

ORDINANCE NO. 2

DANGEROUS BUILDINGS

AN ORDINANCE TO REQUIRE THE REPAIR OR REMOVAL OF ALL DANGEROUS BUILDINGS IN THE VILLAGE OF DEERFIELD.

THE VILLAGE OF DEERFIELD ORDAINS:

Section 1. DANGEROUS BUILDINGS, PROHIBITIONS

It is unlawful for any owner or agent thereof to keep or maintain any dangerous building or part thereof as defined in section 2. All such dangerous buildings shall be abated by alteration, repair, rehabilitation, demolition or removal in accordance with the procedures specified elsewhere in this Ordinance.

Section 2. DANGEROUS BUILDINGS-DEFINED

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

- **a.** Any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the Village of Deerfield.
- **b.** Any portion has been damaged by fire, wind, flood or by any other cause so that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Village of Deerfield building code for a new building or similar structure, purpose or location.
- **c.** Any portion or member or appurtenance is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property.
- **d.** Any portion has settled to such an extent that the walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the building code of the Village of Deerfield.
- **e.** The building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary to support such building or portion thereof, or for other reason, is likely to collapse partially or completely, or some portion of the foundation or underpinning is likely to fall or give way.
- **f.** If the building or structure or any portion thereof is, for any reason whatsoever, manifestly unsafe for the purpose, for which it is used.
- **g.** Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- **h.** Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer of the Village or County or is likely to work injury to the health, safety or general welfare of those living within.
- **i.** Any building or structure that 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.

Section 3. COMMENCEMENT OF PROCEEDINGS

A representative of the Village (Building Inspector) shall examine or cause to be examined every building or structure or portion thereof reported as unsafe or damage, and if such is found to be a dangerous building as defined in Section 2, shall commence proceedings to cause the repair, rehabilitation, demolition or removal of the building or structure.

Section 4. NOTICE AND ORDER

- **a.** The Village Building Inspector 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 on (1) week to commence 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 Village Building Inspector shall determine to be reasonable to accomplish the work, they shall state which said period 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 is completed, inspected and approved by the Village Building Inspector.
- **b.** Service of the notice and Order shall be made upon the owner or agent by:
 - **i.** personally delivering a copy to the owner or agent; or
 - **ii.** Mailing a copy of certified mail, postage prepaid, return receipt requested, to the owner as indicated by records of the Village assessor and posting a copy thereof upon a conspicuous part of the building or structure; or
 - **iii.** 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 circulated in the Village 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.

Section 5. POSTING OF SIGNS

The Village Building Inspector 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 demolition or removal is completed. Such notice shall not be removed without written permission of the Village Building Inspector and no person shall enter this building except for the purpose of making repairs required, demolishing the building or inspecting the same.

Section 6. 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 4 the owner has not complied with the requirements thereof, the Village Building Inspector 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 4. At the hearing, to be conducted by the Village Council, 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 Village Building Inspector. At the same time that the owner is notified of the show cause proceedings, the Village Building Inspector shall file a copy of said Notice and Order with the Village Clerk.

Section 7. HEARING, TESTIMONY, ORDER, NONAPPEARANCE OR NON-COMPLIANCE, COSTS

- **a.** The Village Council shall conduct a public hearing in order for the owner to show cause why the owner should not comply with the determination of the Village Building Inspector, as set forth in the Notice and Order to Show Cause.
- **b.** The Village Council shall take testimony of the enforcing agency, the owner of the property and any interested party. The Village Council may inspect any building or structure or premises involved in the hearing proceedings prior to said proceedings. The Village Council shall render a written decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe.
- **c.** If the Village Council determines 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 4.
- **d.** If the owner fails to comply with the decision and order provided for in Section 6 hereof, the Village Council 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 Village who shall assess the cost against the property on which the building or structure is located.
- **e.** 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 thirty 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 Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village of Deerfield.

Section 8. JUDICIAL REVIEW

An owner aggrieved by any decision or order of the Village Council under Section 7 may appeal the decision or order to Circuit Court by filing a petition for an Order of Superintending Control within twenty days from the date of the decision.

Section 9. SEVERABILITY

Should any provision or section of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10. 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 2, waive notice, hearing, findings, order, service of the order under this Chapter, and court review of such order, and consent that said building may be demolished, and the cost thereof charged against the premises. In which event the Village Council may have said building demolished and the cost charged against said premises shall be collected in the same manner as provided for in Section 7 of this Ordinance.

Section 11. 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 2 is immediately demolished or otherwise made safe the Village Building Inspector shall report such facts to the Village Council who shall cause the immediate repair or demolition of such dangerous building or structure. The cost of such emergency repair or demolition shall be collected in the manner as provided for in Section 7 of this Ordinance.

Section 12. EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days after legal publication.

YEAS:

NAYS:

ORDINANCE DECLARED ADOPTED ON SEPTEMBER 8, 1981.

Charles A. Iott

President, Deerfield Village

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the Village Council of the Village of Deerfield on September 8, 1981 and published in the Blissfield Advance, a newspaper circulated in the Village of Deerfield on September 16, 1981.

Sandra Witt

Deerfield Village Clerk