ordinance shall have a right of appeal as follows:

A. The Village Council shall hear all appeals under this Ordinance. Appeals shall be filed in writing and shall specify the matter being appealed and the basis for the appeal.

B. In the event that the appellant is not satisfied with the decision of the Village Council, a further appeal may be made to the Building Board of Appeals appointed through the Construction Code Authority.

ARTICLE VI - DEFINITIONS

(1) Abandoned Building shall mean any unused or unoccupied building or structure that has one or more of the following conditions:

- (a) Has not been supplied with water and electricity for more than three years.
- (b) Is located on property for which taxes are delinquent by more than twenty-four months.
- (c) A building or structure that remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act #299 of the Public Acts of 1980, as amended.

(2) Basic Structural Elements means the parts of a building which provide the principal strength, integrity, shape and safety of the building, including but not limited to plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

(3) Deterioration or Deteriorated means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, vermin ingestion, infestation or destruction.

(4) Emergency means a condition of imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.

(5) Garbage means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.

(6) Good Repair means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.

(7) Good Workmanship means completing a task of construction, repair or replacement to industry standards, using like materials, so the result is free of defects, operates as intended and creates no unsafe conditions.

(8) Hazardous means a condition which the administrator has determined to be likely to result in the death, injury or illness of a human or in severe damage to real or personal property.

(9) Inspector means the Village Building Inspector.

(10) Non-Residential means any structure, or portion of a structure occupied or intended to be occupied, in whole or in part, for a use other than a residence or a typical residential accessory use such as garages or small storage buildings located on the same property as a dwelling.

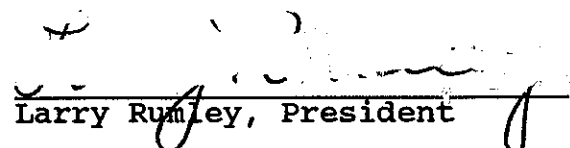
(11) Sanitary means free of grease, excrement, dirt, food residue, garbage, rust or similar matter which can harbor bacteria unsafe to humans or animals, or which produces strong odors or which provides food for, or is an available source of food for, animals or insects.

(12) Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to plaster, paper, wrappings, plant cuttings, household furnishings, building materials, packing and clothing, appliances, equipment, machinery or parts thereof.

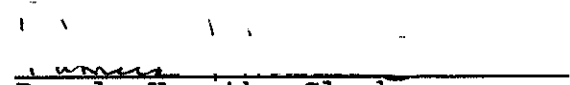
(13) Unsafe Building means any of the following conditions:

- (a) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal of movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building structure is likely to fall or give way.
- (b) A building or structure is vacant, dilapidated, or open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers, or becomes a haven for vermin, rodents, vectors, or other insects and animals odious to humans.
- (c) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer 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.

The undersigned President and Clerk of the Village of Dryden hereby certify that this Ordinance was duly adopted by the Dryden Village Council at a meeting held on the 10th day of July, 1995 and was published in the Lapeer County Press on the 19th day of July, 1995. This Ordinance was made effective as of the date of publication.



Larry Rumley, President



Pamela Krauth, Clerk

VILLAGE OF DRYDEN
BUILDING MAINTENANCE ORDINANCE AMENDMENT
ORDINANCE NO. 52.1

An ordinance to amend the Dryden Village Building Maintenance Ordinance No. 47 which was adopted the 10th day of July, 1995 to change the penalty for a violation of the Building Maintenance Ordinance to a Municipal Civil Infraction.

THE VILLAGE OF DRYDEN ORDAINS:

The following section of the Dryden Village Building Maintenance Ordinance is hereby amended in its entirety to read as follows:


ARTICLE IV
COURT ORDERS, PENALTIES AND FEES

A. PENALTIES AND SENTENCING. Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Civil Infraction Ordinance, Ordinance number 96.001.

The undersigned President and Clerk of the Village of Dryden hereby certify that this Ordinance Amendment was duly adopted by the Village Council at a meeting held on the 6th day of October, 1997 and was published in The Tri-City Times on the 15th day of October, 1997. This Ordinance Amendment shall be effective 20 days after said date of adoption.



Stan Roszczewski, President



Pamela Krauth, Clerk