

PART 91: ORDINANCE 1

2009 INTERNATIONAL PROPERTY MAINTENANCE CODE

An ordinance establishing the minimum regulations 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 structure are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the *Property Maintenance Code*.

THE TOWNSHIP OF LENOX ORDAINS:

SECTION 1: That a certain document, three (3) copies of which are on file in the office of the Clerk of Lenox Township, being marked and designated as the *International Property Maintenance Code* as published by the International Code Council, Inc., be and is hereby adopted as the *Property Maintenance Code* of the Township of Lenox, in the State of Michigan; 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 of hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2: The following sections are hereby revised:

- Section 101.1. Insert: Lenox Township
- Section 103.5. Insert: 2009 International Property Maintenance Code Fees
- Section 302.4. Insert Eight (8") Inches
- Section 304.14. Insert June-November
- Section 602.3. Insert: October-June
- Section 602.4. Insert: October-June

SECTION 3: That the 2006 International Property Maintenance Code and all other codes, ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Township of Lenox hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5: That nothing in this ordinance or in the *Property Maintenance Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6: That the Clerk of the Township of Lenox is hereby ordered and directed to cause this ordinance to be published.

SECTION 7: That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in force June 18, 2011 from and after the date of its final passage and adoption.

Adopted: May 3, 2011
Published: May 18, 2011
Effective: June 18, 2011.

PART 91: ORDINANCE 2**REHABILITATION OF BLIGHTED AREAS AND ANTI-BLIGHT ORDINANCE**

An Ordinance to secure the public peace, health, safety and general welfare of the residents and property owners of the Township of Lenox, Macomb County, Michigan, by the regulation of the storage of debris, the unsanitary accumulation of trash, the unsightly disposition of rubbish and the unreasonable creation of noxious odors, offensive or disturbing to the public or to the residents or property owners in the area; to provide for the owners in the area; to provide for the enforcement hereof; and to provide penalties for the violation thereof.

THE TOWNSHIP OF LENOX, MACOMB COUNTY, MICHIGAN, ORDAINS:**SECTION 1: Purpose.**

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Lenox Township by the prevention or elimination of certain environmental causes of blight or blighting of factors which exist or which may in the future exist in said Township.

SECTION 2: Definitions.

Junk. For the purpose of this Ordinance the term "junk" shall mean any machinery, appliances, products, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Automobiles. For the purpose of this Ordinance the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of sixty (60) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days.

Rubbish - Debris. For the purpose of this Ordinance, the term "rubbish" or "debris" means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trade, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

SECTION 3: Causes of Blight or Blighting Factors.

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors, which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Lenox Township owned, leased, rented or occupied by such person, firm or corporation.

- A. There shall be no storage upon any property of junk automobiles, except in a completely enclosed building or in salvage yards as regulated by the Lenox Township Ordinance #3.
- B. In any area zoned for residential-agricultural purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used on constructing any structures.
- C. In any area zoned for residential-agricultural purposes, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days.
- D. In any area the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, as a dwelling, nor useful for any other purpose for which it may have been intended.
- E. In any area zoned for residential-agricultural purposes the existence of any vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- F. In any area the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the Township and unless such construction is completed within a reasonable time.

SECTION 4: Enforcement and Penalties.

- A. This Ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- B. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 3 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- C. Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance.
- D. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding One Hundred Dollars (\$100) or by imprisonment for not exceeding thirty (30) days or by both such fine and imprisonment in the discretion of the court. Each day that a violation shall continue shall constitute a separate offense.

SECTION 5: Validity.

The several provisions of this Ordinance are declared to be separate, and the determination by any Court or Judge of competent jurisdiction that any section or provision thereof is valid shall not affect or impair the validity of any other section or portion.

SECTION 6: Effective Date.

This Ordinance adoption shall take effect thirty (30) days after publication.

ADOPTED: March 6, 1967.
READOPTED: May 7, 1990.
PUBLISHED: May 23, 1990.

PART 91: ORDINANCE 3

VACANT PROPERTY REGISTRATION AND MAINTENANCE

SECTION 1: Purpose.

The purpose of this Article is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring safe and sanitary maintenance of residential structures.

- A. Due to economic conditions, mortgage fraud, foreclosures and increased bankruptcies, many homes have become vacant and unsupervised. There is an increased instance of unsecured or open doors and windows, broken water pipes, theft of metals and other materials, overgrowth of grass, weeds, shrubs and bushes, illegal dumping and vermin activity at vacant structures. In many cases, the interiors of the structures have been intentionally or negligently damaged by the former occupants or trespassers.
- B. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deterred by the presence of nearby vacant abandoned buildings. Such neglect devalues properties and causes deterioration in the community.
- C. Further, it is important for the Township to be able to contact owners of vacant properties for fire safety and police purposes.
- D. Insomuch as many of the vacated structures fail to meet even minimum safety requirements this Article shall require the dwellings to meet the standards of the current International Property Maintenance Code pursuant to this Chapter.

