

DEWITT CHARTER TOWNSHIP

CLINTON COUNTY, MICHIGAN

ORDINANCE NO. 02013-7-03

PREAMBLE

AN ORDINANCE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION (INCLUDING APPENDIX A), PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AS THE PROPERTY MAINTENANCE CODE FOR THE CHARTER TOWNSHIP OF DEWITT REGULATING AND PROVIDING MINIMUM STANDARDS WHICH SHALL APPLY TO EXISTING RESIDENTIAL AND NON RESIDENTIAL STRUCTURES AND ALL EXISTING PREMISES, STRUCTURES, EQUIPMENT AND FACILITIES FOR LIGHT, VENTILATION, SPACE, HEATING, SANITATION, PROTECTION FROM ELEMENTS , LIFE SAFETY, FIRE SAFETY AND OTHER HAZARDS, AND FOR SAFE AND SANITARY MAINTENANCE THEREOF; AND TO AMEND PROVISIONS THEREOF WITH REGARD TO RELATED CODE REFERENCES, TO ADD AND/OR REVISE DEFINITIONS AND PROVISIONS FOR APPOINTMENT OF THE OFFICIAL AND ESTABLISHMENT OF FEES, PROVISIONS FOR WEED CONTROL, INSPECTION; AND FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES FOR VIOLATION OF SAID PROVISIONS; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

THE CHARTER TOWNSHIP OF DEWITT, CLINTON COUNTY, MICHIGAN, ORDAINS:

SECTION I. ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION AS THE PROPERTY MAINTENANCE CODE OF DEWITT CHARTER TOWNSHIP.

That a document, three (3) copies of which shall at all times be available for public inspection at the office of the Township Clerk, together with all amendments, designated as the International Property Maintenance Code, 2009 Edition, published by the International Code Council shall be and is hereby adopted by the Charter Township of DeWitt. That said Code is adopted and made a part hereof by reference except as amended by and within this ordinance. In accordance with enabling statutes the Township Clerk shall make available for distribution to the general public, copies of this ordinance and amendments, at a charge to be established by the Township Board.

SECTION II. THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION IS AMENDED AS FOLLOWS;

Section 101.1 Title. Section 101.1, "Title," shall be and is hereby amended to read as follows:

101.1 Title. The International Property Maintenance Code of 2009 and the amendments set forth in this Ordinance shall be known as the "Property Maintenance Code of DeWitt Charter Township," hereinafter referred to as "the Code" or "this Code."

Section 102.3 Application of Other Codes. Section 102.3, "Application of Other Codes," shall be and is hereby amended to read as follows:

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the State Construction Code, Michigan Building Code, Michigan Residential Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Plumbing Code, Michigan Mechanical Code, National Electrical Code with Michigan Amendments, International Fire Code, and DeWitt Township Zoning Ordinance, as amended.

Section 103.2 Appointment. Section 103.2, "Appointment," shall be and is hereby amended to read as follows:

103.2 Appointment. The Township Board of Trustees shall employ Authorized Township Officials, hereafter called the "Code Official," to act as its officer to effect the proper administration and enforcement of this Code. The Authorized Township Official is hereby authorized to issue and serve municipal civil infraction notices and citations per Chapter 22 Article II - Municipal Civil Infractions.

Section 103.5 Fees. Section 103.5, "Fees," shall be and is hereby amended to read as follows:

103.5 Fees. The fees for activities and services associated with the enforcement of the Code and this Ordinance may be established and amended from time to time by resolution of the Township Board.

103.5.1 Fines. Any person failing to comply with a municipal civil infraction violation notice or order served in accordance with Section 107 or any other sections of the International Property Maintenance Code, 2009 Edition Code, and this Ordinance, may be charged with a municipal civil infraction notice, and subject to a civil fine of Twenty-five and no/100 Dollars (\$25.00) for the first offense, a civil fine of One Hundred and no/100 Dollars (\$100.00) for the second repeat offense, and a civil fine of Two Hundred fifty and no/100 Dollars (\$250.00) for all subsequent offenses.

Any person in violation of *Section 108.4.1 Unlawful structure and Section 108.5 Dangerous structure or premises*, shall be responsible for a municipal civil

infraction notice, subject to a civil fine of up to Five Hundred and no/100 Dollars (plus such costs and fees as may be determined by the Court.)

