

**ORDINANCE FOR ADOPTION OF THE INTERNATIONAL
PROPERTY MAINTENANCE CODE
ORDINANCE NO. 55**

THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

PART I

**Adoption of International Property Maintenance
Code by Reference with Amendments and General Definitions**

Section 1. Adoption.

A certain document, on file in the Building Department of the Charter Township of Garfield, being marked and designated as the International Property Maintenance Code, 2006 Edition ("IPMC"), as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the Charter Township of Garfield, in the State of Michigan by reference pursuant to MCL 42.23; 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 hereof by reference, as if fully set out in this ordinance, with the additions, insertions, deletions, amendments and augmentations prescribed in this ordinance.

Section 2. Amendments to International Property Maintenance Code

The IPMC is hereby amended as set forth in this Section 2:

- a. Throughout the IPMC, replace the terms International Zoning Code, International Building Code, International Plumbing Code, International Mechanical Code and ICC Electrical Code with Charter Township of Garfield Zoning Ordinance, Michigan Building Code, Michigan Residential Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Plumbing Code, Michigan Electrical Code, and Michigan Mechanical Code.
- b. Insert within Section 101.1 Title the following: "Charter Township of Garfield."
- c. Section 101.2 is amended to read as follows:

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises (except for state, federal, school, and other public structures, and other licensed structures such as nursing homes, hospitals, adult foster care facilities, which may be exempt from, or pre-empted from the application of this code) and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety,

safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

d. Section 103.5 of the IPMC shall be amended to read as follows:

103.5 Fees. Any fees for services and activities associated with enforcement of this article shall be established by resolution of the Garfield Township Board.

e. Section 106.3 of the IPMC shall be amended to read as follows:

106.3 Violation as a Municipal Civil Infraction. Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the IPMC shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Charter Township of Garfield has been put in connection with the municipal infraction. In no case, however, shall costs of less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00) be ordered. A violator of this code shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation. The provision of this code may also be enforced by suit for injunctive relief.

Civil Fines for Municipal Infractions

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule.

	<u>Fine</u>
1 st violation within 3-year period*	\$ 50.00
2 nd violation within 3-year period*	\$ 125.00
3 rd violation within 3-year period*	\$ 250.00
4 th or subsequent violation within 3-year period*	\$ 400.00

*determined on the basis of the date of violation(s)

f. Section 106.4 of the IPMC shall be deleted in its entirety.

g. Section 111 of the IPMC shall be deleted in its entirety

h. Section 302.2 of the IPMC shall be deleted in its entirety.

- i. Section 302.4 of the IPMC shall be amended to read as follows:

302.4 Weeds. All premises and exterior property, less than 2 acres, shall be maintained free from weeds or plant growth in excess of 10 Inches. Weeds and plant growth shall be defined as all grasses, annual plants and vegetation, other than trees, shrubs, cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, a duly authorized employee of the jurisdiction or contractor hired by the jurisdiction 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 paid by the owner or agent responsible for the property.

- j. Section 304.3 shall be amended to read as follows:

304.3. Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

- k. Section 304.14 shall be amended to read as follows:

304.14. Screen. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- j. The first paragraph of Section 602.3 shall be amended to read as follows:

602.3. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 60°F (20°C) in all habitable rooms, bathrooms, and

toilet rooms.

The "**Exceptions**" paragraphs, 1 and 2, shall remain the same.

Section 3. Definitions

For purposes of this ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in this section. If not specified in this section, or elsewhere in the Charter Township of Garfield Ordinances, the term shall have its ordinary accepted meaning within the context used.

