



PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN

PROPERTY MAINTENANCE ORDINANCE

**ORDINANCE #798
RESOLUTION #07-32**

At a regular meeting of the Plainfield Charter Township Board held at the Township Offices, 6161 Belmont Avenue NE, Belmont, Michigan, on the 6th day of August 2007, at 7:30 PM, the following resolution was offered by Member Stover and supported by Member Heindrichs:

An Ordinance to provide for the maintenance of property within Plainfield Charter Township, and to provide penalties for violation thereof.

PLAINFIELD CHARTER TOWNSHIP ORDAINS:

SECTION 1. IN GENERAL

Sec. 1.201. Findings and Determination of Necessity.

The Board of Trustees finds that there are a number of residential and non-residential buildings in Plainfield Charter Township that are poorly maintained and neglected by their owners. These buildings adversely affect citizens who own or occupy nearby buildings and dwellings by lowering property values and rental values. These adverse effects also increase the incidence of vandalism and fire. The Board of Trustees finds that the elimination and prevention of these conditions is necessary and is in the best interest of the Township and its citizens.

Sec. 1.202. Purpose.

The purpose of this Article is to maintain, preserve and improve the stock of residential and non-residential buildings in the Township. To accomplish this, this Article sets out minimum standards for the exterior maintenance of all structures. In carrying out this purpose, the Board of Trustees intends to exercise its full powers to protect the public's health, safety and welfare, whether the powers so exercised are derived from the Constitution or from State Law.

Sec. 1.203. Definitions and Interpretations.

Certain words and terms used in this Article are specifically defined at the beginning of the Article. These words and terms are identified by underlining in the text of the Article, and, when so underlined, these words and terms shall be given the indicated definitions. All other words and provisions of this Article shall be interpreted so as to eliminate or prevent the conditions set out in Section 1.201.

Sec. 1.204. Applicability.

The provisions of this Article shall apply to any person owning, occupying, managing or controlling any property in the Township as identified by this Article.

SECTION 2. DEFINITIONS

Sec. 1.205. Definitions.

All words and phrases used in this Article shall be given their common and normal meaning unless defined in this Article. The words and phrases defined hereinafter shall be given the meaning indicated in the interpretation and enforcement of this Article.

Sec. 1.206. Definitions.

The following words and terms shall mean:

- (1) Administrator means the Township Manager or designee charged with the responsibility for administering the provisions of this Article.
- (2) Basic Structural Elements means the parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including, but not

limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

- (3) Building means any structure upon a property, presently or formerly used or intended to be used in whole or in part for residential uses or the purpose of commerce, trade, manufacture, business, government, worship, education, office, medical, storage or any other purpose.
- (4) Certified Mail means that class or type of mail designated by the U.S. Postal Service as "certified mail" and also includes the class or type of mail designated as "registered mail" and "registered mail, return receipt requested".
- (5) Court means a court of competent jurisdiction.
- (6) Deteriorate means to decay, decompose, degenerate, disintegrate, or weaken to an extent that an object's intended use is compromised.
- (7) Deterioration or deteriorated means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, vermin ingestion, infestation or destruction.
- (8) Emergency means a condition which is a violation of this Article and which constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.
- (9) Garbage means any spoiled or discarded animal or vegetative material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.
- (10) Good Repair means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.
- (11) Good Workmanship means completing a task of addition, change, construction, repair or replacement to industry standards, using like materials, so that the result is free of defects, operates as intended and creates no unsafe conditions.
- (12) Hazardous means a condition which is a violation of this Article and which the Administrator has determined to be likely to result in the death, injury or illness of a human or in severe damage to real or personal property.
- (13) Inspector means any employee of Plainfield Charter Township whose responsibilities include enforcement of the provisions of this Article.
- (14) Intended means:
 - (a) The purpose, operation and/or arrangement for which something has been designed or built, or
 - (b) The purpose, operation and/or arrangement for which something is currently, safely and legally being used.
- (15) Non-residential means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one (1) or more human beings, either permanently or transiently.
- (16) Residential means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a dwelling, home, residing place, living space or sleeping space for one (1) or more human beings, either permanently or transiently.
- (17) Property means any lot, unit or parcel of land inclusive of any building, structure or improvements located thereon.