Section 104.2 Inspections. Section 104.2, "Inspections," shall be and is hereby amended to read as follows:

104.2 Inspections. The *code official* or the code official's designee shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Section 106.3 Prosecution of violation. Section 106.3, "Prosecution of violation," shall be and is hereby amended to read as follows:

106.3 Prosecution of violation. Any person in violation of the International Property Maintenance Code, 2009 Edition Code, and this Ordinance shall be deemed responsible for a civil offense subject to a municipal civil infraction notice or a municipal civil infraction citation and served in accordance with section 107. A violation shall be deemed a strict liability offense.

106.3.1 Legal Proceedings. The Township may initiate in a court of competent jurisdiction legal proceedings 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 provision of this code or of the order or direction made pursuant thereto.

Any legal action taken by the authority having jurisdiction on such *premises* resulting in court ordered fines, costs and fees shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Except for violations or conditions which constitute or have the potential for imminent personal injury or property damage, the Code Official shall not issue a violation notice relating to a first offense, unless a written warning is issued and the violator is given a reasonable time to correct the condition found to be in violation of the Code or to warn the violator of the existence of a violation. "Reasonable time" shall be determined in the discretion of the Code Official based upon the nature of the existing condition or violation. Although subsequent warnings shall not be required, additional warnings may be given, in the discretion of the Code Official, and nothing set forth herein shall be construed to prohibit action to abate the violation as provided in Section 106.5.

Section 111.2 Membership of board. Section 111.2, "Membership of Board," shall be and is hereby amended to read as follows:

111.2 Membership of Board. The board that will hear appeals shall consist of members of the Township Public Safety Committee, with the Code Official serving as a non-voting ex officio member.

Section 111.7 Court review. Section 111.7, "Court review," shall be and is hereby amended to read as follows:

111.7 Court Review. Any party to the appeal aggrieved by the decision of the Public Safety Committee shall have the right to judicial review by the Clinton County Circuit Court.

Section 201.3 Terms defined in other Codes. Section 201.3, "Terms defined in other codes," shall be and is hereby amended to read as follows:

201.3 Terms defined in other Codes. Where terms are not defined in this Code and are defined in the State Construction Code, International Fire Code, Chapter 42 –Zoning of the Township's Code of Ordinances, as amended, Michigan Plumbing Code, Michigan Mechanical Code and the National Electrical Code, such terms shall have the meanings ascribed to them as stated in the current edition of those codes in effect.

Section 202 General Definitions. Section 202, "General Definitions," shall be and is hereby amended to add and read as follows:

CULTIVATED FLOWERS AND GARDENS. An area where the soil has been dug or loosened up to specifically grow flowers, garden vegetables, ornamental grasses, and/or mixed native prairies, which are actively maintained and are not considered weeds.

COMMON AREA. A rental dwelling or complex not within a tenant's private rental unit which is used in common with others that may include, but is not limited to, common hallways, basement areas, stairways, balconies and mechanical, electrical and plumbing equipment spaces.

EFFICIENCY UNIT. Any *dwelling unit* that uses a combination of spaces for living, dining and sleeping which has no separate bedroom area. An efficiency dwelling unit must have separate kitchen and bathroom areas that meet the minimum requirements of this Code.

GOOD FAITH EFFORT. Work done towards removing or correcting a Code violation which, while not completed, in the sole opinion of the code official, constitutes substantial and tangible progress toward compliance.

NATURAL BUFFER. The natural buffer consists of a vegetated area, with trees, shrubs, and other plants. The ground has its natural ground cover, leaf litter or mulch that helps to absorb and filter the runoff from a yard, driveway or parking

lot, and allows water to naturally infiltrate into the ground. A natural buffer is formed when a designated portion of a developed piece of land is left unaltered from its natural state during development.

NOXIOUS WEEDS. Weeds include Canada thistle (*Cirsium arvense*), dodders (*Cuscuta* species other than those considered by the state department of natural resources to be endangered with extinction), mustards (charlock, black mustard, Indian mustard, all being species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Amrosia eletior*), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), and grasses and/or herbs not intended for ornamental purposes.

OWNER. Any individual holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee or title to a mobile home. "Owner" shall also mean any individual, association of individuals, a public, private or not-for-profit corporation, a firm, limited liability company, agent, operator manager or partnership. "Owner" shall not mean "tenant."

OWNER OCCUPIED DWELLING. Any dwelling which a person owns as a title holder or land contract purchaser and lives in as his or her true, fixed and permanent home to which, whenever absent, that person intends to return.