- a. **Authorized Township Official or ("ATO")**: refers to the Charter Township of Garfield Building Official and Building Inspectors, Code Enforcement Officer, Zoning Administrator and Grand Traverse County Sheriff Deputies.
- b. **Code**: means any code or ordinance adopted by Garfield Charter Township.
- c. **Common Area**: is the area in a rental dwelling or rental complex not within a tenant's private rental unit. It may include, but is not limited to, hallways, basement areas, common exterior stairways, balconies and spaces which contain mechanical, electrical or plumbing equipment.
- d. **Multi-Family Rental Dwelling or ("MFD")**: is any building containing more than 4 (four) rental dwellings.
- e. **Owner**: means 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 or house trailer. Owner shall also mean any individual, association of individuals, a public, private or not for profit corporation, a firm or partnership. Owner shall not mean a tenant.
- f. **Owner Occupied Dwelling**: means a dwelling which a person both owns as an owner and lives in as his or her true, fixed and permanent home to which, whenever absent, the person intends to return.
- g. **Rental Complex**: is a group of rental dwellings.
- h. **Rental Dwelling**: is any dwelling containing a rental unit, a rooming unit, or hotel/motel unit, including single-family homes and mobile homes occupied by a tenant or tenants for residential living purposes.
- i. **Rental Property**: refers generally to all rental complexes, rental dwellings and rental units.
- j. **Rental Unit**: is a particular living quarters within a rental dwelling intended for

occupancy by a tenant or 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 or consideration of any kind is paid.

- k. **Tenant:** is a person residing in a rental property who is not an owner, as defined by this article, of the rental property, and who pays a remuneration or consideration of any kind for residing on the rental property.
- l. **Township:** Charter Township of Garfield.
- m. **Violation Notice:** is a written correspondence issued by an authorized Township official advising an owner, or his agent, of a violation of this article or a code. Violation notices shall list all infractions and corrective measures necessary to comply with this article or a code and a time period within which such corrections must be completed.

PART II

Registration and Inspection of Multi-Family Dwellings in Township, **Inspection of Rental Properties in the Township**

Section 4. Purpose.

The Charter Township of Garfield finds that the act of renting or leasing dwelling units is a business activity. The Township also finds that dwellings or dwelling units which are leased or rented to the public, when improperly maintained, by reason of their structures, equipment, sanitation, use or occupancy, may adversely affect public health, safety and general welfare as well as the aesthetic value of surrounding property and community. To correct unsuitable conditions which exist within rental properties and to establish mechanisms for the continued maintenance of a sound rental housing stock within Garfield Charter Township, and to promote the public health, safety and general welfare of its citizens, the Township establishes these regulations which shall require the registration of rental multi-family dwelling units and provide for the enforcement of minimum rental housing standards.

The following sections augment the IPMC in protecting and promoting the health, safety and welfare of the citizens of Garfield Charter Township by requiring the registration of all multi-family rental dwelling units in the Township. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the IPMC, which sets minimum allowable standards for adequate maintenance of habitable dwellings. These sections are not intended, nor shall be used for the purpose of including the Township in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

Section 5. Registration of Multi-Family Dwelling Rental Properties

(a) **Registration Required Before Rental.**

An owner of any multi-family rental dwelling ("MFD") located within the Township shall not rent any rental unit unless such rental unit is registered pursuant to this ordinance and is in compliance with all applicable federal, state, and local laws, rules, and ordinances and regulations.

(b) **Initial Registration.**

- (1) Within 90 days following the effective date of this ordinance, all owners of multi-family dwelling ("MFD") rental properties shall register with the Township building department each MFD within the boundaries of the Township.
- (2) Newly constructed MFD rental properties will be registered by the Township at the time a certificate of occupancy is issued, and then must be subsequently re-registered and inspected as required by Section 8.

(c) **Registration Requirements.**

The registration of any MFD rental property shall require at least the following information on forms provided by the Township:

- (1) The address of the rental property with each rental unit contained therein enumerated. If the rental units are within a rental complex, the property manager's address shall also be included.
- (2) If applicable, the number of buildings, including rental dwellings, in the rental complex.
- (3) The number of rental units per rental dwelling.
- (4) The name, address and telephone number of the registered agent or other responsible person designated by the owner, to receive official notices, legal processes, tenant concerns and correspondence from the Township.
- (5) The applicant shall sign the registration attesting to the truth and accuracy of its contents.
- (6) Payment of all applicable fees as established by resolution of the Township Board.
- (7) Changes in registration information. The owner or his/her agent shall provide written notification to the Township building department of any change in the above information.