- (18) Regular Mail means that class of mail designed by the U.S. Postal Service as "first class" mail. Regular Mail shall also include post cards and postal cards.
- (19) Responsible Person means an owner and/or a person or persons designated in this Article as being responsible for meeting the standards of this Article.
- (20) Safe means a condition that is not likely to do harm to humans or to real or personal property.
- (21) Sanitary means free of grease, excrement, dirt, food residue, garbage, rust or similar matter which can harbor bacteria unsafe to humans or animals, or which produces strong odors or which provides food for, or is an available source of food for, animals or insects.
- (22) Signature means the handwritten name of a person or a facsimile thereof.
- (23) Structure means anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, including but not limited to garages, sheds, and racks, but not including a currently operable licensed vehicle, trailer, or recreational vehicle.
- (24) Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to plaster, paper, wrappings, plant cuttings, household furnishings, used or salvaged building materials, packing and clothing, appliances, equipment, machinery or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.
- (25) Unsafe means a condition that is reasonably likely to do harm to humans or property if not corrected or stopped.
- (26) Verbal Notice means notice of the existence of an emergency given directly or by telephone to a responsible person.
- (27) Vermin means rodents, birds and insects that are destructive of real or personal property or injurious to health.

SECTION 3. PROPERTY MAINTENANCE STANDARDS

Sec. 1.207. Property Maintenance Required.

All property regulated by this Article, whether occupied or unoccupied, shall meet or exceed the standards of this Article.

Sec. 1.208. Structural Integrity.

Basic structural elements, foundations, foundation walls and supporting columns shall be in good repair.

Sec. 1.209. Exterior Surfaces.

All exterior finish surfaces shall be weather tight and in good repair and shall not have any holes, cracks or deterioration that allows water or vermin to reach any basic structural element or to enter the interior of any building.

Sec. 1.210. Protection of Exterior Surfaces.

All exterior surfaces of a building or structure that may deteriorate from exposure to weather shall be protected from the weather by a properly applied weather-resistant paint, stain or other waterproof finish. Primers shall be properly covered with a water-resistant finish coating.

Sec. 1.211. Exterior Windows and Doors.

All exterior windows and doors shall be weather tight and in good repair, intact and functioning as originally intended and designed, or shall be secured against weather by boarding which is painted a color matching that of the adjacent exterior siding. Boarding shall be done in a manner and with materials as specified in this Code. All exterior openings suitable for human or animal entry shall be secured by use of exterior grade plywood, of at least three-eighths (3/8) inch thickness, cut to the size of the opening and

secured by use of Phillips- headed, minimum two (2) inches long screws on all first story or ground accessible points of entry. The use of 16d common nails is permitted on entry points being secured above the first story or where not accessible from ground level. Boards shall be placed over all points of entry.

Sec. 1.212. Exterior Attachments.

Exterior attachments to basic structural elements, including but not limited to gutters, downspouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs, lighting fixtures, handrails, guardrails and utility connections shall be in good repair.

Sec. 1.213. Accessory Improvements.

All accessory improvements located on a property, including but not limited to walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures shall be in good repair.

Sec. 1.214 Unoccupied Structure Security.

An unoccupied or vacant building, structure or any part thereof shall be kept secured by the owner against unauthorized entry and water damage. Securing shall be done in a manner and procedure as set forth in this Article.

All exterior openings suitable for human or animal entry shall be secured by use of exterior grade plywood, of at least 3/8" thickness, cut to the size of the opening and secured by use of Phillips-headed, minimum 2" long screws on all first story or ground accessible points of entry. The use of 16d common nails is permitted only on entry points being secured above the first story or where not accessible from ground level. Boards shall be placed over all points of entry.

Sec. 1.215 Authorization for Township Abatement

Upon failure of a property owner or responsible party to abate a violation of Sec. 1.214 of this Ordinance, the Township may abate the violation. This abatement may be performed by the Township, by a contract vendor or by other means determined by the Township.

Sec. 1.216 Charge to Owner.

When the Township abates a building security violation, the cost of abatement and the administrative charges as established by Board of Trustees resolution shall be billed to the property owner or responsible person. The cost and fee shall be a debt of the property owner or responsible person to the Township, which may be assessed as a lien against the property, including interest therein until paid, and enforced and collected in the same manner as ad valorem property taxes or any other manner provided by law. Liens shall be reported not later than September 15 to the Township Treasurer for inclusion on the December property tax statements.

Sec. 1.217. Outdoor Storage.

Outdoor storage of materials of value shall not be permitted to be located between the street and the building nor closer than three (3) feet to any side or rear lot line. Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings nor be stacked in a manner which may provide harborage for vermin. The setback requirements contained herein are in addition to any other setback requirements required under the Township Zoning Ordinance.

