



CITY OF MARINE CITY

Dangerous Building Board of Appeals Meeting Agenda

Marine City Fire Hall 200 South Parker Street

Special Meeting: Thursday, September 5, 2019 6:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Board Members Graham Allan, Trent Attebury, John Paulun; Building Official Susan Wilburn; City Manager Elaine Leven; City Clerk Kristen Baxter
4. **APPOINT CHAIRPERSON AND VICE CHAIRPERSON**
5. **APPROVE AGENDA**
6. **PUBLIC COMMENT** *Anyone in attendance is welcome to address the Board. Please state name and limit comments to five (5) minutes.*
7. **APPROVE MINUTES**
 - A. Dangerous Building Board of Appeals – November 7, 2012
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
 - A. Public Hearing -- 614 River Street
 - B. Public Hearing -- 924 Metropolis
10. **ADJOURNMENT**

**City of Marine City
Dangerous Building Board of Appeals
November 7, 2012**

Prior to the meeting being called to order, Board Member Paula Tigert was sworn into office by City Clerk Diana Kade.

A meeting of the Dangerous Building Board of Appeals was held on Wednesday, November 7, 2012, in the Fire Hall, 200 South Parker Street, Marine City, and was called to order at 6:00 PM by Building Inspector Brian Bayly.

The Pledge of Allegiance was led by Building Inspector Bayly.

Present: Board Members Carlin, Oberliesen and Tigert; Building Inspector Bayly; City Manager Gabor; and, City Clerk Kade.

Absent: None

Also Present: Fire Chief Joseph Slankster

Approve Agenda

Motion by Board Member Carlin, seconded by Board Member Oberliesen, to approve the Agenda, as presented. All Ayes. Motion Carried.

Public Comment

No residents addressed the Board.

Approve Minutes

Motion by Board Member Carlin, seconded by Board Member Oberliesen, to approve the Minutes of the regular Dangerous Building Board of Appeals Meeting held February 3, 2010, as presented. All Ayes. Motion Carried.

Unfinished Business

None

New Business

Public Hearing ~ 1119 South Parker Street (Marine City Metro PCS)

Building Inspector Bayly reported that the building located at 1119 South Parker Street, Marine City, was unfit for human occupancy due to the fact that the water had been shut-off by the City for non-payment; and further, that the building had been without electric power and was running off a small generator. Building Inspector Bayly provided the following timeline in this matter, as follows:

- September 19, 2012 – Water service disconnected by City.
- September 24, 2012 – Building Inspector Bayly and Code Enforcement Officer Holowitz responded to the building and found a small generator with extension cords running the building.
- October 5, 2012 – Building Inspector Bayly, Fire Marshal Tucker, and Fire Chief Slankster hand-delivered a notice to Marine City Metro PCS that they were in violation of the Property Maintenance Code.
- October 17, 2012 – Notice to appear was served upon the property owner and his tenant to show cause as to why the Board should not order the building or structure demolished, otherwise made safe, or properly maintained.

Building Inspector Bayly opened the Public Hearing at 6:03 PM.

Michelle Jones, Office Administrator and representing property owner Steven Kern, stated that the building had been sub-leased by previous tenant Art Bryson to Marine City Metro PCS without their knowledge or approval. Ms. Jones continued that although Mr. Kern wanted the utilities turned on and the five months of back-rent paid, he did not want to go through an eviction process with Marine City Metro PCS. She also reported that DTE Energy would not allow the property owner to turn the electrical service back on to the building while Marine City Metro PCS was still occupying the building. Also, there was no heat in the building, she said.

Fred Beger, representing Marine City Metro PCS, told the Board that he could pay the water bill and have the water service restored the next day, November 8, 2012; and, that he could take care of the electric bill in a couple of days.

City Manager Gabor commented that the Board would determine the consequences of the violations and repeated requests to bring the violations up to code, and to determine if the business would stay open. Presently, he said, Marine City Metro PCS did not meet the basic requirements.

Building Inspector Bayly said that no one could enter the building after it was tagged; and, reiterated that the building could not run off a generator.

Mr. Beger told the Board that he had a buyer for the business, and was currently working out the details. When asked how much was owed to DTE Energy, Mr. Beger replied between \$700 and \$1,100.

City Manager Gabor said that the Board did not care about the situation between Marine City Metro PCS and Steven Kern, and said the building should not be open for business.

Building Inspector Bayly recommended that Marine City Metro PCS and Steven Kern be given seven (7) days to get all utilities turned on, or the building would be tagged. No one would be able to enter the building after that time, he said.

