

ORDINANCE NO. 73

AN ORDINANCE OF THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF LANSING, MICHIGAN, BE AMENDED BY ADDING CHAPTER 101A ("PROPERTY MAINTENANCE CODE") OF TITLE X ("BUILDING REGULATIONS") TO: ADOPT, BY REFERENCE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE; MAKE CERTAIN AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS ADOPTED; AUTHORIZE CERTAIN TOWNSHIP OFFICIALS TO ENFORCE THE ORDINANCE; DESIGNATE VIOLATIONS OF THE ORDINANCE AS MUNICIPAL CIVIL INFRACTIONS; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE THEREOF.

THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF LANSING HEREBY ORDAINS:

1. The Charter Township of Lansing Code of Ordinances is hereby amended by adding Chapter 101A ("Property Maintenance Code") to Title X ("Building Regulations") as follows:

Section 101A-1. Adoption of the International Property Maintenance Code, 2012 edition.

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 marked and designated, as the International Property Maintenance Code, 2012 Edition, published by the International Code Council shall be and is hereby adopted by the Charter Township of Lansing, 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 condemnations of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein 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 International Property Maintenance Code on file in the office of the Township Clerk 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, as prescribed in Section 101A-2 of this ordinance.

Section 101A-2. Amendments to the International Property Maintenance Code, 2012 edition.

(a) Section 101.1 is hereby amended to read:

Title. These regulations shall be known as the Property Maintenance Code of the Charter Township of Lansing, herein referred to as "this code".

(b) Section 102.3 is hereby amended to read:

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, as applicable, of the International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, NFPA 70, Michigan Building Code, Michigan Residential Code, the Michigan Rehabilitation Code for Existing Buildings, the Charter Township of Lansing Zoning Ordinance, the Michigan Plumbing Code, The Michigan Mechanical Code and the 2008 National Electrical Code. When a code other than that, which is hereby listed, is referenced with this code, the locally adopted equivalent code shall be the reference standard.

(c) Section 103.2 is hereby amended to read:

The code official(s) shall be appointed by resolution of the Board of Trustees of the Charter Township of Lansing.

(d) Section 103.3 is hereby deleted.

(e) Section 103.5 is hereby amended to read:

Fees. The fees for activities and services associated with the enforcement of this ordinance may be established and amended from time to time by resolution of the Board of Trustees of the Charter Township of Lansing.

(f) Section 112.4 is hereby amended to read:

Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set by resolution of the Board of Trustees of the Charter Township of Lansing.

(g) Section 201.3 is hereby amended to read:

Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, NFPA 70, Michigan Building Code, Michigan Residential Code, the Michigan Rehabilitation Code for Existing Buildings, the Charter Township of Lansing Zoning Ordinance, the Michigan Plumbing Code, the Michigan Mechanical Code and the 2008 National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

(h) Section 202 is hereby amended to include the following definitions:

Code means any code or ordinance adopted by the Charter Township of Lansing.

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/or spaces which contain mechanical, electrical or plumbing equipment.

Good faith effort is work done towards removing or rectifying a code violation, while not completed, in the sole opinion of the authorized township official, substantial, and tangible progress toward that end has been made.

Guest means any person who occupies a room for living or sleeping purposes without remuneration or consideration and for no longer than 30 consecutive days and no more than 60 days in a year; except that for dwellings not required to be licensed pursuant to Chapter 69A, "guest" means a person who occupies a room for living or sleeping purposes in a dwelling unit with the owner or owner's family residing therein without consideration or remuneration of any kind.

Owner means any person or 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 person, individual, association of individuals, a public, private or not for profit corporation, a firm, limited liability company, agent, operator, manager or partnership, or any combination thereof. Owner shall not mean a tenant.

Owner occupied dwelling means a dwelling which a person both 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, the person intends to return, and receives no remuneration or consideration of any kind from an occupant or tenant.

Person shall have the meaning provided in Chapter 69A, unless the context indicates otherwise.

Rental complex is a group of rental dwellings.

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. The term rental dwelling includes any owner occupied dwelling that includes one or more rental units.

Rental property refers generally to all rental complexes, rental dwellings and rental units.

Rental unit is a particular living quarters within a dwelling, including living quarters within an owner occupied dwelling, that are 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 or consideration of any kind is paid.

(i) Section 302.1 is hereby amended to read:

Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Furniture which is not intended or designed for outdoor use shall not be placed outdoors or on exterior balconies, porches, decks, landings, or other areas outside of any structure.

(j) Section 302.4 is hereby amended to read:

Landscaping, grounds and weeds. Weeds and grasses in excess of ten (10) inches in height shall be prohibited on rental properties and on parcels of land along improved streets in common usage within the township, to a depth of one hundred sixty-five (165) feet or the depth of the parcel, whichever is less.

Trees and shrubs shall be tended and well maintained at all times. Dead or dying trees and shrubs shall be removed promptly.

Properties shall also comply with applicable Township ordinances and state laws addressing noxious weeds.

(k) Section 302.7 is hereby amended to read:

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. The installation or use of temporary accessory structures including, but not limited to, those utilizing tarps, canvas, plastic, or any other material which is not deemed acceptable by the state building code shall be prohibited unless otherwise approved and/or permitted by the township building official or the zoning administrator.