Sec. 1.218. Trees and Shrubs.

No tree, shrub or other vegetation shall block safe vision on a sidewalk, drive or street. No dead tree, dead parts thereof, fallen trees, or fallen parts thereof that threaten adjacent structures or people or property in the public right-of-way shall be permitted on any property regulated by this Article.

Sec. 1.219. Health and Sanitation.

All exterior areas shall be sanitary and free of trash and garbage. Notwithstanding the foregoing, the composting of vegetative materials is allowed provided that it does not create odors, health hazards or nuisances.

Sec. 1.220. Tenant Responsibility for Maintenance.

A tenant, in addition to the owner, shall be responsible for complying with the standards of this Article on that portion of the premises controlled exclusively by the tenant.

Sec. 1.221. Owner Responsibility for Maintenance.

The owner of a property shall be responsible for complying with the Standards set forth in this Article except as otherwise stated in this Article.

Sec. 1.222. Good Workmanship.

Additions, replacements, repairs or changes made to buildings, accessory buildings, appurtenances, structures, improvements, or facilities regulated by this Article shall be made with good workmanship.

Sec.1.223-1.229 Reserved

SECTION 4. ENFORCEMENT PROCEDURES

Sec. 1.230. Inspections Authorized.

The standards of this Article are to be enforced by inspections of buildings, accessory structures and any property subject to any of the terms of this Article.

Sec. 1.231. Geographic Applicability.

The provisions of this Article shall apply to all buildings, structures and properties located in the Township.

Sec. 1.232. Enforcement Process.

The Township will make a reasonable attempt to bring a violation of the standards established in this Article to the attention of the property owner or other responsible person by issuing a Letter of Non-compliance or by any other lawful means. If the property owner or a responsible party cannot be located, a notice shall not be required. The Township may prosecute or take other appropriate action regarding a violation of this Article without issuing a Letter of Non-compliance.

Sec. 1.233. Time to Correct Violations.

Any Letter of Non-compliance shall provide a specified time for achieving compliance in relation to the seriousness of the violation. If a Letter of Non-compliance is issued, the following time limits shall be used:

- (1) Not more than twenty-four (24) hours for an emergency.
- (2) Not more than five (5) days for correcting a structure security condition.
- (3) Not more than ten (10) days for correcting hazardous conditions.
- (4) Not more than sixty (60) days for all other violations, except as stated otherwise below.
- (5) The Administrator or Ordinance Enforcement Officer may approve an extension of time to correct a violation up to the doubling of the time provided in a written Notice when there are documented extenuating circumstances beyond the control of the responsible person or where the responsible person has made a substantial documented effort to correct violations.
- (6) No other extensions or further extensions shall be permitted except by order of the Building Maintenance Appeal Board for good cause shown. The Building Maintenance Appeal Board shall be permitted to grant extensions. The Board shall not permit more than one (1) extension. The Board shall be permitted to grant extensions when it can be demonstrated to the Board's satisfaction that the time allowed is unreasonable, circumstances have prevented a good faith effort to comply, or substantial work has been completed and additional time is warranted to complete the necessary repairs.

Sec. 1.234. Fees.

Fees, as Township costs, shall be adopted and changed from time to time by resolution of the Township Board, and said fees may be charged to and shall be paid by a responsible person to the Township. Each responsible person shall be jointly and severally responsible for all fees and costs. Unpaid fees shall be a personal debt to the Township, which may be assessed as a lien against the inspected property until paid. Fees shall be established for the following:

- (1) Issuance of a Letter of Non-Compliance.
- (2) Administrative extension of a Letter of Non-Compliance
- (3) Township abatement of an Unoccupied Structure Security Violation. This is in addition to the actual cost of services contracted to perform the work.

Sec. 1.235. Emergency Orders.

If the Township determines that a condition exists or is likely to exist which is an emergency, the Township shall immediately attempt to verbally inform the responsible person and all occupants of the building of the nature of the condition. The Township shall immediately attempt to give verbal notice to the responsible person to correct the condition. Such an order shall be effective immediately. A written Letter of Non-compliance called for by this Article shall be prepared and mailed and/or personally served to the responsible person as soon as practicable after the verbal notice herein referred to has been attempted. If notice is attempted to be served in good faith but cannot be completed prior to having to take action necessary to abate an emergency condition, such notice shall be posted upon the subject property in a prominent location. Failure to comply with an emergency notice or order is a violation of this Article.

Sec. 1.236. Abatement of Emergency.

