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## Chapter 101 - DANGEROUS BUILDINGS

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### 8:380. - Definitions.

*Occupant* means any person who is:

- (a) Lawfully living or sleeping in a building or structure, if its intended purpose is residential; or,
- (b) Lawfully inside and lawfully utilizing the building or structure on a basis consistent with the purpose for which it is lawfully intended and designed, if its intended purpose is nonresidential.

*Occupied* means a building that has an occupant.

*Owner* means any person who, alone or with others, has legal or equitable title.

*Secondary dwelling* means a dwelling such as a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

*Unoccupied* means a building that is not occupied. Persons solely in the building for the purpose of maintenance, repair, or cleaning of the building do not make the building "occupied."

(Ord. No. 41-05, § 1, 10-17-05)

### 8:381. - Dangerous building, prohibitions.

It is unlawful and deemed a public nuisance for any owner or agent thereof to keep or maintain any dangerous building or part thereof as defined in Section [8:382](#). All such dangerous buildings shall be abated by alteration, repair, rehabilitation, demolition or removal in accordance with the procedures specified in this chapter. In addition to the procedures specified in this chapter, the City Attorney may prosecute violations of this chapter and may file suit in the appropriate court or pursue any other legal remedies to abate any nuisance resulting from a violation of this chapter.

(Ord. No. 41-05, § 2, 10-17-05)

### 8:382. - "Dangerous buildings" defined.

A dangerous building is any building or structure that has 1 or more of the following defects or is in 1 or more of the following conditions:

- (1) A door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the City of Ann Arbor.
- (2) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum

requirements of applicable housing or construction codes for a new building or structure, purpose or location.

- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to 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 applicable housing or construction codes.
- (5) The building or structure or any part, that because of dilapidation, deterioration, decay, faulty construction, the removal or 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 or structure is likely to fall or give way.
- (6) The building or structure or any part is manifestly unsafe for the purpose for which it is used.
- (7) A 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, 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.
- (8) A building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that is likely to cause sickness or disease when so determined by the health officer of the city or county or is likely to injure the health, safety or general welfare of those living within.
- (9) A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building or structure exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure 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 the state occupational code. For purposes of this subsection, "building or structure" includes, but is not limited to, residential and commercial buildings or structures. This subsection does not apply to any of the following buildings or structures, provided that the building or structure and adjoining grounds are maintained free from graffiti as defined in [Chapter 106](#) (Nuisances) and in accordance with the City's Housing and Construction Codes and all other applicable ordinances and statutes:
  - (a) A building or structure, if the owner, not more than 30 days after the building or structure becomes unoccupied, notifies the City in writing on a form available in the planning and development services unit that the building or structure will remain unoccupied for a period of not more than 180 consecutive days.
  - (b) A secondary dwelling of the owner that is or will be regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the City in writing on a form available in the City's planning and development services unit that the dwelling will remain regularly unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the planning and development services unit in writing not more than 30 days after the dwelling no longer qualifies for this exception.
  - (c) A new building or new structure under construction that meets all of the following conditions: 1) has a valid building permit, 2) demonstrates that significant and continuous progress is being made toward completion, 3) secures the property and takes all other necessary safety precautions, and 4) otherwise complies with this chapter and all applicable laws, ordinances, and regulations.

In the case of a single family dwelling only that is deemed dangerous under this subsection only, the City will send notice by first class mail to the owner or agent as indicated by the records of the City Assessor that administrative or other legal proceedings under this subsection may be commenced against the owner in 10 business days after the notice is mailed.

(Ord. No. 41-05, § 3, 10-17-05)

### **8:383. - Commencement of proceedings.**

A representative of the planning and development services unit shall examine or cause to be examined every building or structure or portion thereof reported as unsafe or damaged, and if such is found to be a dangerous building as defined in section [8:382](#), the planning and development services unit shall commence proceedings to cause the repair, rehabilitation, demolition or removal of the building or structure.

(Ord. No. 43-04, § 32, 1-3-05)

### **8:384. - Notice and order.**

- (1) The planning and development services unit shall issue a notice and order directed to the owner of record of the building or structure stating the defects thereof. This notice may require the owner of the building or premises, within 48 hours, to recommence either the required alterations, repairs, or improvements, or the demolition and removal of the building and structure or portions thereof, and all such work shall be completed within such period of time as the planning and development services unit shall determine to be reasonable to accomplish the work, which said period shall be stated in the notice. If necessary, such notice shall also require the building, structure, or portion thereof, to be vacated forthwith and not to be re-occupied until the required repairs and improvements are completed, inspected, and approved by the planning and development services unit.
- (2) Service of the notice and order shall be made upon the owner or agent by:
  - (a) Personally delivering a copy to the owner or agent, or
  - (b) Mailing a copy by certified mail, postage prepaid, return receipt requested, to the owner as indicated by the records of the City Assessor and posting a copy thereof upon a conspicuous part of the building or structure, or
  - (c) When service cannot be made by either of the above methods and when the whereabouts of the owner and his residence are unknown, publishing a copy in a newspaper at least once each week for four consecutive weeks and mailing on or before the second publication a copy to the owner at his last known address.

