

EVANGELINE TOWNSHIP
DANGEROUS STRUCTURES ORDINANCE
Ordinance No. 4 of 2002

THE EVANGELINE TOWNSHIP ORDAINS:

Section 1. "Dangerous Structure" Defined.

As used in this Ordinance a "dangerous structure" means a building or structure that has one (1) or more of the following defects or is in one (1) or more of the following conditions:

- (a). 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 than it was before the catastrophe and does not meet the minimum requirements of the building code enforced within the Township for a new building or structure.
- (b). A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (c). A portion of the building or structure has settled to such 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 the building code enforced within the Township.
- (d). The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reasons, 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.
- (e). The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (f). The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and has become an attractive nuisance to children who might play in the building or structure to their danger.
- (g). The building or structure is vacant, dilapidated, and opened at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

Section 2. Prohibition.

No person, corporation or business organization shall own, occupy or maintain any dangerous structure within the Township.

Section 3. Notice.

If a building or structure is found to be a dangerous structure, the Township shall give the owner of the building or structure written notice of the dangerous condition and thirty (30) days to demolish and remove the dangerous structure from the property or to repair the dangerous structure to make it safe. The notice may be personally delivered to the owner or mailed to the owner by first class mail at the address shown on the assessor's rolls.

Section 4. Inspection.

Township representatives shall have the right to inspect buildings or structures to determine violations of or compliance with this Ordinance. Township representatives may exercise this right to inspection by consent of the person having the right to possession of the building or structure or any part thereof, or by administrative search warrant.

Section 5. Penalty/Civil Infraction.

Any person who shall violate any provision of this Ordinance shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 6. Enforcement.

The Township Enforcement Officer is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 7. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 8. Injunctive Relief.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9. Abatement by Township.

If a Court of competent jurisdiction finds the owner or occupant of a building or structure in violation of this Ordinance, the Court, in addition to ordering the owner or occupant to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe, may authorize the Township to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe. The Court, however, shall not authorize the Township to demolish the

dangerous structure if the cost of repairing the building or structure to a safe condition is less than the state equalized value for the building or structure.

Section 10. Cost Recovery; Lien.

- (a). The costs incurred by the Township in demolishing the dangerous structure and removing it from the property or repairing the dangerous structure to a safe condition, including reasonable attorney fees, shall be reimburse to the Township by the owner or party in interest in whose name the property appears.
- (b). The owner or party in interest in whose name the property appears upon the last local tax assessment roll shall be notified by the assessor of the amount of the costs of the demolition or repair of the dangerous structure by first-class mail at the address shown on the records. If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the assessor of the notice of the amount of the costs, the Township shall have a lien for the costs incurred by the Township to bring the property into compliance with this Ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the state General Property Tax Act.

Section 11. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 12. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

EVANGELINE TOWNSHIP

Date of Adoption: 6/3/2002

By: 
R. Douglas Shields, Supervisor

Date of Publication: 7/10/2002

By: 
Josette A. Lory, Clerk

Effective Date: 8/9/2002

ORDINANCE CERTIFICATION

At a regular meeting of the Evangeline Township Board, Charlevoix County, held in the Evangeline Township Hall, located at 02746 Wildwood Harbor Road, Boyne City, Michigan, on June 3, 2002, at 7:30 P.M.

PRESENT: Adams, Conright, Howell, Lony, Shields

ABSENT: X

It was moved by Shields and supported by Howell that the following Ordinance be adopted: **Dangerous Structures Ordinance**

(See attached EVANGELINE TOWNSHIP ORDINANCE)

YES: Adams, Conright, Howell, Lony, Shields

NO: X

ORDINANCE DECLARED ADOPTED.

EVANGELINE TOWNSHIP

By: 
R. Douglas Shields, Township Supervisor

I, the undersigned, the Clerk of the Township of Evangeline, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Evangeline Township Board of said County at its regular meeting held on June 3, 2002, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in The Citizen's Paper, on July 10, 2002, and was filed with the County Clerk on August 8, 2002.


Josette Lory, Township Clerk

8/6/02
Dated

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk and the Township Attorney, and the Ordinance should be placed in the Township Ordinance Book.

Minutes of the regular meeting of the Evangeline Township Board held at the Evangeline Town Hall, Wildwood Harbor Road, on Monday, June 3, 2002.