- (8) Agreement to permit inspections. Included with the registration application shall be an agreement, signed by the owner, permitting inspections of his/her rental properties by officials or agents of the Township and affirming that all tenants of the subject properties have been informed of the regulations contained in this ordinance and of inspections of the rental properties, including common areas, by authorized Township officials. Owners shall provide, or cause to be provided, a copy of the agreement to all existing tenants, as well as tenants who enter into leases or come to reside on a rental property after the agreement takes effect. All leases executed after the effective date of this article shall contain a provision requiring the tenant(s) to consent to such inspection upon notice as provided in Section 8.
- (9) Additional requirements. An authorized Township official may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this ordinance.

Section 6. Registration, Expiration, and Re-registration.

All MFD rental properties within Garfield Charter Township shall be registered with the building department within 90 days from the adoption of this ordinance. Thereafter, all MFD rental properties shall be registered once every two years, or with change in ownership, at least 30 days before the expiration date assigned by the Township, following the same requirements set forth in Section 5.

Section 7. Transfer of MFD Rental Property Registration and Change of Status.

- (a) **Registration Transfers and Fees** A purchaser of an MFD rental property shall cause a registration to be transferred upon the sale of a MFD rental property. The new owner shall sign all appropriate agreements and affidavits for registration and shall complete a new registration application. All the above shall be provided to the Township by the new owner or the real estate closing institution within 30 days of closing the sale. There is no fee for transferring registration.
- (b) **Change of Status** If a structure previously used as an MFD rental property is no longer to be used as an MFD rental property, a statement and affidavit to this effect must be provided to the Township building department. No inspections or transfer fees shall be required.
- (c) **Existing Violations** It shall be unlawful to sell an MFD rental property having outstanding violations unless the "transfer of ownership" stipulations of the IPMC, as amended, have been satisfied.

Section 8. Inspections of All Rental Units.

- (a) **MFD Periodic Inspections** It is the intention of the Township to inspect MFD rental properties, including common areas, every two years. However, this section shall not be construed as creating a responsibility for the Township to inspect such properties.
- (b) **MFD Periodic Inspection Scheduling** The owner shall be notified of the date and time of a periodic inspection via first class mail at least 30 days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law. A list of inspection guidelines, prepared by the Township building department, shall be given to all owners at the time of rental property registration. Periodic inspections shall be conducted between the hours of 8:00 a.m. to 5:00 p.m., Monday-Friday.
- (c) **Other Rental Property Inspections.** Any rental property, including a MFD, even though not scheduled for a periodic inspection, may be inspected by an Authorized Township Official without prior notice, where there is an imminent threat to persons or property, to the owner and/or tenant. Other inspections by an ATO may occur on reasonable notice based upon the following:
 - (1) A written complaint basis from the tenant.
 - (2) A recurrent violations basis where any rental property which is found to have a high incidence of recurrent or uncorrected violations.
 - (3) A follow-up inspection, so that a previous violation is inspected for correction and compliance.

PART III

General Provisions

Section 9. Notice of Violations.

Violations.

Upon inspection by an Authorized Township Official of any structure in the Township, rental or non-rental, if a violation of the IPMC code is discovered, the ATO shall provide notice of a violation in conformance with Section 107 of the IPMC. The owner shall be advised of the time period to correct the violation.

Section 10. Re-inspection

Re-inspections shall occur on the date specified on the violation notice, or sooner if requested by the owner and Township scheduling permits such inspection. It shall be the owner's

responsibility to coordinate the access to all areas of their rental properties.

Section 11. Correction Schedules

Time schedules for the correction of violations shall be reasonable as determined by the Authorized Township Official. Correction periods exceeding 60 days require an application for extension be filed by the owner or his/her designee and approved by the authorized Township official.

