

Midland Charter Township
Regular Board Meeting
January 10, 2024
7:00pm
1030 S Poseyville Rd
Midland, MI 48640

Present: Shelly Armstrong-Miller, Mark Radosa, Paul Heyse, Haley Northup, Dennis Lauer, Terry Holt,
Absent: Jim Avery

Guests: 3

Pledge of Allegiance

Meeting Minutes: December 13, 2023 with addition of Haley Northup being present

Public Comment:

Was heard by board
Paul Junge running for congress spoke

Building report:

No building permits
2 Electrical Permits: 164.00

Fire Report:

50 runs
Paperwork turned in for grant reimbursement
Vacuum cleaner purchased
Brakes on truck 750 done
Design stage for new Fire Hall
New fire truck head to Front Line to have computer reprogrammed for head/tail lights

Enforcement Report:

2 months:
Nov/Dec 4 on going
Dec/Jan blight on Wackerly Rd
Bethany Church with tires and backyard stuff
Letter sent for Rumbaugh Estates owned by company in FL for blight, disrepair, & trash.

Planning Commission:

Met 1/3/24 called Jenny from Spicer 12/14/23 to talk about battery storage facility. Will also be calling Andrew Thompson
MTA renewable energy webinar \$25.00 on January 17th

Financial Report:

Radosa motions to pay the bills: Northup supports
Yeas; Radosa, Northup, Heyse, Lauer, Armstrong-Miller, Holt

Unfinished Business:

Appoint Paul Heyse as the planning commission board rep.
All in favor: 6 No: 0 abstain: 0
Radosa motions to adopt the 2023 Expense/Revenue adjustments, Northup supports
Yeas: Radosa, Northup, Lauer, Heyse, Armstrong-Miller, Holt Adjusting Entries:

Adjusting Entries:
2023

	Debit	Credit
Township Board		
101-103.000-701.000 office professional		2600.00
101-103.000-702.000 salaries & wages	2600.00	
101-103.000-701.000 office professional		20.00
101-103.000-801.000 professional service	20.00	
101-103.000-808.000 computer service	2600.00	
101-103.000-810.000 audit		2600.00
101-103.000-808.000 computer service	246.00	
101-103.000-845.000 due and meetings		246.00
Supervisor		
101-171.000-702.000 salaries		450.00
101-171.000-956.000 misc	450.00	
Election		
101-191.000-977.000 equip		120.00
101-191.000-702.000 wages	120.00	
101-191.000-900.000 printing		1663.00
101-191.000-702.000 wages	1663.00	
101-191.000-727.000 office		590.00
101-191.000-727.000 wages	350.00	
101-191.000-860.000 transportation	100.00	
101-191.000714.000 tax	140.00	
Assessor		
101-209.000-808.000 program		500.00
101-209.000-845.000 dues	500.00	
Clerk		
101-215.000-702.000 wages		771.00
101-215.000-714.000 taxes		130.00
101-215.000-727.000 office	901.00	
101-215.000-808.00 program		100.00
101-215.000-845.000 dues	100.00	
Treasurer		
101-253.000-702.000wages		300.00
101-253.000-702.100 tax reim		12.00
101-253.000-808.000 program		59.00
101-253.000-860.000 transportation		190.00
101-253.000-714.000 taxes	190.00	
101-253.000-727.000 office	371.00	
Plumbing		
101-373.000-702.000 wages		130.00
101-373.000-714.000 taxes		40.00
101-373.000-727.000 office		65.00
101-373.000-845.000 dues	170.00	
101-373.000-860.000 transportation	65.00	
Ordinance Office		
101-374.000-702.000 wages		310.00
101-374.000-714.000 taxes		37.00
101-374.000-860.000 transportation		100.00
101-400.000-702.000wages	447.00	

Unfinished Business continued:

2 new ordinances:

ORDINANCE NO. 109 DANGEROUS BUILDINGS ORDINANCE

The Charter Township of Midland ordains: An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Midland, County of Midland, Michigan, by the regulation of dangerous buildings injurious to life or health, to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer, to provide penalties for the violation of said Ordinance, to provide for assessment of the cost of said making safe or demolition of dangerous building; and to repeal all ordinances and parts of ordinances in conflict herewith.

