

ORDINANCE NO. 2017-1

IONIA TOWNSHIP PROPERTY MAINTENANCE ORDINANCE

An Ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the maintenance of certain buildings and properties, and the elimination of accumulated trash and debris within the Township of Ionia, Ionia County, Michigan; to provide penalties for the violation of the Ordinance; and to repeal all conflicting ordinances or parts of ordinances.

THE TOWNSHIP OF IONIA, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1. Title.

This Ordinance shall be known and cited as the Ionia Township Building and Property Maintenance Ordinance.

Section 2. Definitions.

- (a) “Dangerous Building” means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
- (i) A door, aisle, passageway, stairway, or other means of exit does not conform to the State Building Code;
 - (ii) 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, so that the building or structure does not meet the minimum requirements of the Housing Law of the State of Michigan (the “Housing Law”), Act 167 of the Public Acts of 1917, as amended, MCL 125.401 *et seq.*;
 - (iii) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property;
 - (iv) 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 the Housing Law or the State Building Code;
 - (v) The building or structure, or a part of the building or structure, 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;

- (vi) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used;
- (vii) The building or structure is damaged by fire, wind, or flood, 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;
- (viii) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, 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 the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling;
- (ix) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or
- (x) 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 article 25 of the occupational code, 1980 PA 299, MCL 339.2501 to 339.2518. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
 - 1. A building or structure if the owner or agent does both of the following:
 - a. Notifies the City of Ionia Public Safety Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the City of Ionia Public Safety Department by the owner or agent not more than 30 days after the building or structure becomes unoccupied; and
 - b. Maintains the exterior of the building or structure and adjoining grounds in accordance with the Housing Law or the State Building Code.

2. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the City of Ionia Public Safety Department that the dwelling will remain 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 City of Ionia Public Safety Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling, including, but not limited to, 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.
- (b) "Garbage" shall mean wasted or spoiled food, useless material, and other debris.
- (c) "Owner" shall mean any person owning Property, in whose name the property appears on the last local tax assessment records.
- (d) "Personal Property" shall mean all belongings, furnishings, or equipment, including, but not limited to, interior furnishings, toys, and portable recreational equipment.
- (e) "Property" shall mean all real property, including but not limited to, front yards, side yards, back yards, driveways, walkways, and sidewalks.
- (f) "Person" shall mean and include any natural person, firm, association, d/b/a, co-partnership, corporation, or limited liability company.
- (g) "State Building Code" means the building code administered and enforced in the Township pursuant to the State Construction Code Commission Act, Act 230 of the Public Acts of 1972, as amended, being MCL 125.1501 *et seq.* of the Michigan Compiled Laws.
- (h) "Township Supervisor" means the Township Supervisor or the Township Supervisor's designee.

Section 3. Unlawful Property Nuisances.

It shall be unlawful for any Person owning, leasing, renting, occupying or having charge or possession of any Property or Personal Property in the Township to maintain it or permit it to be maintained in such a manner that any of the following conditions are found to exist, except as may be allowed by any other provision of law:

- (a) Overgrown vegetation, including bushes, shrubs, tree vegetation, or parts thereof growing on private property but that overhangs or interferes with the use of any street, park, sidewalk, public improvement, street lighting, or public place within the Township, that obstructs the necessary view of drivers on public streets or

private driveways, or that is otherwise dangerous to public health, safety, and welfare;

- (b) Grass, weeds, or undergrowth higher or longer than six inches, unless it exists on portions of undeveloped property behind a wooded tree line or portions of property which are more than 25 feet from a public sidewalk or street open to the public;
- (c) Dead, decayed, diseased, or hazardous trees, weeds, or other vegetation, including that which maintains an infectious insect infestation;
- (d) Garbage which is not in containers on the Property and visible from a public street;
- (e) Vehicle or salvage parts which are abandoned or left in a state of partial construction or repair for more than 60 days on the Property and which are visible from a public street, except as permitted pursuant to a valid license issued to a Junk Yard under the Township's Junk Ordinance;
- (f) Packing boxes, lumber, or other debris kept on the Property and visible from a public street;
- (g) Broken or discarded furniture, household equipment and furnishings, or shopping carts stored on the Property and visible from a public street;
- (h) Attractive nuisances dangerous to children including abandoned, broken, or neglected equipment, machinery, appliances, refrigerators, freezers, hazardous pools, ponds, and excavation equipment in any location;
- (i) Any outdoor storage in violation of Section 14 of the Township's Junk Ordinance; and
- (j) Personal Property left in or on any public right-of-way. Any such Personal Property shall be deemed to be abandoned, of no value, and unlawful if placed at or left for more than 24 hours on any public right-of-way. Personal Property placed in the public right-of-way pursuant to a court-ordered eviction is subject to immediate removal 48 hours after being placed in the right-of-way.