City Manager Gabor also recommended that Mr. Beger not open the business on November 8th, especially since he had just advised the Board he had a buyer for the business.

Fire Chief Slankster reported that he was extremely concerned that there was no lighting in the building, and noted that there were gas cans for the generator stored inside the building. Fire Chief Slankster also questioned Mr. Beger if anyone was living inside the building because of personal items observed in the building, and the observance of Mr. Beger's vehicle parked at the building overnight on several occasions.

Mr. Beger replied that he was not sleeping in the building.

Building Inspector Bayly closed the Public Hearing at 6:15 PM.

Motion by Board Member Carlin, seconded by Board Member Tigert, to allow Marine City Metro PCS and Steven Kern seven days to get the water and electric services turned on at 1119 South Parker Street, Marine City; for the City to inspect the property after seven days;

and, for the City to proceed with any avenue to remedy the situation as deemed necessary.
All Ayes. Motion Carried.

Adjournment

Motion by Board Member Tigert, seconded by Board Member Oberliesen, to adjourn at 6:16 PM. All Ayes. Motion Carried.

Respectfully submitted,

Diana S. Kade
City Clerk

CITY OF MARINE CITY

303 S WATER ST.
MARINE CITY, MI 48039
PHONE (810) 765-9011 • FAX (810) 765-1040

To: Daymark Trustee LLC
11246 Alumni Way
Jacksonville, FL 32246

From: Susan Wilburn, Building Official
City of Marine City, MI 48039
buildingdepartment@marinecity-mi.org

Date: August 19, 2019

Property Address: 614 River St., Marine City, MI 48039

Property Identification Number: 02-475-0381-000

Legal Description of Property: W 1/2 OF LOTS 1 & 2 & ALL OF LOT 9, BLK 33, MAP OF THE VILL OF MARINE. T3N R16E SEC 1

Recipients: Daymark Trustee LLC.

Dangerous Building Hearing: Thursday, September 5, 2019 at 6:00 p.m.
Marine City Fire Hall, 200 S. Parker, Marine City, MI 48039

The Building Official, Susan Wilburn, has determined that the property located at 614 River Rd, Marine City, Michigan, 48039, Property Identification Number 02-475-0381-000 meets the definition of a Dangerous Building. This property was destroyed by fire on January 28, 2019. It has been determined that the property should be demolished.

DANGEROUS BUILDINGS

158.110 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS BUILDING. Any building or structure which has any of the following defects or is in any of the following conditions:

(1) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the Fire Code of the city;

(2) Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before the catastrophe and is less than the minimum requirements of this subchapter or the Building Code of the city for a new building or similar structure, purpose or location;

(3) Whenever 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 ;

(4) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this subchapter or the Building Code of the city;

(5) Whenever 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 for the purpose of supporting the building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away;

(6) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used;

(7) 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 ;

(8) 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 City Manager, or is likely to work injury to the health, safety or general welfare of those living within; and/or

(9) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(Prior Code, § 7-111) (Ord. 81-14, passed 12-1-1981)

Statutory reference:

Similar provisions, see M.C.L.A. § 125.538

§ 158.111 PROHIBITION.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building.

(Prior Code, § 7-112) (Ord. 81-14, passed 12-1-1981) Penalty, see § 10.99

§ 158.112 NOTICE.

(A) Notwithstanding any other provision of this subchapter, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the Building Inspector shall issue a notice of the dangerous and unsafe condition.

(B) The notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last local tax assessment records.

(C) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(D) The Building Inspector shall file a copy of the notice of the dangerous and unsafe condition with the Hearing Board.

(E) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail—return receipt requested addressed to such owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice a copy thereof shall be posted upon a conspicuous part of the building or structure.

(Prior Code, § 7-113) (Ord. 81-14, passed 12-1-1981)

§ 158.113 HEARING BOARD.

A hearing board shall be appointed by the City Commission to serve under this subchapter.

(Prior Code, § 7-114) (Ord. 81-14, passed 12-1-1981)

§ 158.114 HEARING.

The Hearing Board shall take testimony of the Building Inspector, the owner of the property and any interested party. The Hearing Board by majority vote shall render a decision either closing the proceedings or ordering the building to be demolished or otherwise made safe. Three members of this Board shall constitute a quorum for all purposes.

(Prior Code, § 7-115) (Ord. 81-14, passed 12-1-1981)

§ 158.115 ORDER TO ABATE.