Section 1. This ordinance shall be known and cited as the Midland Township Dangerous Buildings Ordinance.

Section 2. As used in this ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

A. Whenever any portion of a building has been damaged by fire, wind, flood, or by any other cause such as neglect or age, in such a manner that the structural strength or stability is appreciably less than the minimum requirements of the Housing Law of the State of Michigan, being PA 167 of 1917, as amended, or the Building Code of the Township of Midland for a new building or similar structure.

B. Whenever any portion or member or appurtenance of a building is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

C. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Housing Law of the State of Michigan, being PA 167 of 1917, as amended, or the Building Code of the Township of Midland.

D. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reasons, is likely to partially or completely collapse or some portion of the foundation of underpinning is likely to fall or give way.

E. Whenever, for any reason whatsoever, the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

F. When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

G. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

Section 3. 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. Notices

A. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township Building Inspector shall issue a notice of dangerous condition.

B. Such notice shall be directed to the owner or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.

C. The notice shall specify the time and place of the hearing on the condition of the building or structure at which time and place the person to whom the notices is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

D. All such notices by this ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by Certified Mail-Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records. If any

person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted in a conspicuous part of the building or structure.

Section 5. Hearing.

A. A Hearing Officer shall be designated by the Midland Township Board and to serve at the pleasure of the Midland Township Board.

B. The Building Inspector shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. At any hearing held, the Hearing Officer shall take testimony of the Building Inspector, the owner of the property, and any other interested party. Upon the taking of such testimony, the Hearing Officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

D. If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply therewith.

E. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his findings and a copy of the order with the Midland Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the Hearing Officer shall be served on the owner or party in interest in the manner prescribed in section 4D.

Section 6. Upon receiving the findings and order of the Hearing Officer, the Midland Township Board shall fix a date for the hearing, review the findings and order of the Hearing Officer and shall give notice to the owner or party in interest in the manner prescribed in section 4D of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Midland Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

Section 7. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Midland Township Board, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or to make the building safe shall be a lien against the real property and shall be reported to the assessing officer of the township who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the township shall be notified of the amount of such cost by First Class Mail at the address shown on the records.

If he fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Midland and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the township.

Section 8. An owner or party in interest aggrieved by any final decision of the Township Board may appeal the decision or order to the Circuit Court for the County of Midland by filing a petition for an order of superintending control within (20) days from the date of such decision.

Section 9. This Ordinance repeals all ordinances or parts of ordinances in conflict therewith.

Section 10. This ordinance shall become effective Thirty (30) days after publication as required by law.

ORDINANCE NO. 108

PROPERTY MAINTENANCE ORDINANCE

An Ordinance to provide for minimum standards of property maintenance for structures located within the Township; to require rehabilitation of poorly maintained structures, to provide penalties for violation thereof; and to repeal any Ordinance or provision thereof in conflict herewith.

THE CHARTER TOWNSHIP OF MIDLAND HEREBY ORDAINS:

Section 1. Title.

This ordinance shall be known and cited as the “Midland Charter Township Property Maintenance Ordinance.”

Section 2. Purpose and Preamble.

The purpose of this ordinance is to protect the public health, safety, and welfare from the harms caused by improperly maintained and blighted structures and to require structures to be maintained according to minimum public standards.

This Ordinance contains minimum standards and supplements state and federal laws and regulations regarding maintenance of property.

Section 3. Adoption of Property Maintenance Code By Reference.

The Township Board of the Charter Township of Midland hereby adopts the document being marked and designated as the International Property Maintenance Code, 2021 edition (the “Code”), as published by the International Code Council, as the Property Maintenance Code of the Charter Township of Midland, Midland County, State of Michigan. The purpose of the Code is to regulate and govern the conditions and maintenance of all property, buildings, and structures within the Township by providing the standards for supplied utilities and facilities and other physical things and conditions essentials to ensure that structures are safe, sanitary and fit for occupation and use, as well as providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures as are deemed unfit for human occupancy. A copy of the Code shall be kept on file in the office of the Township Clerk. The Code is hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Ordinance.

