

**FRENCHTOWN CHARTER TOWNSHIP
PROPERTY MAINTENANCE CODE ORDINANCE
Ord. No. 227; Date of Adoption May 8, 2018**

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Purpose and Authority.

Section 23 of Act 359 of 1947 provides that the Township Board may adopt any provision of state law or any detailed technical regulations as a township ordinance or code, by citation of such provision of state law or by reference to any recognized standard code official or unofficial provided that such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same. Pursuant to that authority Frenchtown Charter Township desires to adopt the Property Maintenance Code Standards for purposes of regulating, 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 sanitary and safe for occupation and use and for the condemnation of buildings and structures unfit for human use in Frenchtown Charter Township and providing for the issuance of permits and collection of fees.

Section 2. Adoption of International Property Maintenance Code.

A certain document designated as the 2015 International Property Maintenance Code as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code for Frenchtown Charter Township; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof as if fully set out in this Section with additions, insertions, deletions and changes, if any, prescribed in Section 3 below. Copies of the 2015 International Property Maintenance Code are available for review or purchase at the Building Department; Charter Township of Frenchtown, 2744 Vivian Road, Monroe, Michigan 48162.

Section 3. Revision of Code.

The following sections are hereby revised:

Section 101.1: Frenchtown Charter Township

Section 103.5: (See approved Township fee schedule)

Section 112.4: \$100/\$500

Section 302.4: Deleted

Section 304.14: Delete "During the period from date to date"

Section 602.3: September 1 through June 1

Section 602.4: September 1 through June 1

Section 4. Penalties.

A. Upon the receipt of a notice of violation of this Ordinance, the person notified shall eliminate the condition within the time frame provided in the notice. Additional time may be granted by the Building Official if bona fide efforts to remove or eliminate such conditions are in progress.

1. Failure of the owner or occupant to eliminate the conditions specified in the notice within the time allowed shall constitute a violation of this Ordinance.
2. Violation of this Ordinance shall be deemed a municipal civil infraction and shall be punishable by the fine schedule set forth in the Municipal Penalty Civil Infraction Ordinance No. 225 as restated herein:
 1. First offense: \$100.00 plus costs.
 2. First repeat offense: \$250.00 plus costs.
 3. Second (or any subsequent) repeat offense: \$500.00 plus costs.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce, compel compliance or interpret this Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Any use of land that is commenced or conducted, any activity or any building item or structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.

E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

Section 5. Costs – Owner Responsibility.

A. Any and all expenses or costs incurred under the provisions of this Ordinance for the demolition, removal, repair, boarding up, securing or alteration of any building or structure, or for maintaining the exterior of the building or structure, or grounds adjoining the building or structure, shall be paid by the owner or party in interest in whose name the property appears.

B. The owner or party in interest in whose name the property appears upon the last Township tax assessment records shall be notified by the Township of the amount of the cost of either the demolition, making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The notice shall be provided by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within thirty (30) days after mailing of the notice of the amount of the cost, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance and the Code. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1 to 211.157 of the Michigan Compiled Laws as amended.

C. In addition to other remedies under this Ordinance or the Code, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The Township shall have a lien on the property for the amount of a judgment obtained pursuant to this Section. The lien provided for in this Section shall not take effect until notice of the lien is filed or recorded as provided by law. A judgment in an action brought pursuant to this Section may be enforced against assets of the owner other than the building or structure.

Section 6. Conflict.

To the extent that provisions within this Code conflict with provisions in the Township Zoning Ordinance or Township General Ordinances, the more strict provision shall govern.

Section 7. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 8. Repeal.

Township Ordinance No. 219 is hereby repealed.

Section 9. Effective Date.

This Ordinance shall become effective thirty days after adoption and publication in a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.