

FLUSHING CITY ORDINANCE
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2023 - 03

PROPERTY MAINTENANCE CODE

THE CITY OF FLUSHING ORDAINS:

A certain document, copies of which are on file in the office of the City Clerk, being marked and designated as the International Property Maintenance Code, 2021 edition, as published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the city 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, 2021 edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed.

Section 1. Revisions.

The following sections of the International Property Maintenance Code, 2021 edition, are hereby revised:

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Flushing of Genesee County, Michigan, hereinafter referred to as "this code."

Section 104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established from time to time by resolution of the council.

Section. 109.4. Violation of this code shall be a municipal civil infraction.

Section 301.4 Vacant buildings not to be open to casual entry. No person shall permit any vacant or unused building in the city to remain open to casual entry.

Section 301.5 Boarding up of buildings—Limitation on time. No person shall permit any building to be boarded up in the city for a period of longer than six months. Such period of six months may be extended by the City of Flushing department upon filing, by the owner or other person responsible for the premises, of applications for required permits to comply with the ordinances of the city, along with a letter of intent describing what repairs are to be made and a detailed schedule indicating when they are to be completed.

Section 301.6 Boarding up of buildings—Method. Install nominal 7/16" exterior-grade plywood panel, one side sanded, for entire building opening. Panel to be cut such that it will not extend beyond the outer perimeter of the exterior of the opening when installed. Panel is to be pre-painted over entire exterior (sanded) side with an acrylic latex paint that

matches the exterior color of the building or black and cut to fit within one-eighth of an inch in all directions. The panel is to be nailed tight to the exterior of the opening stops using #8 ring shank nails (or approved equivalent) spaced no greater than 12-inch intervals along the entire perimeter of the panel at an approximate 30-degree angle from the building opening. Power-actuated fasteners that provide equivalent or superior holding capacity may be used with the express approval of the City of Flushing building department.

Section 2. Registration required.

No person shall rent, lease, let or otherwise make available for occupancy any dwelling unit designed for human occupation unless the building is registered with the building department.

- (1) Registration shall be on a form provided by the building department. Required information shall include the name, address and telephone number of the owner and any managing agent. For each individual owner and agent a driver's license number or a State of Michigan identification number must be provided. The form must be signed by all owners and any agents.
- (2) All changes in the required information must be provided to the building department in writing within 30 days of the change.
- (3) If the owner's address is more than 40 miles from the subject property, the registration form must designate an agent who may be served with process in an action to enforce compliance with this article.
- (4) If the owner is a corporation, the names, addresses and telephone numbers of its officers shall be listed. If such corporation has no substantial assets other than the dwelling in question and is controlled in whole or in part by another corporation or corporations, then the name and address of those corporations and the names, addresses and telephone numbers of those officers shall be listed.
- (5) Owner occupied residential dwellings are exempt from registration if the only other occupants of the dwelling are members of the owner's family.
- (6) The registration requirement for buildings other than rental multi-family dwellings shall take effect December 1, 2023.

Section 3. Certificate of compliance required.

No person shall rent, lease, let or otherwise make available for occupancy any building designed for human occupation unless a certificate of compliance has been issued for the building and each individual unit within it.

Section 4. Issuance of certificate of compliance.

A certificate of compliance shall be issued for a building or unit only after:

- (1) An inspection of the premises by the building department verifies that no violations of the International Property Maintenance Code (IPMC) exist and the building is in good repair, structurally sound and in a sanitary condition;
- (2) All fees have been paid and all current registration information has been provided by the owner/agent of the property.

Section 5. Termination of certificate of compliance.

Certificates of compliance for residential buildings shall expire three years after the date that they are issued. If the owner of a residential building applies for an inspection before the certificate of compliance expires, the building department shall issue a temporary certificate of compliance with an expiration date based on the time needed to arrange an inspection. The building department may revoke a certificate of compliance if an inspection reveals violations of this article.

Section 6. Temporary certificate of compliance.

The building department is authorized to issue a temporary certificate of compliance for any portion of any building that can be occupied safely, provided that all fees have been paid and current registration information has been provided. The temporary certificate shall state on its face any remaining violations and the building department shall set a time period during which the temporary certificate of compliance is valid. Failure by the owner or the owner's agent to correct the violations within the time specified by the building department shall constitute a violation of this Code and the building and/or unit may be ordered vacated.

Section 7. Inspection frequency.

- (a) Residential buildings and/or dwelling units for rent, lease, let or otherwise made available for occupancy must be inspected every three years.
- (b) Buildings may be inspected any time there is a complaint or other indication of a violation of this article.

Section 8. Inspection procedures.