Section 12. Warrants for Inspection

If access to any structure, premises or area for the purpose of inspection authorized by this section is refused, an Authorized Township Official may petition and obtain such appropriate warrant or order from a court which has jurisdiction.

Section 13. Violations that Threaten Life, Limb or Property

If upon inspection of a rental property the Authorized Township Official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, the official shall demand that the violation(s) be corrected immediately and/or the rental property be vacated immediately in accordance with applicable IPMC provisions.

Section 14. Other Permits

Owners shall procure the appropriate building, mechanical, plumbing, and/or electrical permits from the respective departments for all corrections requiring such permits.

Section 15. Fees

- (a) Owners shall be required to pay a fee for registration and for any inspections, including re-inspections prior to the inspection or re-inspection taking place. If an owner and/or his agent fail to coordinate access to a rental property for any reason for inspection or re-inspection, the owner may be subject to no show/re-inspection fees. The Township Board shall establish by resolution an appropriate fee schedule.
- (b) All fees required must be paid at the Township office. The Authorized Township Official may not accept payment while conducting an inspection under this ordinance.
- (c) A failure to pay any fee required by this article shall constitute a violation of this ordinance.
- (d) Any unpaid fee and/or cost under this article may be collected by the Township as allowed by law.

Section 16. Appeals and Variances.

An owner may appeal an application of the IPMC to property, or request a variance, to the Township Construction Board of Appeals as provided for under Township Ordinance No. 36, as amended. Such a request for an appeal or variance must be filed within 21 days of the date a notice of violation is provided to an owner under this ordinance.

Section 17. Enforcement

This ordinance shall be enforced by the Township Building Official, Building Inspectors, Code Enforcement Officer, Zoning Administrator and Grand Traverse County Sheriff Deputies.

Section 18. Violation as a Municipal Civil Infraction

Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the IPMC shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute or otherwise in violation of any section of this ordinance which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Charter Township of Garfield has been put in connection with the municipal infraction. In no case, however, shall costs of less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00) be ordered. A violator of this code shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation. The provision of this code may also be enforced by suit for injunctive relief.

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3 rd violation within 3-year period*	\$ 250.00
4 th or subsequent violation within 3-year period*	\$ 400.00

*determined on the basis of the date of violation(s)

Section 19. Persons Authorized to Serve Citations and Notices

The following persons are authorized to issue notices of violation, and to issue municipal civil infraction citations pursuant to Public Act 12 of 1994 (MCL 600.8701, *et seq.*, as amended):

- (a) Grand Traverse County Sheriff Deputies.
- (b) Township Code Enforcement Officer.
- (c) Township Zoning Administrator.
- (d) Township Building Official.
- (e) Township Building Inspectors.

Section 20. Conflicting Ordinances.

Any other ordinances or parts of ordinances in conflict herewith are repealed.

Section 21. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Garfield Township Board 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 invalid.

Section 22. Suits or Proceedings.

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 causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 14 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 23. Effective Date.

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 90 days after the date of publication.

Upon roll call vote, the following voted:

YEAS: Jeane Blood, Molly Agostinelli, Kay Schumacher, Kit Wilson, Chuck Korn, Bob Featherstone, Denise Schmuckal

NAYS: None

ABSTAIN: None

ABSENT: None

A copy of this Ordinance may be inspected at the office of the Charter Township of Garfield located at 3848 Veterans Drive, Traverse City, Michigan, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

CHUCK KORN, Supervisor
KAY SCHUMACHER, Clerk
Garfield Township Board
Introduced on: April 23, 2009
Passed on: May 14, 2009
Prepared in the law offices of:
Running, Wise & Ford, P.L.C.
By: Thomas A. Grier
Township Attorneys
Business Address:
326 E. State Street, P.O. Box 686
Traverse City, MI 49685-0686

* * *

TO THE RECORD EAGLE:

Please publish on: May 19, 2009

Please send affidavit to: Thomas A. Grier and
The Charter Township of Garfield

Please send bill to: The Charter Township of Garfield

* * *

Received via e-mail _____