

ORDINANCE NO. 80-732

AN ORDINANCE TO AMEND CHAPTER 9, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI, CONDEMNATION AND ABATEMENT OF DANGEROUS BUILDINGS STRUCTURES OR PREMISES.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 9, Article 6, Division 2 of the City of Warren Code of Ordinances entitled Abatement of Dangerous Buildings, Structures or Premises, Sections 9-171 through 9-174,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 9-171. - Failure to appear or to comply.

If the owner, occupant or other party in interest fails to appear or neglects or refuses to comply with the order issued by the hearing officer, the report and findings of the hearing officer together with a copy of the order shall be filed with the city council not more than five (5) days after noncompliance. In addition, the hearing officer shall request that necessary action be taken to enforce the order. A copy of the findings and order shall be served on the owner, occupant or other party in interest.

Sec. 9-172. - Public appeal hearing.

Upon the failure to comply with the order issued by the hearing officer, the city council shall have a date for an appeal hearing on the findings and order of the hearing officer scheduled not less than thirty (30) days after the initial hearing. The notice of appeal hearing shall state the time and place for the appeal hearing and be served on the appellant in the same manner provided by section 9-168. At the hearing the owner, occupant or other party in interest shall be given the opportunity to show cause why the order should not be enforced.

Sec. 9-173. - Decision of the city council.

- (a) The city council shall either approve, disapprove or modify the order of the hearing officer. If the order is approved or modified, the city council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, occupant, or other party in interest shall comply with the order within sixty (60) days after the date of the appeal hearing.

- (b) In the case of an order of demolition, the owner, agent, or lessee shall comply with the order of demolition within twenty-one (21) days after the date of the hearing if the city council determines both of the following:
- (1) The building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause; and
 - (2) The cost of repair of the building or structure will be greater than the state equalized value of the building or structure. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Sec. 9-174. - Appeal of decision of the city council.

An owner aggrieved by any final decision or order of the city council may appeal the decision or order to the circuit court pursuant to MCL 125.542 of the state housing code, by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

State law reference— Housing Law of Michigan Act, MCL 125.542.

SECTION 2. That Chapter 9, Article 6, Division 3 of the City of Warren Code of Ordinances, entitled Vacancy Permits for Dwelling Units, Section 9-182 of the City of Warren Code of Ordinances,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 9-182. - Appeals of revocation.

Any owner aggrieved by a decision of the department of property maintenance to revoke the vacancy permit may appeal such decision to the city council. Such appeal shall be filed with the city clerk within thirty (30) days from the date of the revocation of such permit. The city council shall conduct a hearing on such appeal and may affirm, modify, or amend the action of the department of property maintenance.

State law reference— Housing Law of Michigan Act, MCL 125.534(8).

SECTION 3. That Chapter 9, Article 6, Division 4, entitled Nuisance Abatement Board of Appeals, Sections 9-200 through 9-205 of the City of Warren Code of Ordinances, shall be repealed, and the section numbers are reserved.

State law reference— Housing Law of Michigan Act, MCL 125.521c.

SECTION 4. All other sections of Chapter 9 not repealed by this ordinance will remain unchanged and effective.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-732 was adopted by the Council of the City of Warren at its meeting held on September 8, 2015 and shall be effective September 28, 2015.

PAUL WOJNO
City Clerk

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