Section 4. Abatement.

- (a) Any Property or Personal Property found to be maintained in violation of Section 3 of this Ordinance is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition, or repair pursuant to the procedures set forth in this Section. The procedure for abatement shall not be exclusive and shall not in any manner limit or restrict the Township from enforcing other Township ordinances or abating public nuisances in any other manner provided by law.

- (b) To abate any Property pursuant to this Ordinance, the Township shall utilize the following procedure.
 - (i) The Township Supervisor shall investigate the existence of the alleged nuisance to determine whether the nuisance exists and to further determine the Person who has created or is committing or maintaining such nuisance
 - (ii) The Township Supervisor shall then give written notice to the Owner as well as any occupants of the Property, specifying the nature of the nuisance, the corrective action to be taken to abate the nuisance, and the time limit for abatement of such nuisance, which shall be a reasonable period of time but not to exceed 30 days from the date of the notice. Such notice shall be delivered either by first class United States mail or by personal delivery. Notice shall also be posted to the Property itself.
 - (iii) The Township Supervisor may grant an extension of time of not more than 30 days if so necessary.
 - (iv) If the nuisance is not abated within the period of time provided, the Township Supervisor shall set a public hearing before the Township Board to determine whether the Property should be abated. Notice of this hearing shall be given to the Owner of any Property involved by first class mail, 15 days before the hearing.
 - (v) After the hearing, the Township Board may determine that the Property requires abatement, at which point it shall authorize the Township Supervisor to petition the court for permission to have the nuisance abated and the cost to the Township of the abatement and the enforcement of this Ordinance added as an assessment to the taxes for the Property and collected in the same manner as taxes are collected under the laws of the State of Michigan.

Section 5. Cost of Abatement.

- (a) If the Township incurs any expense in abating the nuisance under Section 4, the Township Supervisor shall keep a record of all costs including but not limited to any administrative expenses, attorney and court fees, and any actual cost spent on the abatement.
- (b) The total cost of the abatement shall become a debt owed to the Township by the Owner of the Property.
- (c) Unless the cost of abatement is added as an assessment to the taxes for the Property by court order, the Township shall send notice to the Owner for payment of the debt within 60 days of the date of mailing that notice.

- (d) Unless the cost of abatement is added as an assessment to the taxes for the Property by court order, if the debt is not paid within 60 days, the Township Supervisor will collect the debt in any way permitted by law, including filing a lien against the Property, to take effect when notice of the lien is filed or recorded as provided by law.

Section 6. Prohibition of Dangerous Buildings.

- (a) It shall be unlawful for any Person to own, lease, rent, occupy, or maintain any dwelling or part thereof which is a Dangerous Building.
- (b) The Township shall follow the enforcement procedure outlined in the Housing Law for Dangerous Buildings, pursuant to MCL 125.540 *et seq.*, as amended.

Section 7. Penalty.

- (a) Any Person violating or permitting to be violated any of the provisions of this Ordinance shall be deemed responsible for a civil infraction.
- (b) Any Person responsible for a civil infraction under the provisions of this Ordinance shall be punishable upon a first conviction by a fine not more than \$100.00, and responsible for a second infraction within a period of one year by a fine of not more than \$200.00, and for a third or any subsequent infraction within a one year period by a fine of not more than \$500.00.
- (c) Each Person shall be responsible for a separate offense for each and every day during which any violation of any provision of this Ordinance is committed, continued, or permitted by such Person and shall be punishable accordingly.
- (d) The Township Supervisor is authorized to designate particular officers or employees of the Township who shall be authorized to enforce the provisions of this Ordinance.

Section 8. Severability.

This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

Section 9. Administrative Liability.

No officer, agent, or employee of the Township, or member of the Township Board, shall be personally liable for any damage that may accrue to any Person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 10. Repeal.

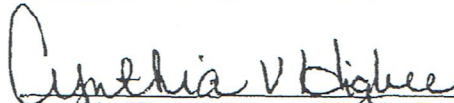
All ordinances or their parts which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are repealed to the extent of such conflict, except that terms defined in this Ordinance for purposes of interpretation, administration and enforcement of this Ordinance only will in no manner repeal, modify or otherwise change the definition of any such terms as used in other Township ordinances.

Section 11. Effective Date.

This Ordinance was approved and adopted by the Township Board of Ionia Township, Ionia County, Michigan, at a regular meeting held on April 11, 2017, and it is ordered to take effect 30 days after publication in the Ionia Sentinel-Standard, a newspaper with general circulation in the Township.



Larry Lasterman, Township Supervisor
Ionia 143 Property Maintenance Ordinance 03102017


Cynthia Higbee, Township Clerk