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December 2, 2021

Via Email

Cohoctah Township Board of Trustees
c/o Mark Fosdick, Supervisor
3530 Gannon Rd
Howell, MI 48855

Re: Municipal Civil Infractions Ordinance, Ordinance Enforcement Officer Ordinance, and
Dangerous Building Ordinance

Dear Board Members:

For your review and consideration, I am providing a draft Municipal Civil Infractions Ordinance to allow the Township to address ordinance violations through the issuance of municipal citations tickets and prosecution of civil infractions in Livingston County District Court when applicable. I have not yet been able to communicate with the Court Administrator for Livingston County as that position is currently under transition. We will coordinate with this office the format of the ticket and any fee schedule that may already be set by the court.

I'm also including an ordinance that establishes the Zoning Administrator as the Ordinance Enforcement Officer, which will allow that position more expansive authority to take action against both zoning and general law ordinances.

Finally, I've drafted an ordinance that addresses dangerous buildings in the Township. This ordinance allows the Township to clean up and demolish if necessary dangerous and unkept buildings. The benefit of this ordinance is that, based on the particular statutory authority, in certain instances, the Township can add whatever costs it incurs to remedy the dangerous condition onto the property's tax bill ensuring the Township will get reimbursed at some point. The Township can do this with or without court oversight. Without this particular approach, any costs incurred by the Township would only be chargeable against the owner with a judgment or judgment lien, which can be discharged in bankruptcy or wiped out in a foreclosure.

Please let me know any changes or comments you have. If you would like me to attend any future meetings to discuss, I am available after your December meeting.

Very truly yours,

Abby H. Cooper, Esq.

COHOCTAH TOWNSHIP MUNICIPAL CIVIL INFRACTIONS ORDINANCE

COHOCTAH TOWNSHIP LIVINGSTON COUNTY, MICHIGAN Ordinance No. 22

An ordinance providing for municipal civil infractions of township ordinances and penalties pursuant thereto; establishing procedures relating thereto; authorization of which township officials can issue civil infraction tickets and appearance tickets; penalties; and procedures relating to such matters.

THE TOWNSHIP OF COHOCTAH, LIVINGSTON COUNTY, MICHIGAN, ORDAINS:

Section 1. Title

This Ordinance shall be known as the “Cohoctah Township Municipal, Civil Infractions Ordinance.”

Section 2: Definitions

As used in this Chapter:

- “Act” means Act No. 236 of the Public Acts of 1961, as amended; MCL 600.8701 *et seq.*, as amended.
- “Authorized township official” means a township official or other personnel or agent of the township authorized by this Ordinance or any ordinance to issue municipal civil infraction citations.
- “Municipal civil infraction” means a civil infraction involving a violation of an ordinance of Cohoctah Township and pursuant to Section 113 of the Act.
- “Municipal civil infraction action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- “Municipal civil infraction citation” means a written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- “Township” means Cohoctah Township.

Section 3: Municipal Civil Infraction Action; Commencement

A municipal civil infraction action may be commenced upon the issuance by an authorized township official of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 4: Municipal Civil Infraction Citations; Issuance and Service

Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (b) The place for appearance specified in a citation shall be the District Court that has jurisdiction over Cohoctah Township.
- (c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the township and issued to the alleged violator as provided by Section 8705 of the Act.
- (d) A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature to the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- (e) An authorized township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (f) An authorized township official may issue a citation to a person if:
 - (i) Based upon investigation, the official has reasonable cause to believe the person is responsible for a municipal civil infraction; or
 - (ii) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation.
- (g) Municipal civil infraction citations shall be served by an authorized township official as follows:
 - (i) Except as otherwise provided below, an authorized township official shall personally serve a copy of the citation upon the alleged violator.
 - (ii) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an

owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address.

Section 5: Municipal Civil Infraction Citations; Contents

- (a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - (i) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (ii) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - (iii) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (A) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.
 - (B) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (c) The citation shall also inform the alleged violator of all of the following:
 - (i) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (ii) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

- (iii) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the township.
 - (iv) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - (v) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 6: General Penalties and Sanctions for Violations of Township Ordinances; Continuing Violations; Injunctive Relief

- (a) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the ordinances involved, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Act, as amended, and other applicable laws.
 - (i) Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance (or if the ordinance involved is silent, as set by the Township Board by resolution), the civil fine for a municipal civil infraction violation shall be not less than \$100.00, plus costs and other sanctions, for each infraction.
 - (ii) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this Ordinance, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (i) committed by a person within any twelve (12) month period (unless some other period is specifically provided by an Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - (A) The fine for any offense which is a first repeat offense shall be not less than \$100, plus costs.
 - (B) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than \$200, plus costs.