JUNE 3, 2002
EVANGELINE
TOWNSHIP BOARD

Supervisor Shields called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

CALL TO ORDER

Board present: Treasurer Jodie Adams, Trustee Michelle Cortright, Trustee James Howell, Clerk Josette Lory, Supervisor Douglas Shields.

ROLL CALL

Public: There were four residents in attendance.

**MEETING
ATTENDANCE**

Cortright moved, Howell seconded approval of the May 13, 2002 Township Board minutes as amended.

**APPROVAL OF
MINUTES**

Residents in the Pine Hurst Shores area, represented by Mike and Ralph (Judy) Stowe, are requesting road improvements to Pine Hurst Shores/Pine Boulevard through the creation of a special assessment district.

**SPECIAL
ASSESSMENT
REQUEST FOR PINE
HURST SHORES
ROAD
IMPROVEMENTS**

The township will obtain a current estimate from the County Road Commission as well as contact the Township Attorney for direction on this process.

The May treasurer's report was submitted noting a total of \$282,618.51 in the general fund for May 2002. Lory moved, Cortright seconded approval of the May 2002 treasurer's report as presented. This general fund figure reflects the general checking and operating fund.

**TREASURER'S
REPORT**

Roll Call

Aye: Adams, Cortright, Howell, Lory, Shields.

Nay: None.

Abstain: None.

Absent: None.

Motion Carried.

Review of accounts payables. Shields moved, Lory seconded a motion to approve the June 3, 2002 payables, as amended, in the amount of \$3,370.71.

**ACCOUNTS
PAYABLE**

Roll Call

Aye: Cortright, Howell, Lory, Shields, Adams.

Nay: None.

Abstain: None.

Absent: None.

Motion Carried.

Verbal report received from Supervisor Shields regarding gravel work on Springwater Beach Road and progress on the location of a dry hydrant in the Pine Hurst Shores area (Nelson Road/Chris Park/Pine Boulevard).

**REPORTS OF
OFFICERS**

Written reports from Planner/Zoning Administration Chuck Stewart and the Township Planning Commission were received.

The board received conceptual park design presentations from Site Planning Development, Inc. for Kim Park and Glenwood Beach Park.

**CONCEPTUAL
PARK DESIGNS
GLENWOOD BEACH
KIM PARK**

Suggestions: In the Glenwood Beach area include one handicap parking space.

Adams moved, Shields seconded, PASSED UNANIMOUSLY, to accept the conceptual design plans as presented for Kim Park and Glenwood Beach Park, and direct Site Planning Development, Inc. to prepare design plans so the Township may pursue bids for park improvements.

Howell moved, Cortright seconded, PASSED UNANIMOUSLY, to adopt the Fire Clean-up Resolution and Procedures for Evangeline Township as presented. (Insert resolution here.)

**FIRE CLEAN-UP
RESOLUTION**

Howell moved, Cortright seconded, PASSED UNANIMOUSLY, to accept the Charlevoix County Road Commission contract for Springwater Beach and Terrace Roads at an estimated cost of \$7,402.50.

**SPRINGWATER
BEACH/TERRACE
ROAD
IMPROVEMENTS**

Howell moved, Lory seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Nuisance Ordinance as presented. (Insert ordinance here.)

**NUISANCE
ORDINANCE**

Shields moved, Howell seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Lake Access and Parks Ordinance as presented. (Insert ordinance here.)

**LAKE
ACCESS/PARKS
ORDINANCE**

Shields moved, Howell seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Dangerous Structures Ordinance as presented. (Insert ordinance here.)

**DANGEROUS
STURCTURES
ORDINANCE**

Adams moved, Shields seconded, PASSED UNANIMOUSLY, to approve the proposed Kim Park temporary entrance and barrier structure as presented, with the addition of reflectors.

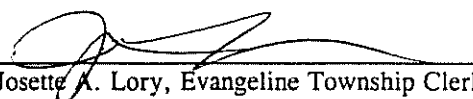
**TEMPORARY
ENTRANCE/BARRIER
AT KIM PARK**

The next regular meeting of the Evangeline Township Board is scheduled for Monday, July 1, 2002, at 7:30 p.m.

NEXT MEETING

Shields moved, Adam seconded a motion to adjourn the Monday, June 3, 2002, Evangeline Township Board meeting at 9:30 p.m.

**MEETING
ADJOURNED**


Josette A. Lory, Evangeline Township Clerk