(A) If it is determined by the Hearing Board that a building or structure should be demolished or otherwise made safe, it shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(B) (1) If the owner, agent or lessee fails to appear at the hearing or neglects or refuses to comply with the order, the Hearing Board shall file a report of its findings and a copy of the

order with the City Commission and request that the necessary action be taken to demolish or otherwise make safe the building or structure.

(2) A copy of the findings and order of the Hearing Board shall be served on the owner, agent or lessee in the manner prescribed in § 158.112.

(Prior Code, § 7-116) (Ord. 81-14, passed 12-1-1981)

§ 158.116 REVIEW OF ORDER BY CITY COMMISSION.

(A) The City Commission shall fix a date for a hearing, reviewing the findings and order of the Hearing Board and shall give notice to the owner, agent or lessee in the manner prescribed in § 158.112 of the time and place of the hearing.

(B) At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the City Commission shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.

(Prior Code, § 7-117) (Ord. 81-14, passed 12-1-1981)

§ 158.117 ASSESSMENT OF CITY'S COST OF ABATEMENT.

(A) The cost of the demolition or making a building safe under this subchapter 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.

(B) (1) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of the cost by first class mail at the address shown on the records.

(2) If he or she 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 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.

(Prior Code, § 7-118) (Ord. 81-14, passed 12-1-1981)

§ 158.118 JUDICIAL REVIEW.

An owner aggrieved by any final decision or order of the City Commission under § 158.114 may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Prior Code, § 7-119) (Ord. 81-14, passed 12-1-1981)

PUBLIC NOTICE

**CITY OF MARINE CITY
DANGEROUS BUILDING BOARD OF APPEALS**

In compliance with Ordinance **§158.110-158.118** of the City of Marine City, please take notice that on Thursday, September 5, 2019, at 6:00 PM in the Marine City Fire Hall, 200 South Parker Street, Marine City, Michigan, the Marine City Dangerous Building Board of Appeals will hold a Public Hearing to consider a Dangerous Building, as follows:

Dangerous Building Board Appeal No. 19-01:

Residence located at 614 River Street

The legal description of the subject property, zoned in the R-1 (Single Family Residential), is currently shown on the tax roll, as follows:

Parcel # 74-02-475-0381-000

**W 1/2 OF LOTS 1 & 2 & ALL OF LOT 9, BLK 33, MAP OF THE VILL OF MARINE.
T3N R16E SEC 1**

Citizen comments are welcome and may be given in person at the Public Hearing. Written comments will also be received at the Marine City Offices, Dangerous Building Board of Appeals, 303 South Water Street, Marine City, Michigan 48039, until 5:00 pm on September 5, 2019. The application is on file at the City Offices and may be inspected during regular business hours.

Kristen Baxter
City Clerk
August 21, 2019

CITY OF MARINE CITY

303 S WATER ST.
MARINE CITY, MI 48039
PHONE (810) 765-8846 • FAX (810) 765-1040

To: MARTIN SMITH
C/O KRISTI LYNN WATSON
743 CONGRESS
MARYSVILLE, MI 48040

From: Susan Wilburn, Building Official
City of Marine City, MI 48039
buildingdepartment@marinecity-mi.org

Date: August 19, 2019

Property Address: 924 Metropolis, Marine City, MI 48039

Property Identification Number: 02-775-0001-030

Legal Description of Property: LOT 1 SUPR CENTER ST PLAT SEC 1 T3N R16E

Recipients: : MARTIN SMITH C/O KRISTI LYNN WATSON

Dangerous Building Hearing: Thursday, September 5, 2019 at 6:00 p.m.
Marine City Fire Hall, 200 S. Parker, Marine City, MI 48039

The Building Official, Susan Wilburn, has determined that the property located at 924 Metropolis, Marine City, Michigan, 48039, property Identification Number 02-775-0001-303 meets the definition of a Dangerous Building.

This property has been blighted since 2007, and vacant for at least 3 years. The City has been maintaining the grass and weeds. There are 2 un-plated vehicles and multiple inoperable lawnmowers and miscellaneous items stored in the car port. We have received complaints of openings in the structure allowing animals to access. It has been determined that the property should be demolished.

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(Prior Code, § 7-119) (Ord. 81-14, passed 12-1-1981)

Susan Wilburn, Building Official

Date

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Dangerous Building Board Appeal No. 19-02:

Residence located at 924 Metropolis Street

The legal description of the subject property, zoned in the R-1 (Single Family Residential), is currently shown on the tax roll, as follows:

Parcel # 74-02-775-0001-030

LOT 1 SUPR CENTER ST PLAT SEC 1 T3N R16E

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Kristen Baxter
City Clerk
August 21, 2019