- (b) A “violation” includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.
- (c) Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- (d) In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

Section 7: Authorized Persons-Civil Infractions Tickets

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Cohoctah Township ordinance to the contrary, the following officials are hereby designated as the authorized Township officials to issue and serve municipal civil infraction citations for violations of Township ordinances which provide for a municipal civil infraction for a violation thereof:

- Township Ordinance Enforcement Officer
- Township Zoning Administrator
- Township Supervisor
- Livingston County Sheriff and all other Deputy County Sheriffs

Section 8: Nonpayment and Lien

- (a) Pursuant to the Act, if a defendant in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure does not pay a civil fine, costs, civil sanctions, damages, expenses and/or an installment within 30 days after the date on which payment is due, the township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order or judgment requiring payment of the fine and costs with the county register of deeds. A legal description of the property must be incorporated in or attached to the court order or judgment for recording. The lien is effective immediately upon recording of the court order or judgment with the county register of deeds.
- (b) The court order or judgment recorded with the county register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by a township official by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
- (c) The lien for the civil fine, costs, civil sanctions, damages, expenses and/or an installment shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act No. 206 of 1893 (MCL 211.1 et seq.), as amended.

- (d) The township may institute an action in a court of competent jurisdiction for the collection of the civil fine, costs, civil sanctions, damages, expenses and/or an installment imposed by a court order or judgment for a municipal civil infraction. However, an attempt by the township to collect the civil fine, costs, civil sanctions, damages, expenses and/or an installment by any process does not invalidate or waive the lien upon the land, building, or structure.

Section 9: Applicability of the Act

If this Ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

Section 10: Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 11: Effective Date

This Ordinance shall become effective thirty days after publication in a newspaper in general circulation within Cohoctah Township.

CERTIFICATION

I hereby declare the above is a true copy of an ordinance adopted by the Cohoctah Township Board at a meeting held on _____, 2021, at the Cohoctah Township Hall, pursuant to the required statutory procedures.

Respectfully submitted,

Barb Fear, Cohoctah Township Clerk

ORDINANCE TO ESTABLISH ORDINANCE ENFORCEMENT OFFICER

COHOCTAH TOWNSHIP LIVINGSTON COUNTY, MICHIGAN Ordinance No. 21

An ordinance to promote the enforcement of Cohoctah Township, Livingston County, Michigan, ordinances in the interest of the health, safety and welfare of the residents, property, and other persons within Cohoctah Township through the designation of an Ordinance Enforcement Officer; to establish provisions for an alternate Enforcement Officer in the absence of, or where the Enforcement Officer has an interest in or conflict with a potential enforcement issue.

SECTION 1 – ESTABLISHMENT OF ORDINANCE ENFORCEMENT OFFICER

There is hereby established the office of Ordinance Enforcement Officer with the Township of Cohoctah, Livingston County, Michigan.

SECTION 2 - PURPOSE.

This Ordinance is adopted pursuant to the authority granted the Township Board to enforce the Township Ordinances under the Michigan Township Ordinances Act, Act 246 of 1945, MCL 41.181 §1(1).

The purpose of this Ordinance is to designate an Ordinance Enforcement Officer to enforce Township Ordinances governing the health, safety and welfare of the residents, property, and other persons within Cohoctah Township, and to repeal all ordinances and parts of ordinances in conflict with the provisions hereinafter following.

SECTION 3 - APPOINTMENT OF ORDINANCE ENFORCEMENT OFFICER

The Township Zoning Administrator shall serve as the Ordinance Enforcement Officer. Should the Township Zoning Administrator be unable to temporarily fulfill his obligations as Ordinance Enforcement Officer or have a direct interest or conflict with a potential enforcement issue, the Township Board may appoint, at its discretion and upon resolution, any person or persons to serve as a temporary Ordinance Enforcement Officer limited to the period of time wherein the Zoning Administrator is temporarily unavailable or until the ordinance issue wherein the Zoning Administrator has an interest or conflict is resolved.

