

CHARTER TOWNSHIP OF COMMERCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF COMMERCE, OAKLAND COUNTY, MICHIGAN TO BE KNOWN AS CODE AMENDMENT ORDINANCE NO. 1.050.

The Charter Township of Commerce ordains:

SECTION 1 –PURPOSE

The purpose of this Ordinance is to amend Chapter 12, Article IV, Sections 12-90, 12-91, and 12-92, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, to adopt the 2021 International Property Maintenance Code and to include modifications thereto.

SECTION 2 – AMENDMENT

Chapter 12, Article IV, Section 12-91, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, is hereby amended in its entirety to read as follows:

Sec. 12-90. - Insertions.

The International Property Maintenance Code of 2021, as published by the International Code Council, and all previous and future amendments thereto, is hereby adopted by the township and its provisions will be effective from the effective date of the ordinance from which this article is derived.

(Ord. No. 32F-04-00, § 3, 8-10-2004; Ord. No. 1.035, § 2, 12-12-2017)

State Law reference— Authority to adopt technical codes by reference, MCL 42.23.

Chapter 12, Article IV, Section 12-91, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, is hereby amended in its entirety to read as follows:

Sec. 12-91. - Insertions.

Following are any insertions to the property maintenance code:

Sec. 101.1. Insert “The Charter Township of Commerce.”

Sec. 104.1. Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be those as indicated in the township fee ordinance.

Sec.110.4. Fines shall be as provided by the sections of the Charter Township Code of Ordinances governing municipal civil infractions.

Sec. 304.14. Insect screens to be used from May 31st to September 30th.

Sec. 602.3. Heat Supply for Residences from October 1st to April 30th.

Sec. 602.4. Heat Supply for Occupiable Work Spaces from October 1st to April 30th.

(Ord. No. 32F-04-00, § 4, 8-10-2004; Ord. No. 1.035, § 2, 12-12-2017)

Chapter 12, Article IV, Section 12-92, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, is hereby amended in its entirety to read as follows:

Sec. 12-92. - Changes.

Following are any changes to the property maintenance code:

103.

Delete.

109.3. Presumption of Civil Infraction.

Change:

A violation of this code shall be deemed to be a municipal civil infraction and the violation shall be subject to the penalties and remedies set forth in the Charter Township of Commerce Code of Ordinances for municipal civil infractions. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

109.4. Violations and Penalties.

Delete.

109.5. Abatement of Violation.

Delete.

302.4. Weeds.

Change:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. Weeds are defined as all grasses, annual plants, vegetation and noxious weeds as defined by MCL 247.62, as amended. This term shall not include trees,

shrubs, cultivated flowers and gardens, and this section shall not apply to vacant parcels of land greater than 2.5 acres and parcels of land subject to the Michigan Right to Farm Act, Public Act 93 of 1982.

If the township zoning administrator or his designated representative determines that property has not been maintained as required under this section, then the owner or agent responsible for the property shall receive a notice of violation. Such notice shall be in writing, include a description of the property sufficient for identification, include a statement of the violation or violations and why the notice is being issued, include a correction order allowing ten days to cut or destroy the weeds after service of notice of violation, inform the property owner or agent of the right to appeal, include a statement of the township's right to maintain the property and right to file a lien for the costs of such maintenance in accordance with section 109.3. Upon failure of the owner or agent having charge of the property to cut and destroy weeds after service of a notice of violation, the owner or agent shall be subject to penalties in accordance with section 109 and as prescribed by this ordinance.

When an owner or agent fails to bring the property into compliance with this ordinance within ten days of the notice of violation, then any duly authorized employee of the township or contractor hired by the township shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be billed to and paid by the owner or agent responsible for the property. The bill shall include an account of the labor, material and service for which the expense was incurred and shall become a lien upon the property on which work has been done. Payment shall be due and payable to the township within 30 days of the bill being served on the property owner or agent. Such service shall be as provided in section 111.4. If payment is not received by the township within 30 days after such billing, the township treasurer shall add an additional penalty of one percent per month to the delinquent bill. The township treasurer shall annually certify any delinquent billing, or any part thereof, together with all accrued interest and penalties, to the township board; and, it shall be transferred and reassessed, with an additional 15 percent penalty, on the next annual township tax roll. Such charges so assessed shall be collected in the same manner as general township taxes.

The zoning administrator may accept applications from contractors to remove weeds from properties found in violation of this section. The application shall include proof that the applicant is insured. Any contract entered into as a result of the proposal must include indemnification of the township for all work performed on the properties upon which weeds are cut. The contract shall be subject to approval by the township board.

The zoning administrator is authorized to publish a notice in a newspaper of general circulation of the township by March 31 of each year that any weeds shall be maintained by the property owner or his/her agent to be less than eight inches in height at any time after May 1 of the current year.

(Ord. No. 32F-04-00, § 5, 8-10-2004; Ord. No. 32F-08-01, § 1, 11-18-2008; Ord. No. 1.035, § 2, 12-12-2017)

SECTION 3 – SEVERABILITY

Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance, which shall remain in full force and effect.

SECTION 4 – REPEALER

All other provisions of the Code of Ordinances, or ordinances or parts of ordinances, in conflict with this ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5 - SAVINGS CLAUSE

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Code of Ordinances, or any act or ordinance hereby repealed as cited in Section 4 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 - EFFECTIVE DATE

This ordinance shall take effect following publication in the manner prescribed by law. This ordinance shall be published in the manner provided by law.

SECTION 7 – ADOPTION

This ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Commerce at a meeting duly called and held on the 8th day of December, 2020, and ordered to be given publication in the manner prescribed by law.

Melissa Creech, Clerk

Larry E. Gray, Supervisor

Introduction:	November 17, 2020
Introduction Publication:	November 25, 2020
Adopted:	December 8, 2020
Adoption Publication:	December 16, 2020
Effective:	January 1, 2021

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