(Ord. No. 43-04, § 32, 1-3-05)

### **8:385. - Posting of signs.**

The planning and development services unit shall cause to be posted at each entrance of such a dangerous building or structure a notice to read: "Do not enter, unsafe to occupy". Such notice shall remain posted until the required repairs, demolition, or removal is completed. Such notice shall not be removed without written permission of the planning and development services unit and no person shall enter this building except for the purpose of making the repairs required, demolishing the building or inspecting same.

(Ord. No. 43-04, § 32, 1-3-05)

### **8:386. - Failure to comply; order to show cause; notice lis pendens.**

If at the expiration of any time limit in the notice provided for in section [8:384\(1\)](#) the owner has not complied with the requirements thereof, the planning and development services unit shall issue a notice and order to show cause to the owner of the building. The notice and order to show cause shall specify the conditions making the building or structure dangerous, the action necessary to alleviate the dangerous condition, and the time and place of a hearing on the condition of the building or structure. Notice shall be given to the owner in the same manner as provided in section [8:384\(2\)](#). At the hearing, to be conducted by the building board of appeals, the owner shall have the opportunity to show cause why the building or structure should not be demolished or otherwise made safe as recommended by the planning and development services unit. At the same time that the owner is notified of the show cause proceedings, the planning and development services unit shall file a copy of said notice and order with the Register of Deeds for Washtenaw County.

(Ord. No. 43-04, § 32, 1-3-05)

### **8:387. - Hearing; testimony; order; non-appearance or non-compliance; costs.**

- (1) The building board of appeals shall conduct a public hearing in order for the owner to show cause why the determination of the planning and development services unit, as set forth in the notice and order to show cause, should not be complied with.
- (2) The building board of appeals shall take testimony of the enforcing agency, the owner of the property and any interested party. The building board of appeals may inspect any building or structure or premises involved in the hearing proceedings prior to said proceedings. The building board of appeals shall render a written decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe.
- (3) If it is determined by the building board of appeals that the building or structure should be demolished or otherwise made safe, it shall so order, fixing a time in the order by which the requirements of the order shall commence and be completed. The notice of the findings and order shall be given to the owner in the same manner as provided in section [8:384\(2\)](#).
- (4) If the owner fails to comply with the decision and order provided for in section [8:387\(2\)](#) hereof, or if the owner(s) or other responsible party is unable to be contacted in order to make arrangements to secure the building or structure in cases described in [8:390](#), the planning and development services unit shall cause such building to be demolished or otherwise made safe. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the city, who

shall assess the cost against the property on which the building or structure is located.

- (5) The owner in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the City of Ann Arbor and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Ann Arbor.
- (6) Either the owner or the planning and development services unit may appeal the decision of the building board of appeals to the city council. Such appeal may be initiated by filing a notice of appeal with the city clerk and notifying the opposing party within 7 days of the decision of the building board of appeals. The city council shall consider the appeal upon the record of proceedings before the building board of appeals and may reverse, affirm or modify the decision of the building board of appeals. Council, if they so desire, may require additional information.

(Ord. No. 3-99, § 1, 1-19-99; Ord. No. 43-04, § 32, 1-3-05)

### **8:388. - Judicial review.**

An owner aggrieved by any decision or order of the building board of appeals under section [8:387](#) may appeal the decision or order to circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

### **8:389. - Waiver provision.**

The owner of any building may at any time admit in writing that such building is a "dangerous building" within the meaning of section [8:382](#), waive notice, hearing, findings, order and service of the order under this chapter, and court review of such order, and consent that said building may be demolished, and cost thereof charged against the premises, in which event the building board of appeals may have said building demolished and the cost charged against said premises shall be collected in the same manner as provided for in section [8:387](#) of this chapter.

### **8:390. - Emergency cases.**

In cases where it reasonably appears that there is immediate danger to the public safety or health unless a dangerous building or structure as defined in section [8:382](#) is immediately demolished or otherwise made safe, or whenever any building or structure becomes open at door(s) or window(s), or damaged from vandalism, fire, or other cause, leaving the interior of the structure exposed to the elements, or accessible to entrance by trespassers; and the owner(s) or other responsible party is unable to be immediately contacted; and where the city determines that it is inappropriate to delay making such buildings secure; the building department shall report such facts to the city administrator who shall cause the immediate repair or demolition of such dangerous building or structure. The costs of such emergency repair or demolition shall then be collected in the manner as provided for in section [8:387](#) of this chapter.

(Ord. No. 3-99, § 1, 1-19-99)