SECTION 2: Scope.

The provisions of this Article shall apply to all residential structures and all vacant land within the Township.

SECTION 3: Definitions.

For purposes of this Article, certain words and phrases are defined as follows:

Abandoned vacant property means a vacant property as defined in this Section that has been vacant for thirty (30) days or more and meets any of the following criteria:

- (1) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
- (2) Has one or more broken or boarded windows;
- (3) Has utilities disconnected or not in use;

- (4) Is not maintained in compliance with the current International Property Maintenance Code, as adopted by Lenox Township.
- (5) Is only partially completed and is not fit for human occupancy and there are no active building permits on the property that will result in restoration of the premises to a safe and habitable condition.

Borrower means a borrower under a mortgage, who grants a lien or interest in property to a trustee as security for the payment of a debt.

Building means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.

Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

Foreclosure means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the borrower.

Lender means a person, firm, or corporation holding a mortgage on a property,

Mortgage means a recorded lien or interest in real property to secure payment of a loan.

Owner means an individual, co-partnership, association, corporation, company, fiduciary, or other person or legal entity having a legal or equitable title or any interest in any real property.

Structure means anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.

Possessory Lender means a person, firm, or corporation that has foreclosed a mortgage on a property but may not have legal or equitable title.

Vacant property means an unimproved lot or parcel of real property that is not currently used or occupied and an improved lot or parcel of real property with at least one building or structure that is not currently used or occupied.

SECTION 4: Registration of Vacant and Abandoned Vacant Property.

- A. An owner of a vacant property in the Township shall be responsible for registering that property with the Building Department by complying with the affidavit and registration and inspection fee requirements in this Article within the times in this Section. In the event the owner shall fail or refuse to register the property, the lender or possessory lender shall be responsible for compliance with this provision.
- B. A vacant property shall be registered within 30 days of the vacancy.
- C. An abandoned vacant property shall be registered within 30 days of the vacancy or 10 days of the inspection described in Section 8.

SECTION 5: Registration Affidavit.

Owners, lenders, and/or possessory lenders who are required to register property pursuant to this Article shall do so by submitting a copy of a driver's license and an affidavit containing the information specified in this section. The affidavit may be provided by an agent provided the agent's written authorization from the owner, lender, or possessory lender is provided with the affidavit.

- A. The name of the owner of the property.
- B. A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed" or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
- C. The name of an individual or legal entity responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be someone other than the owner with whom he/she has contracted.
- D. A current address, telephone number, facsimile number and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified mail return-receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

SECTION 6: Registration, Inspection and Other Fees.

All fees applicable to this Article shall be set by resolution of the Township Board. Registration and inspection fees shall be paid at the time of submitting the registration affidavit. There shall also be a fee for the filing of any additional or new owner's affidavit, with such fee being set by resolution of the Township Board. For properties that are not registered within the required time, an additional fee for the added cost of the Township's expenses in having to determine ownership, which may include, but is not limited to, title searches, shall be assessed and immediately payable. The payment of all fees required under this Article is secured by a lien against the property, which may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments.

SECTION 7: Requirement To Keep Information Current.

If at any time the information contained in the affidavit is no longer valid, the property owner, lender, or possessory lender has ten (10) days to file a new affidavit containing current information. There shall be no fee to update a registered owner's current information.

SECTION 8: Safety & Maintenance Inspections.

- A. If the vacant or abandoned vacant property includes vacant or unoccupied buildings, the owner of that property is responsible for immediately obtaining and paying for the Township's "Safety and Maintenance Inspection" of the building and property, obtaining necessary permits, making required repairs and obtaining inspections from the Township annually thereafter until a certificate of occupancy has been issued and the building is lawfully occupied, to ensure the buildings are safe, secured and well-maintained. The owner shall demonstrate that all water, sewer, electrical, gas, HVAC and plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings and structures, swimming pools and spas, roofing, structural systems, foundation, drainage systems, gutters, doors, windows, parking areas, signage, driveway aprons, service walks, sidewalks and other public areas are sound, operational or property disconnected. No certificate of occupancy will be issued until all Code requirements are met.
- B. If, at the time of the Safety & Maintenance Inspection, the inspector deems that the electrical, plumbing or mechanical systems may pose health or safety hazards and require additional inspection by the licensed code official in that discipline, the owner shall be responsible to obtain and pay for that required inspection.

