

**STATE OF MICHIGAN
COUNTY OF IOSCO
THE CHARTER TOWNSHIP OF AUSABLE
ORDINANCE NUMBER 94**

PROPERTY MAINTENANCE ORDINANCE

Effective: August 11, 2006

THIS ORDINANCE APPLIES TO ALL ZONING DISTRICTS WITHIN THE CHARTER TOWNSHIP OF AUSABLE AND IS TO PRESERVE THE PEACE, WELFARE, ORDER, HEALTH AND SAFETY OF ALL PERSONS AND PROPERTY LOCATED WITHIN THE TOWNSHIP, AND TO PROVIDE FOR THE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, AS WELL AS ITS ENFORCEMENT, AS IT CONCERNS THE MAINTENANCE OF ALL REAL AND PERSONAL PROPERTY LOCATED WITHIN THE TOWNSHIP.

THE CHARTER TOWNSHIP OF AUSABLE DOES HEREBY ORDAIN THE FOLLOWING AS AN ORDINANCE OF THE TOWNSHIP:

ARTICLE I. TITLE AND PURPOSE:

Sec. 1.1 This ordinance requires the adoption of regulations as it concerns the timely completion of structures being erected within said township, being either residential and/or nonresidential, and for the ongoing maintenance of all real and personal property including and without limitation of the following:

- (a) Requiring timely completion of construction and establishing minimum maintenance standards in light of the recognition that if a significant number of structures in a given area were not completed, or existed in a condition of disrepair for extended periods of time:
 - (1) Situations where property owners would have a disincentive to continue to completion the erection of any buildings, and/or the maintenance of same, upon their properties with same resulting in said structures and/or property becoming a public nuisance; and
 - (2) Such conditions ultimately lead to a threat and danger to the public health and welfare.
- (b) Fixing the responsibilities of owners, operators, and occupants of all structures.
- (c) Providing for administration, enforcement and penalties.
- (d) Promoting rehabilitation and reuse of existing structures.

ARTICLE II. DEFINITIONS

Sec. 2.1 The following words and phrases, as used in this ordinance, shall have the following ascribed meanings:

Board shall mean the Township Board of the Charter Township of AuSable.

Zoning Administrator shall mean the person responsible for issuance of zoning permits in the Township, or other person designated by the Township for implementing this ordinance.

Condition of disrepair shall mean, the condition of all, or any portion, of a structure which has not been maintained in a workmanlike manner, normal wear and tear for reasonable periods excepted, including, without limitation, instances where structures have windows and/or doors boarded up or which otherwise violate a provision of this ordinance, and shall also mean the lack of substantially continuous and material pursuit of initial construction of a structure toward obtaining a certificate of occupancy or other required approval for a period in excess of twelve (12) months.

Structure shall mean any building or structure for which a permit must be obtained for construction under any ordinance or code of the Township or County.

Township shall mean the Charter Township of AuSable, County of Iosco, State of Michigan.

Workmanlike shall mean the care in the implementation of such activities as maintenance and repair in a reasonably skillful manner, i.e., the manner in which a reasonably prudent person would expect or require if another person were hired to perform maintenance or repairs on his or her structure of the type in question.

Sec. 2.2 Words and phrases not expressly defined above have the meanings customarily ascribed to them within the context in which they appear.

ARTICLE III. GENERAL PROVISIONS

Sec. 3.1 Zoning. Zoning affects all structures and land and the use thereof. No structure, land or premises shall hereafter be used or occupied and no building shall be designed, erected, enlarged, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and in compliance with all local, state and federal laws.

Sec. 3.2 Dumpsters. All dumpsters shall be screened from view, all garbage cans/refuse containers shall be stored in a side or rear yard, except for when placed on or near the roadway for purposes of emptying same.

- Sec. 3.3 Weeds & Grass. Weeds, grass and/or any other lawn material shall not be allowed to exceed twelve (12) inches in depth at any time, on any improved parcel of property, or any unimproved parcel that is adjacent to improved parcels or public rights-of-way on more than two sides of said parcel, within the Charter of Township of AuSable.
- Sec. 3.4 Restoring unsafe structures. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the building inspector, in accordance with the building codes.
- Sec. 3.5 Building permits and plans/utility services. No building or structure shall hereafter be erected, enlarged, moved, removed, reconstructed, extended or altered until a zoning and building permit and all other applicable code permits have been obtained in accordance with relevant local, state and federal laws.
- Sec. 3.6 Water and sewer/septic services. No building or occupancy permit shall be issued for any building to be occupied for human purposes unless all required permits have first been obtained from the health department and/or other governmental agency with jurisdiction regarding water and sewer/septic services.
- Sec. 3.7 Land use permits. No building or structure which is hereafter constructed, enlarged, altered, moved or reconstructed shall be occupied or otherwise used, in whole or in part, until a zoning permit has been issued by the zoning administrator certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this ordinance and a building permit is issued by the Building Department.
- Sec. 3.8 Used dwellings. All the dwelling standards as contained within this ordinance apply to a used dwelling, which is to be installed in the township. A land use permit shall be obtained for any used dwelling proposed to be installed in the township. A certificate indicating that the dwelling complies with all pertinent building and fire codes shall be submitted with the permit application.
- Sec. 3.9 Mobile home & pre-manufactured housing. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54, as may be amended.
- Sec. 3.10 Principal use. No lot may contain more than one principal building, provided that groups of multiple-family dwelling buildings or retail business buildings under single ownership shall be deemed a principal use collectively.