(l) Section 304.1.1 is hereby amended by deleting “International Building Code” and inserting “Michigan Building Code,” and deleting “International Existing Building Code” and inserting “Michigan Existing Building Code.”

(m) Section 304.2 is hereby amended to read:

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Repairs, maintenance and materials shall be consistent in appearance with and character with the rest of the structure.

(n) Section 304.3 is hereby amended to read:

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 a minimum of three (3) inches high and shall be standard Arabic numerals or alphabetic letters.

(o) Section 304.14 is hereby amended to read:

Insect screens. Every door, window and other outside opening which is opened for purposes other than periodic entering and exiting 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.

(p) Section 305.7 is hereby added to read:

Every window within a dwelling unit, rooming unit or housekeeping unit which is rented, leased or let which contains window treatments such as shades, blinds or drapes must ensure that said treatments are of a consistent solid color as viewed from the outside covering each window. The use of sheets, blankets and similar materials not intended or designed for use as a window covering shall be prohibited.

(q) Section 307.1.1 is hereby added to read:

Existing guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere four (4) inches or more in diameter. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere six (6) inches cannot pass through.

(r) Section 308.4 is hereby added to read:

Rubbish and garbage container storage. All rubbish and garbage containers shall be placed at curbside no more than eighteen (18) hours in advance of the scheduled rubbish or garbage pickup and removed within twelve (12) hours of pickup. All such containers shall be kept in an inconspicuous place between pickup intervals.

(s) Section 404.5 is hereby amended to read:

Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements as follows:

SPACE	MINIMUM AREA IN SQUARE FEET		
	1—2 Occupants	3—5 Occupants	6 or More Occupants
Living Room ^{a, b}	No requirements	120	150
Dining Room ^{a, b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = .093 m²

a.

See Section 404.5.2 for combined living room/dining room spaces.

b.

See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

(t) Section 602.3 is hereby amended to read:

Heat supply. Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

(u) Section 602.4 is hereby amended to read:

Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

(v) Section 602.6 is hereby added to read:

Inspection. Fuel-fired furnaces and boilers installed for more than five (5) years and serving any dwelling which is rented or leased shall be inspected biannually by a licensed mechanical contractor and a certificate of inspection shall be provided upon

request. A State of Michigan boiler license shall be construed as showing compliance with this section.

(w) Section 604.4 is hereby added to read:

Temporary auxiliary electrical system connections. Where it is found that in the event of an emergency auxiliary electrical systems are required to maintain electrical service to a dwelling, the following provisions shall apply:

1. Such systems shall provide no less than the minimum requirements set forth in Section 604.2.
2. Such systems shall comply with the National Electrical Code; specifically article 702.1 through 702.6.
3. All auxiliary electrical supply devices shall be connected to the premises in accordance with manufactures specifications and the Electrical Code.
4. Such systems shall be installed in such a manner as to minimize noise and so as to not disturb the peace and repose of nearby properties.
5. Such systems shall only be permitted under emergency situations as determined by the code official. For purposes of this section, the termination of power by the power supplier for non-payment shall not constitute an emergency.
6. Temporary auxiliary electrical systems shall be permitted for a period of no more than (30) calendar days; after which time a permanent electrical connection must be re-established, or, the dwelling must be vacated.

(x) Section 605.1.1 is hereby added to read:

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

(y) Section 704.3 is hereby amended to add the following provision:

Smoke alarms operated solely by battery, or that have a battery backup, shall be supplied with batteries that have a minimum battery life of five (5) years.

(z) Chapter 7A ("Carbon Monoxide Detector Requirements") is hereby added as follows:

Section 701A.1 General. All systems, devices, and equipment to detect carbon monoxide shall be maintained in an operable condition at all times.

Section 702A.1 Carbon Monoxide Detectors. Carbon monoxide detectors shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load within twelve (12) feet of any sleeping area, bedroom, and room used for sleeping purposes.

Section 101A-3. Violations and penalties.

It shall be unlawful and punishable as provided herein for any person to violate any provision of the International Property Maintenance Code of 2012, as adopted by the Charter Township of Lansing.

A person who violates any provision of this chapter or provision of the International Property Maintenance Code of 2012, as adopted by the Charter Township of Lansing, is responsible for a municipal civil infraction and shall be subject to a civil fine as established from time to time by resolution of the Board of Trustees of the Charter Township of Lansing. Nothing in this section shall be construed to limit the remedies available to the township in the event of a violation by a person of this chapter or provision of the International Property Maintenance Code of 2012, as adopted by the Charter Township of Lansing. Each act of violation, and each day upon which a violation exists or continues, shall constitute a separate offense.

2. Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory or regulatory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision of this Ordinance. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

3. Repeal. 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.

4. Effective Date. This Ordinance shall take effect thirty (30) days following its adoption and publication as required by law.

Kathleen M. Rodgers, Supervisor
Charter Township of Lansing

I, Susan L. Aten, Clerk of the Charter Township of Lansing, hereby certify that the foregoing is a true copy of the original of Ordinance No. 73, enacted by the Charter Township of Lansing Board of Trustees at a regular meeting on July 1, 2014.

Susan L. Aten, Clerk

Ordinance No. 73 as adopted 7-1-14

Charter Township of Lansing

Published: July 6, 2014

Effective date: August 5, 2014