RENTAL COMPLEX. Any group of rental dwellings.

RENTAL DWELLING. Any dwelling containing a rental unit, a rooming unit or hotel/motel unit, including single family homes and mobile homes occupied by a tenant.

RENTAL UNIT. A particular living quarters within a dwelling intended for occupancy by a person other than the owner and the family of the owner, including mobile homes, single family homes, apartments, hotel/motel units, rooming units, and for which a remuneration of any kind is paid.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, scrap building materials, trash or other cast off material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials. The term shall also include parts of machinery or motor vehicles, unused or inoperable appliances, and scrap metal; excluding maintained compost facilities that contains only plant materials.

TENANT. A person residing in a rental dwelling or rental unit who does not hold any legal or equitable title to the dwelling, unit or the property.

VIOLATION NOTICE. A written correspondence issued by the Code Official advising an owner, or his agent, of a violation of this ordinance. Violation notices shall list all infractions and corrective measures necessary to comply with this ordinance and a time period within which corrections must be completed.

Section 302.2 Grading and drainage. Section 302.2, "Grading and drainage," shall be and is hereby deleted.

Section 302.3 Sidewalks and driveways. Section 302.3, "Sidewalks and driveways," shall be and is hereby amended to read as follows:

302.3.1 Sidewalks in Single Family Owner Occupied. Public sidewalk required to be constructed within the dedicated non-pavement road right-of-way or in public easements along dedicated public streets for single family owner occupied dwellings that are used solely for residential use shall be maintained and repaired in accordance with the requirements of Chapter 34 - Streets, Sidewalks and Other Public Places of the Township Code of Ordinances, as amended.

302.3.2 Sidewalks and Driveways, Except for single family owner occupied dwellings that are used solely for residential use, all sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions

Section 302.4 Weeds. Section 302.4, "Weeds," shall be and is hereby amended to read as follows:

302.4 Landscaping, grounds and weeds. The owner of property where weeds and grasses exceed eight inches (8") in height single family owner occupied dwellings that are used solely for residential use or six inches (6") for all other uses shall receive a warning from the code official or said official's designee. Except as provided below, weeds and grasses in excess of ten inches (10") in height for single family owner occupied dwellings that are used solely for residential use or eight inches (8") for all other uses shall be prohibited within the Township, to a depth of one hundred sixty-five (165) feet or the depth of the parcel, whichever is less. All noxious weeds shall be prohibited. This section does not, however, apply to cultivated flowers and gardens and natural buffers as defined under Section 202, "General Definitions."

Trees and shrubs shall also be tended and maintained at all times. Dead or dying trees that pose a hazard to adjacent properties shall be removed and disposed of promptly, unless required by other codes and ordinances to be replaced.

This section shall not apply to that portion of a parcel zoned for agricultural use and not used for residential purposes.

Section 302.7 Accessory structures. Section 302.7, "Accessory Structures," shall be and is hereby amended to read as follows:

302.7 Accessory structures. All accessory structures, including *detached* garages, signs, fences and walls, shall be maintained structurally sound and in good repair.

Section 302.8 Motor vehicles. Section 302.8, "Motor vehicles," shall be and is hereby amended to read as follows:

302.8 Motor vehicles. Except as provided for in other regulations, no more than one (1) inoperative or unlicensed motor vehicle shall be parked, kept or stored outside. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled outside. Also, boats, RV's, utility vehicles, and/or other operating motor vehicles shall not be parked within the public road right-of-way for more than seven (7) days. Other than minor repairs, painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exceptions:

1. Inoperative or unlicensed vehicle(s) can be stored inside a permanent structure designed and approved for such purposes.
2. This section shall not be deemed to apply to outside storage of farm machinery or parts thereof in areas of the Township actively used for agricultural purposes, provided said material is owned by the occupant of such premises and is not stored only for resale.

Section 303.1 Swimming pools. Section 303.1, "Swimming pools," shall be and is hereby amended to read as follows:

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. All pool and spa water discharges must be retained on the pool owner's property.

[F] Section 304.3 Premises identification. [F] Section 304.3, "Premises identification," shall be and is hereby amended to read as follows:

304.3 Premises identification. Buildings shall be identified by means of a numerical address located on the premises which complies with the requirements of Clinton County Address Ordinance 92.1 as amended.

Section 304.14 Insect screens. Section 304.14, "Insect screens" shall be and is hereby deleted.