If the responsible person cannot be contacted or fails to correct an emergency condition within the time ordered, the Township Manager or a designee of the Township Manager may authorize corrective actions to abate the emergency. The cost of abatement shall be a debt of the property owner to the Township, which may be assessed as a lien against the property, including interest therein, until paid, and enforced and collected in the same manner as ad valorem property taxes or any other manner provided by law.

Sec. 1.237. Authorization to Condemn.

It shall be unlawful for any person to occupy or any person other than the owner to enter any building or accessory building the Township has condemned as unfit for human occupancy or entry for any of the following reasons or conditions:

- (1) An emergency condition is present.
- (2) A hazardous condition cited in a Letter of Non-compliance has not been corrected.
- (3) A finding has been made that a structure is a dangerous building.

Sec. 1.238. Reserved

Sec. 1.239. Change in Ownership.

An owner or responsible person of a property who has received a notice regarding a violation of a provision of this Article shall notify the Township by writing the inspector within ten (10) days of transferring ownership of the cited property to another person. The notice to the Township shall include the name, address and telephone number of the new owner and the effective date of the transfer of ownership. The Township shall immediately issue a new Letter of Non-compliance to any new person assuming the ownership or the status of responsible person for any property that has been cited in a Letter of Non-compliance. An owner or responsible person who has failed to comply with a Letter of Non-compliance shall remain responsible for any violations cited in a Letter of Non-compliance and shall not be relieved of the responsibility of having violated any provision of this Article by transferring ownership or responsible person status.

Sec. 1.240. Reserved.

Sec. 1.241. Removal of Posted Sign or Notices.

No person shall remove, damage, deface, interfere with, move or conceal any Notice or sign posted in accordance with the provision of this Article without first obtaining permission of the Township.

Sec. 1.242. Additional Requirements and Remedies.

The maintenance requirements and other requirements contained in this Article are in addition to any other requirements that may exist under any other Article. Any attempt by the Township to seek a remedy under this Article shall not prevent the Township from seeking any additional remedies under any other Article.

Secs. 1.243-1.254. Reserved.

SECTION 5. COURT ORDERS, PENALTIES AND FEES

Sec. 1.255. Violations Separate.

Each violation of any provision of this Article shall be considered a public nuisance and may be charged as separate violation of this Article. Each violation may be denominated as a separate offense on the Notice of Violation or Civil Infraction Citation.

Sec. 1.256. Penalties and fines.

Any person or other legal entity that violates or refuses to comply with any provision of this Article shall be responsible for a civil infraction. The rights and remedies provided for in this Section are cumulative and in addition to any other rights provided by law, including abatement of the public nuisance.

SECTION 6. PROPERTY MAINTENANCE APPEAL BOARD

Sec. 1.265. Creation and Purpose.

A Property Maintenance Appeal Board (Appeal Board) is created for the purpose of hearing and deciding appeals concerning the application or interpretation of the provisions of the Standards of this Article as provided herein.

Sec. 1.266. Appeal Authorized.

Except as otherwise provided in this Article, any person issued a notice by the Township in the course of enforcement of the provisions of this Article may appeal the decision or interpretation made by the Township. All appeals shall be filed, heard and decided in accordance with the provisions of this Article.

Sec. 1.267. Time Period for Filing an Appeal.

An appeal must be filed within twenty (20) days of the date of any order or notice being appealed. However, if an order requires the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period. The Appeal Board shall not have the power to extend the time limits provided for in this Section.

Sec. 1.268. Effect of Appeal on Correction Time Limits.

A responsible person who has been ordered to correct a violation within a specified period of time shall not be held accountable for any time that elapses between the time of filing an appeal and the time a decision is made by the Appeal Board.

Sec. 1.269. Procedure for Filing an Appeal.

Any person wishing to make an appeal must fill out a Claim of Appeal form setting forth the order or ruling being appealed. The appellant must file the form with the Township at Township Offices, 6161 Belmont Avenue NE, Belmont, Michigan 49306-9602. The Township will send a notice to the appellant regarding the date the appeal will be heard by the Appeal Board. Notice of the hearing date will be by regular mail sent to the address stated on the Claim of Appeal. Any person requesting a Claim of Appeal form shall be notified of the Standards for Appeal Board Decisions.

Sec. 1.270. Appeal Fee

An appeal fee established by resolution of the Board of Trustees shall be submitted with any Claim of Appeal. The Appeal Board shall also authorize the return of a fee to an

appellant if the Board determines that an error by the Township caused an unnecessary appeal to be submitted.

