

**ORDINANCE NO. 146**

**AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS 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 STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE.**

**THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

**Section 1-** That a certain document, three (3) copies of which are on file in the office of the Clerk of the Village of Decatur, Van Buren County, Michigan and available for public use and inspection, being marked and designated as the *International Property Maintenance Code* as published by the International Code Council, Inc., be and is hereby adopted as the *Property Maintenance Code* of the Village of Decatur, Van Buren County, Michigan; 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, 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-** That the *International Property Maintenance Code* is hereby amended and revised as follows:

A. Section 101.1 (page 1) is hereby amended to read as follows:

Title. These regulations shall be known as the *Property Maintenance Code* of the Village of Decatur, Van Buren County, Michigan, hereinafter referred to as “this code.”

B. Section 103.6 (page 2) is hereby amended to read as follows:

Fees. The fees for activities and services performed by the Code Enforcement Officials in carrying out their responsibilities under this code shall be determined by a Resolution of the Village Council of the Village of Decatur, Michigan. Such fees may be altered by a subsequent Resolution of the Village Council in its discretion.

C. Section 106.3 (page 3) is hereby amended to read as follows:

Prosecution of violation. Any person, firm or corporation failing to comply with a notice of violation or order served in accordance with Section 107 shall be responsible for a Municipal Civil Infraction and subject to a civil fine and other sanctions as set forth in Section 106.4. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding 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 provisions of this code or of the order or direction made pursuant thereto.

D. Section 106.4 (page 3) is hereby amended to read as follows:

Violation penalties. Any violation of any provision of this Ordinance or any lawful order of the Building Inspector, or other Code Enforcement Official, or the Code Appeals Board, issued in pursuance of this Ordinance shall be a Municipal Civil Infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance, and any omission or failure to act where the act is required by this Ordinance.

The sanction for any violation of this Ordinance which is a Municipal Civil Infraction shall be a civil fine not exceeding Five Hundred and 00/100 (\$500.00) Dollars, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being MSA 27A.8302 and 27A.8701 et seq., respectively.

The Building Inspector or designated Code Enforcement Official, together with police officers of the Village are the Village officials authorized to issue Municipal Civil

Infraction citations for violations of this Ordinance.

E. Section 111.1 (page 5) is hereby amended to read as follows:

Application for appeal: Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed with the Village Clerk of the Village of Decatur, Michigan, within ten (10) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause an undue hardship.

F. Section 111.2 (page 5) is hereby amended to read as follows:

Membership of the Board: The Village Council of the Village of Decatur, Van Buren County, Michigan shall constitute the membership of the Board of Appeals. The chairman of said Board of Appeals shall be the President of the Village Council, who shall be the presiding officer of said Board, and the Clerk of the Village of Decatur, or other designated person, shall be the secretary for same.

G. Sections 111.2.1 (page 5), 111.2.2 (page 5), 111.2.3 (page 5), 111.2.4 (page 5), 111.2.5 (page 5), are hereby deleted.

H. Section 303.14 (page 10) is hereby amended by inserting “March 1st to November 1st as the dates in said Section.

I. Section 602.3 (page 17) is hereby amended to read as follows:

Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, shall be required to furnish heat to the occupants thereof to maintain a temperature of not less than 65 degrees F (18 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature of the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

J. Section 602.4 (page 17) is hereby amended to read as follows:

Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees F (18 degrees 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 3 -** That Ordinance No. 142 of the Village of Decatur, Van Buren County, Michigan, which adopted the “BOCA National Property Maintenance Code/1996, Fifth Edition”, is hereby repealed.

**Section 4-** That 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 5** - That the Village Clerk of the Village of Decatur, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law.

**Section 6**- This Ordinance shall become effective on the 24th day of June, 2002.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3rd day of June, 2002.