

**CHARTER TOWNSHIP OF AUSABLE
IOSCO COUNTY, MICHIGAN
ORDINANCE 118**

VACANT PROPERTY REGISTRATION AND MAINTENANCE ORDINANCE

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS AND PROPERTY WITHIN THE CHARTER TOWNSHIP OF AUSABLE, BY ESTABLISHING A REGISTRATION PROCESS FOR VACANT PROPERTIES, AND BY PROVIDING REQUIREMENTS FOR RESPONSIBLE PARTIES TO IMPLEMENT A VACANT PROPERTY MAINTENANCE PLAN FOR SUCH PROPERTIES; AND TO ESTABLISH FEES, ESTABLISH REMEDIES, PROVIDE FOR ENFORCEMENT, AND ESTABLISH PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF AUSABLE DOES HEREBY ORDAIN:

Section 1. Scope

The provisions of this ordinance shall apply to all existing properties and structures.

Section 2. Purpose

The purpose of establishing a registration process for vacant properties is to provide requirements for responsible parties to implement the required Vacant Property Maintenance Plan for such properties, which will protect the health, safety, and general welfare of citizens, prevent neighborhood blight, ensure properties are secured, prevent deterioration of property, and protect property values and neighborhood integrity.

Section 3. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Days means consecutive calendar days.

Owner means any person, co-partnership, agent, operator, firm, association, corporation, limited liability company, other entity, trustee, or fiduciary having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian or conservator of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Property means any unimproved or improved real property, or portion thereof, located in the Charter Township of AuSable, including the buildings and structures located on the property, regardless of condition.

Securing means such measures that assist in rendering the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining/padlocking of gates, and the repairing or boarding of doors, windows, and other openings.

Vacant means any building, structure, or real property that is or has been unoccupied, or is occupied by a person without a legal right of residency. A dwelling will not be considered vacant if all necessary governmental permits have been issued and are fully in force, and if construction is ongoing in compliance with such permits.

Section 4. Eviction; Disposal of Personal Property

When an eviction by court order occurs, for any personal property of the tenant that has not been relocated from the property, the owner shall place on the private area of the owner's property only, and not on any public area adjacent to the owner's property, a movable container of sufficient size and type, which will allow access from its side for disposal of the personal property. Any personal property not relocated from the premises shall be placed and disposed of only in the movable container. The movable container shall be removed from the owner's property within ten (10) days of its placement.

Section 5. Registration of Vacant Property

Owners of real property are required to register all vacant property within thirty (30) days of the vacancy or the effective date of this ordinance, whichever is later. Registration pursuant to this section shall be renewed annually. Registration required by this division shall include the following information:

1. Name, address, and contact number of owner;
2. Name, address, and contact number of the local agent or representative for the property;
3. Name, address and contact number of the management company assigned to the property for the security and maintenance of the property;
4. Common address and tax parcel identification number of the property;
5. The date on which the property become vacant;
6. Affirmation of utility connections or disconnections; and
7. Signed Vacant Property Maintenance Plan as required by section 7 of this ordinance.

Section 6. Requirement to keep information current

If at any time the information contained in the registration is no longer valid, the property owner shall file a new registration with current information within 10 (ten) days. There shall be no fee to update the current owner's information.

Section 7. Vacant Property Maintenance Plan

It is declared a public nuisance for any owner to cause, permit, or maintain any property condition contrary to the provisions of this section. The owner or owner's agent must adhere to the Vacant Property Maintenance Plan as contained in this Section and the time schedule requirements on the registration.

1. The owner or owner's agent shall perform regular weekly inspections of the property to assure compliance with the requirements of this section.
2. Utilities must be properly disconnected or connected and in proper working order.
3. All doors, windows, and other openings shall be secured as required.
4. Weeds shall be removed from landscape beds, the perimeter of buildings, along fence lines, and in parking lot joints and cracks.
5. Grass height shall be maintained no higher than eight (8) inches and the trimmings removed from the property.
6. Exterior properties shall be kept free of junk and debris, including, but not limited to, newspapers, flyers, circulars, furniture, appliances, containers, equipment, auto parts, garbage, clothing, inoperable vehicles, and any other items that give the appearance that the property is vacant.
7. Building appurtenances must be securely attached so as not to cause a blighting condition, including, but not limited to, gutters, downspouts, shutters, railings, guards, steps, awnings, canopies, signs, light fixtures, and fire-escapes.
8. Detached signs and lighting systems shall be structurally sound, maintained so as not to cause a blighting condition, or removed.
9. Property fencing and retaining walls shall be maintained structurally sound. Any fence or wall with broken or hanging components shall be repaired, straightened, or removed.
10. Pools, spas, and ponds shall be drained and kept dry or kept in working order so that the water remains clear and free of pollutants and debris.
11. The property shall be free of graffiti or similar markings by removal or painting over with a color that matches the exterior of the structure.
12. Perishables shall be removed from the interior of the structures.

Section 8. Security Requirement

Properties subject to this ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons. A secure manner includes, but is not limited to, closing and locking of windows, doors, and any other opening that may allow access to the interior of any structure on the property. Broken glass shall be secured by replacement, re-glazing, or boarding of the opening. The boarding of any opening shall be painted with a color that matches the exterior of the structure.

Section 9. Additional Measures

The Township may require the owner to implement additional maintenance, security, or other measures not specified in the Vacant Property Maintenance Plan, as may be reasonably required to prevent further decline.

Section 10. Fees

The fees for registering and the renewal of registering a vacant property shall be the cost of administering the provisions of this ordinance and in the amounts established by the Township Board of Trustees. In addition, when the owner has failed to register, there shall be assessed the added costs of

the Township's expenses in having to determine ownership, which may include, but are not limited to, title searches.

Section 11. Penalties

Any owner of vacant property who fails to register, fails to report changes to registration information, fails to renew registration annually, or otherwise causes, permits, or maintains a violation of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236"). A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236, and the Township shall be entitled to all other remedies provided by Public Act 236. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance. The Charter Township of AuSable Ordinance Enforcement Officer, Zoning Administrator, and Superintendent are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

Section 12. Severability

Should any word, sentence, phrase, or any portion of this ordinance be held to be invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase, or any portion of the ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases, or portions of this ordinance.

Section 13. Effective Date; Publication; Recordation; Authentication

This ordinance shall take effect immediately upon its publication as required by law. This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Charter Township of AuSable, and qualified under state law to publish legal notices, within thirty (30) days after its adoption. The Township Clerk shall record this ordinance in the Township Ordinance Book, and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of AuSable Board of Trustees at a regular meeting held on the _____ day of _____, _____.

I further certify that the following Board members were present at the meeting: _____, and the following Board members were absent: _____.

I further certify that the Board member _____ moved for adoption of the ordinance, and the motion was supported by the Board member _____.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: _____, and the following Board members voted against the adoption of the ordinance: _____.

Adopted and approved this _____ day of _____, _____, by the Charter Township of AuSable Board of Trustees.

The Township Supervisor declared this ordinance adopted.

Dated: _____

Kevin Beliveau
Charter Township of AuSable Supervisor

Date: _____

Kelly Graham
Charter Township of AuSable Clerk