

PROPERTY MAINTENANCE CODE

ORDINANCE NO. 64

ADOPTED: DECEMBER 1, 2008

EFFECTIVE: January 5, 2009

An ordinance of Niles Charter Township adopting the 2006 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in Niles Charter Township; providing for the issuance of permits and collection of fees therefore; repealing Ordinance No. 58 of Niles Charter Township and all other ordinances and parts of the ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF NILES ORDAINS:

SECTION 1

ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

A certain document, three (3) copies of which are on file in the office of the Clerk of Niles Charter Township, being marked and designated as the *International Property Maintenance code, 2006 edition*, as published by the international Code Council, be and is hereby adopted as the Property Maintenance Code of Niles Charter Township, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as therein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of Niles Charter Township, are 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 Section 2 of this ordinance.

SECTION 2

REVISIONS TO ADOPTED CODE

The following sections of the adopted code are hereby revised as follows:

Section 101.1-Title. **Insert:** Niles Charter Township

Section 103.1-General. **Amend:** The department of building safety is responsible for the administration and enforcement of this code and the executive official in charge thereof shall be known as the code official.

Section 103.5- Fees. **Insert:** \$50 per inspection (per inspector) or \$50 per hour (per inspector) or fraction thereof during normal business hours. Inspections outside normal business hours are \$75 per hour (per inspector) or fraction thereof with a minimum two hour charge of \$150 (per inspector). Property Maintenance Code certificates require a \$50 administrative fee. Construction board of appeals filing fee is \$500

Section 106.4 – Violation penalties. **Amend to read:** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be deemed responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--1 st Offense within 5-year period* \$500.00	\$75.00	
--2 nd Offense within 5-year period* \$500.00	\$150.00	
--3 rd Offense within 5-year period*	\$300.00	\$500.00
--4 th Offense within 5-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Niles Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

- Section 302.4- Weeds. **Delete:** Entire section

- Section 302.8- Motor vehicles. **Delete:** Entire section

- Section 304.14- Insect screens. **Insert:** May 15, September 15

- Section 602.3- Heat supply. **Insert:** September 15, May 15

- Section 602.4- Occupiable work spaces. **Insert: September 15, May 15**

SECTION 3

REPEAL

Ordinance No.58 of Niles Charter Township, entitled Property Maintenance Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4

SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Niles Charter Township Board of Trustees 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 unconstitutional.

SECTION 5

SAVINGS CLAUSE

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 cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6

EFFECTIVE DATE

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 31 days from and after the date of its adoption and publication of a summary thereof as required by Michigan Statute.

MOTION TO ADOPT ORDINANCE

Moved by Durm-Hiatt and supported by Cooper that the foregoing ordinance be adopted.

Vote:


AYES: Kidwell, Noble, Ringler, Bailey, Cooper, Durm-Hiatt, Goodwin

NAYS: None.

Ordinance declared adopted December 1, 2008

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of and ordinance adopted at a regular meeting of the Niles Charter Township Board held on December 1, 2008; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.



Marge Durm-Hiatt
Niles Charter Township Clerk

CERTIFICATE OF ADOPTION

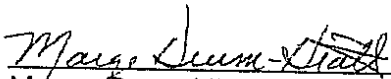
Marge Durm-Hiatt, Niles Charter Township Clerk, hereby certifies that in pursuance of law and statute provided, the Board enacted and passed Ordinance No. 64 at a regular meeting of the Township Board held on December 1, 2008, at the Township Hall, said Ordinance to become effective on January 5, 2009.

The following members voted "aye":
Kidwell, Noble, Ringler, Bailey, Cooper, Durm-Hiatt, Goodwin

The following members voted "nay":
None.

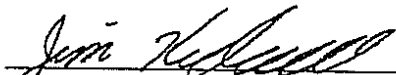
I further certify that in accordance with Township Board direction that a summary of the adopted Ordinance was published in the Niles Daily Star on December 6, 2008.

Dated: 12-08-08



Marge Durm-Hiatt
Niles Charter Township Clerk

Attest:



Jim Kidwell
Niles Charter Township Supervisor