Sec. 1.271. Procedures Prior to Hearing.

Prior to an appeal hearing, the following procedures shall take place:

- (1) The Township shall forward copies of the Claim of Appeal and a copy of the notice or order being appealed to members of the Appeal Board.
- (2) The Appeal Board may arrange for a Committee composed of a member or members of the Appeal Board to make an investigation of the premises which are the subject of the appeal in those cases where an on-site viewing of the premises would aid the Appeal Board in making its decision.
- (3) The Appeal Board may arrange for staff or others to prepare a videotape or photographic presentation of the property subject to appeal. This presentation shall include, as elements, the exterior view of the dwelling, from all sides, the exterior view of adjoining properties, specific illustration of the issue(s) of the appeal needed to make a determination.
- (4) Failure of the owner or other responsible person to arrange access to any portion of the property where a cited violation is located and which is not clearly visible from a public street or alley shall constitute grounds for denial of an appeal.

Sec. 1.272. Hearings on Appeals.

All hearings on appeals shall take place at a regular or special meeting of the Appeal Board. The Township shall have a minimum of fifteen (15) days after a Claim of Appeal is filed to issue the required notices. The appeal shall be heard at the first regularly scheduled meeting of the Appeal Board following the fifteen-day period for which the hearing is scheduled, provided that a quorum is present. When a quorum is not present, the Chairperson or other presiding member of the Appeal Board shall reschedule the meeting, and the appeal shall be heard at the rescheduled meeting. A hearing may be held at a special meeting by a majority vote of the Appeal Board.

Sec. 1.273. Hearing Procedures.

At any hearing of the Appeal Board, the following procedures shall be followed:

- (1) Testimony of the appellant, the Township and any witnesses shall be heard. A summary or minutes shall be recorded in a manner determined by the Township.
- (2) The appellant, or authorized agent of the appellant, and the Township inspector or a Supervisor of the inspector who issued the Notice shall be present.
- (3) At least two (2) members of the three (3) appointed members of the Appeal Board shall be present at a hearing and shall constitute a quorum.
- (4) Summary minutes shall be prepared to show all motions and actions of the Appeal Board.

Sec. 1.274. Decision by the Appeal Board.

After all evidence and testimony has been presented, the Appeal Board shall affirm, modify or reverse the notice being appealed. Any decision of the Appeal Board modifying or reversing a notice by the Township shall require the concurring vote of at least two (2) members.

Sec. 1.275. Standards for Appeal Board Decisions.

A decision by the Appeal Board shall include the reasons for the decision in the language of the decision. Any decision to reverse or modify any order or ruling of the Township shall:

- (1) Include any necessary special conditions to carry out the intent of the provisions being appealed, and
- (2) Determine that the decision is necessary to avoid causing undue hardship to the appellant which is not caused to others to whom the same provision is applied, or

- (3) Determine that the order or ruling was an incorrect interpretation of a Standard of this Article, or
- (4) Determine that an alternative proposed by an appellant meets the minimum standards for building maintenance as expressed in this Article.

Sec. 1.276. Appeals Prohibited.

An emergency order shall not be appealed because of imminent danger calling for immediate action.

Sec. 1.277-1.278. Reserved

Sec. 1.279. Appeal Board Designated.

The Township Construction Board of Appeals, as constituted by Section 8-33 of Plainfield Charter Township Code of Ordinances, shall serve as the Property Maintenance Appeal Board.

Sec. 1.280. Compliance with Appeal Board Decisions.

It shall be a violation of this Code for a responsible person to fail to comply with special conditions that are a part of an Appeal Board decision modifying or reversing an order or ruling of the Township.

(Ordinance #92-69, § 1, 10-20-92; Ordinance #02-56, § 47, 9-24-02)

SECTION 8. EFFECTIVE DATE

Sec. 1.281. Effective Date.

This Ordinance shall become effective immediately upon publication thereof or a summary thereof of its provisions in a local newspaper of general circulation.

MOTION CARRIED. ORDINANCE #798 RESOLUTION #07-32 DECLARED ADOPTED.

Susan L. Morrow, MMC, Clerk
Plainfield Charter Township

CERTIFICATION

I, Susan L. Morrow, the duly qualified and elected Clerk of Plainfield Charter Township hereby certify that the foregoing is a true and complete copy of an Ordinance and Resolution adopted by the Plainfield Township Board at a regular meeting held on August 06, 2007, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including, in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Susan L. Morrow, MMC, Clerk
Plainfield Charter Township