Section 305.1 General. Section 305.1, "General," shall be and is hereby amended to read as follows:

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, common areas of the structure (if any) and the exterior of said property.

Exception: All of section 305 shall not apply to single family owner occupied dwellings used solely for residential use.

Section 401.2 Responsibility. Section 401.2, "Responsibility," shall be and is hereby amended to read as follows:

401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. An *owner* shall not permit another person to occupy any premises that do not comply with the requirements of this chapter.

Exception: Chapter 4 shall not apply to single family owner occupied dwellings used solely for residential use

Section 501.2 Responsibility. Section 501.2, "Responsibility," shall be and is hereby amended to read as follows:

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. An *owner* shall not permit another person to occupy any structure or premises which does not comply with the requirements of this chapter. This chapter shall not be construed as a waiver of any requirements of the applicable plumbing code.

Exception: Chapter 5 shall not apply to single family owner occupied dwellings used solely for residential use

Section 601.2 Responsibility. Section 601.2, "Responsibility," shall be and is hereby amended to read as follows:

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. An *owner* shall not permit another person to occupy any structure or premises which does not comply with the requirements of this chapter. This

chapter shall not be construed as a waiver of any requirements of the applicable mechanical and electrical codes.

Exception: Chapter 6 shall not apply to single family owner occupied dwellings used solely for residential use

Section 602.2 Residential occupancies. Section 602.2, "Residential occupancies," shall be and is hereby deleted

Section 602.3 Heat supply. Section 602.3, "Heat supply, shall be and is hereby amended to read as follows:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or sublets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall have the ability to supply heat sufficient to maintain a temperature of not less than 65° F (18° C) in all habitable rooms, bathrooms, and toilet rooms during the period unit is occupied. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Heating supply inspections of gas/oil fired furnaces, boilers and/or solid fuel heating equipment which has been installed more than five (5) years and serving any dwelling unit which is rented or leased shall be required to be inspected every three (3) years, except for solid fuel equipment which shall be inspected annually before the start of each heating season by a licensed mechanical contractor and a certificate of inspection of the same shall be provided to the Department of Building Inspection upon request. A current State of Michigan boiler license shall be construed as showing compliance with this section.

Section 602.4 Occupiable work spaces. Section 602.4, "Occupiable work spaces," shall be and is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to April 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 605.1.1 Extension cords. Section 605.1.1, "Extension cords," shall be and is hereby added to read as follows:

605.1.1 Extension cords. Extension cords shall not be used as permanent wiring; shall not pass through any door, wall, floor, or ceiling; and shall not be used in concealed spaces.

Section 701.2 Responsibility. Section 701.2, "Responsibility," shall be and is hereby amended to read as follows:

701.2 Responsibility. The *owner* of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. An *owner* shall not permit another person to occupy any structure or premises which does not comply with the requirements of this chapter. This chapter shall not be construed as a waiver of any requirements of the applicable fire codes.

Exception: Chapter 7 shall not apply to single family owner occupied dwellings used solely for residential use

Section 704.2 Smoke alarms. Section 704.2, "Smoke alarms," shall be and is hereby amended to read as follows:

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in accordance with applicable Building and Fire Codes.

Appendix Act, Section A102.3 Smoke alarms. Section A102.3, "Boarding Fasteners," shall be and is hereby amended to read as follows:

A102.3 Boarding fasteners. Boarding fasteners shall be adequate to fix and hold the attached boarding materials.

SECTION III. SEVERABILITY

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court of competent jurisdiction, or any agency, department or commission, empowered for such purpose, such decision shall not affect the validity of the remaining provisions of this Ordinance; and the application of those provisions to any person or circumstances shall not be affected thereby.

SECTION IV. REPEALER.

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

Article II of Chapter 14 is hereby repealed, except for any violation charged under Article II of Chapter 14 before the effective date of this Ordinance.

SECTION V. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its passage, publication and recording by the DeWitt Charter Township Clerk, as required by law.

First Reading:	April 22, 2013
First Publication:	July 7, 2013
Second Reading:	July 22, 2013
Second Publication:	_____
Effective Date:	September 3, 2013

Rick Galardi, Supervisor

Diane K. Mosier, Clerk

I, Diane K. Mosier, Clerk of the Charter Township of DeWitt, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. _____, duly adopted by the Board of Trustees of the Charter Township of DeWitt, Clinton County, Michigan, on the _____ day of _____, 2013, and that the same was posted and published as required by law on the _____ day of _____, 2013.

Diane K. Mosier, Clerk