SECTION 4 - DUTIES

The Ordinance Enforcement Officer is authorized to enforce all Ordinances of Cohoctah Township, whether currently or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. This authority shall be in addition to the authority and duties assigned to the Zoning Administrator in accordance with any other Cohoctah Township Ordinance.

The Ordinance Enforcement Officer, in performing his or her duties, may utilize the Michigan State Police or any of its troopers, the Livingston County Sheriff or any of his or her deputies and any other police officer of any law enforcement agency that contracts with the Township to provide law enforcement services.

SECTION 5 – AUTHORITY OF ORDINANCE ENFORCEMENT OFFICER

The Ordinance Enforcement Officer has the authority to investigate potential and actual ordinance violations within the Township, to issue and serve warning letters, notice of municipal civil infraction citations and municipal civil infraction violations, appear in court or other judicial proceedings to assist in the prosecution of ordinance violators, and such other ordinance enforcement duties as may be delegated by the Cohoctah Township Board, its Supervisor, or Township Attorney subject to the provisions of Michigan law and other ordinances.

SECTION 6 - SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any judicial determination or statutory or constitutional provision, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION 7 - EFFECTIVE DATE

This Ordinance shall take effect thirty days after publication.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Cohoctah Township Board at a meeting held on _____ at the Cohoctah Township Hall, pursuant to the required statutory procedures.

Respectfully submitted,

Barbara Fear, Cohoctah Township Clerk

COHOCTAH TOWNSHIP DANGEROUS BUILDING ORDINANCE

COHOCTAH TOWNSHIP LIVINGSTON COUNTY, MICHIGAN Ordinance No. 23

An ordinance to promote the health, safety and welfare of the people of Cohoctah Township, Livingston County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF COHOCTAH, COUNTY OF LIVINGSTON, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Cohoctah Township Dangerous Building Ordinance.

Section 2: Definition of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein.

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Township Building Code or the Fire Code enforced by the State of Michigan, Livingston County, or the Township.
2. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of the Housing Law of Michigan (Housing Law), 1917 PA 167, MCL 125.401 et seq., as amended, or Township Building Code for a new building or structure, purpose or location.
3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
4. A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law, 1917 PA 167, MCL 125.401 et seq., or the Township Building Code.
5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.

7. The building or structure is damaged by fire, wind or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reasons, is unsanitary or unfit for human habitation, is in a condition that the Township or Livingston County determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

9. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

B. "Enforcing Agency" means the Ordinance Enforcement Officer for the Township, or other person designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, et seq., as amended, which may include the Code adopted and enforced by Livingston County or the State of Michigan.

Section 3: Prohibition of Dangerous Buildings

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

Section 4: Notice of Dangerous Building; Hearing

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. Parties Entitled to Notice. The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the Township.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

Section 5: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at the Supervisor's pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. A Township employee shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The Enforcing Agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the Enforcing Agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent or lessee shall comply with the order.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5(D) of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section 4(D) of this ordinance.

Section 6: Enforcement Hearing Before the Township Board

The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 5(C) of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 4(D) of this ordinance of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The Township Board shall either approve, disapprove or modify the order. If the Township Board approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Section 7: Implementation and Enforcement of Remedies

A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs 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, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears. The costs of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the Livingston County Register of Deeds, demolition and dumping charges, court reporter attendance fees, costs of the collection of the charges authorized under the Housing Law, 1917 PA 167, MCL 125.401, et seq., court costs, and actual attorney fees.

C. Notice of Costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Township assessor of the amount of the costs 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, by first class mail at the address shown on the Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, 1893 PA 206, MCL 211.1, et seq., as amended.

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full costs 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. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section 7(E) of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section 7(E) of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Section 8: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board under Section 6 of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the

Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, and may be prosecuted according to the policies and procedures of the Cohoctah Township Municipal Civil Infractions Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 9: Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section 10: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section 12: Effective Date

This ordinance shall take effect 30 days after publication.

CERTIFICATION

I hereby declare the above is a true copy of an ordinance adopted by the Cohoctah Township Board at a meeting held on _____, 2021, at the Cohoctah Township Hall, pursuant to the required statutory procedures.

Respectfully submitted,

Barb Fear, Cohoctah Township Clerk