

AUGUSTA CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN

(Property Maintenance Code)

Ordinance No. _____
Effective Date: _____

AN ORDINANCE OF AUGUSTA CHARTER TOWNSHIP ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND FOR THE DEMOLITION OF SUCH STRUCTURE; FIXING PENALTIES FOR VIOLATION; PROVIDING FOR APPEALS; AND TO REPEAL AUGUSTA CHARTER TOWNSHIP ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CHARTER TOWNSHIP OF AUGUSTA, WASHTENAW COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Short Title.

This Ordinance shall be known as and may be cited as the "*Property Maintenance Code of Augusta Charter Township.*"

Section 2. Adoption of Property Maintenance Code.

That a certain document, copies of which are on file in the office of the Clerk of the Charter Township of Augusta, being marked and designated as "*The International Property Maintenance Code*", 2015 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Charter Township of Augusta, County of Washtenaw, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Charter Township of Augusta are hereby

referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes prescribed in Section 3 of this Ordinance.

Section 3. Additions, Insertions, and Changes.

The following sections of the International Property Maintenance Code herein adopted are hereby amended and revised as follows:

Section 101.1 - Insert: "*Charter Township of Augusta.*"

Section 103.1, 103.2 and 103.3 – Delete and replace the language of these sections with the following new Section 103.1:

Section 103.1 – Department of Property Maintenance. The department of property maintenance is hereby created. The Washtenaw County Building Department is hereby appointed as the code official. The executive official of the department shall be the offices of Augusta Charter Township Supervisor. The planning and code enforcement services firm of Carlisle Wortman Associates Inc. is hereby appointed as a deputy code official with the same powers as the code official for enforcement of this Ordinance and the Property Maintenance Code adopted hereby. The code official shall have the authority to appoint additional deputies as determined by the code official as necessary or appropriate for the proper enforcement of this Ordinance. Such additional employees and deputies of the code official shall have powers as delegated by the code official.

Section 103.5 - Delete and replace the language of Section 103.5 with the following.

Section 103.5 – Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as stated in a fee schedule established and adopted by resolution of the Township Board.

Section 106.4 - Delete and replace the language of Section 106.4 with the following.

Section 106.4 – Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be responsible for a municipal civil infraction and subject to a fine as follow:

- *Not less than one hundred (\$100.00) dollars or more than five hundred (\$500.00) dollars for any first offense, plus costs;*

- Not less than two hundred (\$200.00) or more than seven hundred fifty (\$750.00) dollars for a second offense, plus costs;
- Not less than four hundred (\$400.00) dollars or more than one thousand (\$1,000) dollars for a third and subsequent offenses, plus costs; and

Each day that a violation continues after due notice has been served shall be deemed a separate offense for which a separate penalty may be assessed.

Section 111.0 - Delete the entirety of Section 111, Means of Appeal, and insert the following new language to replace Section 111:

Section 111 – Means of Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the construction board of appeals as established by the Township or the County Washtenaw pursuant to Section 14 of the State Construction Code Act of 1972, Act 230 of Public Acts of 1972, as amended, ("Act")., provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The procedures for appeal established under the Act shall govern appeals under this Code. An appeal from a final decision of the construction board of appeals may be made to a court of competent jurisdiction as provided by law.

Section 302.4 - Delete and replace Section 302.4 with the following.

Section 302.4 Weeds. - Except for fallow farm fields for a period not to exceed two (2) years, and except for new construction so long as construction progress is being made to the code officials satisfaction, all premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided however, noxious weeds shall not include cultivated flowers and gardens. The Building and/or Zoning Administrator of the Township has discretion to determine the necessity and the degree of compliance with this Section on a case by case basis for parcels of land that are in excess of 1 ½ acres based upon the parcel's proximity to, and view from, road right of ways and/or adjacent uses. A discretionary decision under this Section is appealable to the Township Board by an aggrieved party within 30 days after such a discretionary decision is made. The Township Board's decision on the discretionary determination under this Section is final.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds and otherwise comply with the requirements of this section within ten (10) days after service of a notice of violation, the owner or agent shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the Charter Township of Augusta. Upon failure to comply with a notice of violation under this Section, and in addition to any prosecution in accordance with Section 106.3 as may be prescribed by the Charter Township of Augusta, any duly authorized employee of the Charter Township of Augusta or contractor hired by the Charter Township of Augusta shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

A statement of costs incurred by the Township under this Section shall be mailed to the property owner and tenant or agent in charge. The statement shall include an administrative fee added to the statement in the amount of 15% of the Township's costs. The statement shall be due within 30 days of the date of mailing. Within 15 days of the date of mailing, the owner or agent of the property may appeal the reasonableness of the charges billed for abating the condition to the Township Board by filing a written statement with the Township Clerk stating why the charges are unreasonable. The appeal shall be submitted to the Township Board for its review within a reasonable time after filing. If the Board finds the charges are unreasonable, it shall assess the costs as it deems reasonable. The administrative fee shall not be appealable.

The costs incurred by the Township under this Section are hereby made a lien upon the property, and a statement of expenses or a certified copy thereof shall be prima facie proof of the expenses incurred by the Township. Whenever any such costs against any property shall be delinquent for 30 days after mailing of the statement of costs, and no appeal as provided for under this Section is pending, the Township Official in charge of the collection thereof shall certify by November 1 of each calendar year to the Township Treasurer the fact of such delinquency and such costs shall be entered upon the next tax roll as a special assessment charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced.

Section 304.14 - Insert: April 1st to October 1st.

Section 602.3 - Insert: September 1st to May 31st.

Section 602.4 - Insert: September 1st to May 31st.

Section 4. Inconsistent Ordinances Repealed.

Augusta Charter Township ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Saving Clause.

Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinances hereby repealed as cited in Section 4 of this Ordinance, nor shall any just right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. Effective Date; Publication.

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the ordinance.

This Ordinance was duly adopted by the Augusta Charter Township Board at its regular meeting called and held on the _____ day of _____, 2017, and was ordered given publication in the manner required by law.

Belynda Domas, Clerk
Charter Township of Augusta

Brian Shelby, Supervisor
Charter Township of Augusta

First Reading: _____
First Publication: _____
Adoption: _____
Final Publication
and Effective Date: _____

CERTIFICATE

I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. _____, which was duly adopted by the Township Board of Augusta Charter Township at a _____ Meeting of said Board, held on _____, 2017, after said ordinance had previously been introduced at a _____ Meeting of the Board held _____, 2017, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member _____ moved for the adoption of said Ordinance, and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance _____ and that the following Members voted against adoption of said Ordinance _____ and that the following Members were absent or abstained from voting on the adoption of said Ordinance as indicated _____.

I further certify that after its passage the Ordinance was published in the _____ News on _____, 2017, in accordance with P.A. 359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Belynda Domas, Clerk
Charter Township of Augusta

Dated: _____, 2017