ARTICLE IV. REQUIREMENTS

Sec. 4.1 Environmental Requirements

(a) In General.

- (1)** All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from accumulation of rubbish or garbage, except when assembled regularly for removal for transport to a proper receptacle.
- (2)** The owner and person in possession of every site of generation of garbage, vegetable wastes, or other perishable materials shall provide, and at all times cause to be used, leak-proof approved containers provided with close fitting covers for storage of such materials until removed from the premises for disposal.
- (3)** Exterior site improvements, including such things as driveway and parking lot maintenance, lighting, screening, drainage or other improvements and/or finished grading on the property, considered necessary by the Township to protect natural resources and the health, safety and welfare, shall be maintained in a manner which does not cause or contribute to a blighting effect and/or reduction in area property values and/or potential hazard or unreasonable drainage intrusion upon adjoining property. It shall be a violation of this ordinance if a property owner is given a notice issued by the township zoning administrator or other person designated by the township stating that the property is not in conformity with this ordinance, and a site improvement is alleged to be in a condition which causes or contributes to a blighting effect and/or reduction in property values and/or hazard and/or unreasonable drainage intrusion upon adjoining property, and such owner fails or refuses to cure such condition within forty-five (45) day. Following the initial notice and fourteen (14) calendar day period, it shall be a continuing violation of this ordinance.

(b) Exterior structure.

- (1)** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to impose a threat to the health, safety, or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment. Construction of the exterior of a building or structure, and construction of additions and renovations, shall, following issuances of a building permit, be pursued to completion and issuance of a certificate of occupancy (if a new certificate of occupancy is required), with work being regularly and actively performed, and such pursuit shall not be completely or substantially discontinued for a period in excess of six (6) months.

Moreover, following completion, the exterior of a building or structure shall be maintained so as not to be in a condition of disrepair for a period of six (6) months.

- (2) Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.
- (3) All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- (4) Every exterior wall, window, door/frame, trim and the like, shall be free of holes, breaks, loose or rotting boards or timbers, and other conditions which might admit rain or dampness to the interior portions of the occupied spaces of the building. All exterior surface materials, including without limitation, wood, composition, or siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
- (5) All cornices, entablatures, felt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe workmanlike condition.
- (6) All canopies, marquees, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts, and similar overhand extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
- (7) Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good workmanlike repair.
- (8) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of vermin, rain and surface drainage water into the structure.

ARTICLE V. ENFORCEMENT

Sec. 5.1 The Township Zoning Administrator or other person designated by the township is hereby authorized to enforce this ordinance.

ARTICLE VI. PENALLTY

Sec. 6.1 Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00, nor more than \$500.00 or by imprisonment in the County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the judge imposing sentence, plus costs of prosecution and any court costs. Each day that a violation is continued or permitted to exist without compliance shall constitute a separate offense punishable by conviction in the same manner provided in this section, provided no person shall be imprisoned for a single but continuing violation of this Ordinance for a period longer than ninety (90) days.

Sec. 6.2 The township shall also, as an alternative to the penalties as provided above, as well as the method for enforcement of this ordinance, shall be able to enforce this ordinance pursuant to its Civil Infraction Ordinance, being Ordinance Number 75 and/or as amended, or may seek any other relief available at law, either in the District and/or Circuit Courts servicing Iosco County, State of Michigan, and/or in the appropriate court of Federal jurisdiction, all as the circumstances may jurisdictionally warrant.

Sec. 6.3 Furthermore, any person found by the appropriate enforcement officer on behalf of the Charter Township of AuSable to be in violation of this ordinance, shall be obligated upon request, to provide documentation to satisfy the various provisions of this ordinance, or for failure to do so, same shall also constitute a violation of this ordinance. This documentation may include, but is not limited to appropriate licensure, insurance coverage, or any other information as required by this ordinance and/or as may be mandated by any other law.

Sec. 6.4 In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the township against the township tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.

ARTICLE VII. SEVERABILITY

Sec. 7.1 The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

ARTICLE VIII. CONFLICTING LAWS

Sec. 8.1 If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

ARTICLE IX. EFFECTIVE DATE

Sec. 9.1 This ordinance shall become effective on August 11, 2006, at a regular meeting of the AuSable Township Board held on the 3rd day of July 2006, adoption of the foregoing ordinance was moved by Baldwin, and supported by Barnes.

Voting for: Paul Mayville, Lynn Mitchell, Judy Reeder, Jan Baldwin, Alanda Barnes, Dan Hayes

Voting against: None

Absent: Kevin Beliveau

The Supervisor declared the Ordinance Adopted.

Dated: July 3, 2006

Albert D. Hayes, Jr.

By: Albert D. Hayes, Jr.

Its: Supervisor

Dated: July 3, 2006

Lynn A. Mitchell

By: Lynn A. Mitchell

Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 94, which was enacted by the AUSALE TOWNSHIP BOARD at a regular meeting on the 3rd day of July 2006.

Lynn A. Mitchell

By: Lynn A. Mitchell

Its: Clerk