Section 4. Code additions, insertions, and changes.

The International Property Maintenance Code, 2021 edition, is amended and revised in the following respects:

Section 302.4: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs as further delineated in Section 18-751 of this Article, provided; however, this term shall not include cultivated flowers and gardens.

Section 602.3 Heating Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms during the period those spaces are occupied.

Section 602.4 Occupiable Work Spaces: Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Section 5 Definitions.

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

Building means any structure occupied or intended for the purpose of supporting or sheltering any occupancy.

Inoperable vehicle means any motor vehicle such as an automobile, truck, motorcycle, boat, personal watercraft, snowmobile, all-terrain vehicle, equipment or trailer, that meet any of the following conditions: Without an operable engine, unable to be started, one or more missing or flat tires, are not currently licensed so as to be lawfully operated on public streets, or are otherwise in a state of disrepair that they cannot be lawfully operated on public streets.

Premises means a lot or parcel of land including the buildings and structures.

Structure means that which is built or constructed, or any portion thereof.

Workmanlike manner means the manner of carrying out such activities as construction, maintenance and repair such as to secure the adequate maintenance of buildings and premises, to sustain the property rights of adjacent owners, and to eliminate conditions which contribute to fire, safety, and health hazards.

Yard means an open space on the same lot with a building, which space is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of the yard is the minimum horizontal distance between the lot line and the building or structure.

- (1) **Front yard** means a yard extending the full width of lot, the depth of which is, the minimum horizontal distance between the front lot line and the nearest line to the principal building on the lot.
- (2) **Rear yard** means a yard extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the rear line or lines of the principal building on the lot.

Section 6. Standards for maintenance of premises.

All premises in the Township shall be maintained in accordance with the following provisions:

- (1) No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, furniture, recreation equipment or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without a current license, shall be stored, parked, abandoned, or junked in any yard; and should such use of land occur. it shall be deemed a nuisance. This section shall not apply to construction material while such material is being actively used in the or construction of the premises.
- (2) Firewood shall be stored behind the front building line and in such a manner as to not cause rodent or other pest infestations.
- (3) Dog pens and dog runs shall not be placed in front of the front building line nor in the required side yards. They shall be located at least ten feet from adjacent property lines unless an obscuring fence is provided. This restriction shall not apply to those premises containing a dog pen or dog run prior to the effective date of the ordinance from which this division was derived until those premises either change ownership or no longer conform to the use in existence on the effective date of this division. All dog pens and runs shall be kept free of feces, garbage and other odor-causing conditions.

Section 7. Enforcement.

Any person or other entity who violates any provision of this Ordinance 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. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance *per se*. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or

other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

Section 8. Severability.

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

Section 9. Effective Date.

This Ordinance shall become effective thirty (30) days after publication as required by law.

New Business:

Resolution for Nature Center:

RESOLUTION
Chippewa Nature Center Water Access

WHEREAS, the Chippewa Nature Center has been approved for additional structures to be constructed on their property within Midland Township and;

WHEREAS, the additional structures will require water for operation and;

WHEREAS, the City of Midland has agreed to allow Homer Township an extension of their city water supply into the Chippewa Nature Center site within Midland Township, and;


WHEREAS, there will be no cost incurred by Midland Township for the extension of the water system;

THEREFORE, be it resolved that the Chippewa Nature Center Water Access RESOLUTION be approved.

All in favor: yeas: 6 no: 0 abstain: 0

CERTIFICATION

I hereby certify that this is a true copy of a resolution adopted by the Township Board of Charter Township of Midland at this meeting held on January 10, 2024.

Clerk: 

Date: January 10, 2024

Correspondence:

Supervisor: Cynthia from Spicers wants a phone conversation
Clerk: Elections

Other Business:

MCTOA Meeting at Ingersol Township hall light meal included

Public comment:

Was heard by board

Adjourned 8:08 pm

Terry Holt, Supervisor _____

Shelly Armstrong-Miller, Clerk _____