- C. If an owner fails or refuses to complete the inspections required by subsection (a) of this Section the possessory lender shall be obligated to complete the inspection upon foreclosure of the property. Additionally, any lender who holds a mortgage on a property located within the Township, shall perform the inspection pursuant to subsection (a) of this Section to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the borrower, within five (5) days after either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement).

SECTION 9: Maintenance And Security Requirements.

All (1) owners; (2) possessory lenders; and (3) lenders (to the extent permitted by law or the terms of a mortgage), are responsible for compliance with the requirements of this Section, which apply to all vacant property from the time of vacancy, including the time between vacancy and when registration is required.

- A. Property shall be kept free from weeds, grass, dry brush and dead vegetation in accordance with Lenox Township Blight Ordinance, as well as trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded items, including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials or any other items that give the appearance that the property is abandoned.
- B. Property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- C. All visible front and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, trees, shrubs, hedges or similar plantings. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimming.
- D. Pools, spas and other water features shall be kept in working order so that the water remains clear and free of pollutants and debris or drained and kept dry and free of debris. In either case, properties with pools and/or spas must comply with the minimum security fencing and barrier requirements of applicable construction, building and property maintenance codes and ordinances.

- E. Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates and any other opening of such size that may allow a child to access the interior of the property and/or structures. Broken windows must be repaired or replaced within thirty (30) days. Boarding up of open or broken windows is prohibited except as a temporary measure.
- F. Owners shall inspect or cause the inspection of vacant property on a regular basis to verify compliance with this section and other applicable laws. If the property is owned by a person other than an individual and/or the lender or possessory lender is located more than thirty (30) miles away, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this Section and any other applicable laws are being met. The property shall be posted with name and twenty-four hour contact Telephone Number Of A Property Management Company Located Within Thirty (30) miles of the subject property. The posting shall be no less than 18" x 24" and shall be of a 72-point Arial font and shall contain, along with the name and twenty-four hour contact number, the words: "THIS PROPERTY MANAGED BY _____ AND TO REPORT PROBLEMS OR CONCERNS CALL _____." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building structure facing the street to the front of the property so that it is visible from the street, or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property, but not readily accessible to vandals. The local property management company shall inspect the property on a regular basis to determine if the property is in compliance with the requirements of this Section.

SECTION 10: Fire Damaged Property.

If a building is fire damaged, the owner or possessory lender has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. Additional ninety (90) day extensions may be granted by the Township provided the owner or possessory lender can demonstrate substantial progress towards completing repairs. Failure to do so will result in the property being deemed vacant and/or abandoned and subject to the requirements of this Article.

SECTION 11: Right Of Entry.

If the owner, lender or possessory lender has failed to secure a property and it has been secured by the Township, the Township and/or its contracted agent, may enter or re-enter the structure to conduct necessary inspections to assure compliance with the requirements of this Code and to determine if there are emergency or hazardous health and safety conditions in existence.

SECTION 12: Re-Occupancy.

A vacant or unoccupied building or structure on vacant property shall not be occupied until a certificate of occupancy has been issued by the Building Official, and all violations have been corrected in accordance with the applicable requirements of the state construction code, the adopted International Property Maintenance Code and building, residential, electrical, mechanical, plumbing and other codes that are part of the state construction code administered and enforced by the Township, and all other applicable provisions of this Code. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair. In addition, a certificate of occupancy shall not be issued until all outstanding costs, assessments and/or liens owed to the Township have been paid in full.

SECTION 13: Violation and Penalty.

- a. Violations of this Article are municipal civil infractions, subjecting persons found responsible for violations to the fines in subsection (b) plus costs, and to the sanctions, remedies and procedures, with the provision that each day is a separate offense specifically applicable to all violations of this Article.
- b. The fine for a first offense of failure to obtain an annual inspection, failure to file the required affidavit or failure to maintain the affidavit containing current information shall be two hundred dollars (\$200.00). The fine for all other violations shall be in an amount not to exceed five hundred dollars (\$500.00).

SECTION 14: Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 15: Severability.

Should any section, subdivision, clause or phrase of this ordinance be declared by the court to be invalid, same shall not affect the validity of the ordinance as a whole or any part thereof, other than the parts invalidated.

SECTION 16: Applicability.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

SECTION 17: Effective Date.

This ordinance is ordered to take effect upon publication in the manner prescribed by law.