- (a) A building covered by this article which is damaged by fire, windstorm, building failure, shifting of soil or land thereunder, or any other catastrophe, or is reported to be otherwise in violation of the IPMC, shall be inspected after such occurrence.
- (b) The building department may periodically cause an inspection to be made of the entire building in which a rental dwelling regulated by this article is located. upon notice from the building department to the registered owner, manager or designated agent that an inspection is due, the registered owner, manager or designated agent shall arrange for that inspection within the time as specified in the notice.
- (c) Inspections shall be conducted as permitted in (1) through (5):

- (1) A complaint basis, such that complaint of a violation will be inspected upon receipt of the written complaint and the payment of any inspection fees, if required, by the building department.
 - (2) A recurrent violation basis such that any premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected, and an inspection fee may be applied by the building department.
 - (3) Geographically, such that regulated premises in a predetermined geographical area will be inspected within a short period of time.
 - (4) A follow-up inspection, such that previous violations are inspected for correction and compliance.
 - (5) Every three years. A registered owner, manager or designated agent shall arrange this inspection.
- (d) An inspection shall be performed by the building department.
 - (e) Inspections shall be subject to fees, which shall be those fees as set by resolution by the board from time to time.
 - (f) If the cost of performing any inspection referred to in this section remains uncollected or unpaid for a period of 90 days after the bill for the same has been rendered, the cost shall be certified to the tax roll.
 - (g) If a registered owner, manager or designated agent fails to request an inspection before the expiration of a certificate of compliance, the building department shall send the registered owner, manager or designated agent a notice of the date for an inspection and the fee that must be paid before the inspection.
 - (h) An inspection may be rescheduled for just cause. Once a date for inspection is scheduled, the owner or agent shall:
 - (1) Notify each tenant of the date when the inspection is scheduled to occur.
 - (2) Notify each tenant or occupant that the registered owner, manager or designated agent is required to accompany the inspector during the performance of all inspections and in the event that the tenant or occupant is not present, the owner/agent must provide access to the inspector by unlocking the dwelling unit's door, verifying that no occupant is present and securing the unit after the inspection is completed.

Section 9. Transfer of certificate of compliance.

The building department shall transfer a certificate of compliance to a new owner when the new owner supplies the registration information required by Section 2.

Section 10. Fees.

- (a) The owner of the property shall be responsible for payment of the fees that are set by resolution by the board from time to time and on file in the building department and the clerk's office.

(b) Applicable fees. The following inspections are applicable with fees per aforementioned schedule:

- (1) *Registration*. Property owner and or agent recorded. Failure to register prior to occupancy will result in "failure to register" fee.
- (2) *Certification inspection*. The fee for the inspection of each dwelling unit that has not previously received a certificate of compliance or for which the certificate renewal is required.
- (3) *Reinspection*. Inspections required for purpose of determining that cited violations have been corrected.
- (4) *Broken appointments*. Broken appointments shall be defined as situations where the owner or agent fails to honor an appointment scheduled by the department. In the event the owner/agent fails to show for the scheduled inspection, and/or the owner/agent fails to adequately arrange access to necessary areas of the building or building for inspection, the inspection shall be deemed a "broken appointment" and shall be subject to additional fees.
- (5) *Renewal inspections*. Inspections for the purpose of renewing a certificate of compliance if the unit complies with the IPMC and the certificate is renewed after one inspection.
- (6) *City scheduled inspections*. Fees assessed for inspections scheduled by enforcing agency for expired certificate of compliance and/or failure to register.
- (7) *Expired certificate of compliance*. Expired certificate of compliance fee assessed plus the cost of enforcing agency scheduled inspection fees.
- (8) *Tenant complaints*. The department shall make an initial inspection after receiving a written complaint, and the required fee from the tenant, if necessary. If a premises is found to have a high incidence of recurrent or uncorrected violations or if a violation is found and re-inspection is required, the property owner shall be billed for all required re-inspections and associated fees.
- (9) *Search warrants*. An additional charge shall be assessed over and above any inspection charges for each unit and/or building for which a search warrant is issued by the court because the owner or agent has failed to respond to the department's requests to gain admission to the unit.
- (10) *Appeals*. Appeals shall be available through the building board of appeals.

Section 11. Collection of fees.

- (a) All required fees shall be paid before commencement of scheduled inspections.
- (b) When other fees are imposed pursuant to section 10.3-10, a statement of the fees shall be mailed to the owner. If the fees are not paid within 90 days, a certificate of nonpayment shall be filed with the city treasurer, upon the filing of the certificate the unpaid fees shall be certified to the tax roll.

Section 12. Exemption.

Owner occupied residential dwellings are exempt from the registration requirements of Section 2, the certificate of compliance requirement of Section 3-4 and the periodic inspection requirements of Sections 3-8 if the only other occupants of the dwelling are members of the owner's family.

At a regular meeting of the Flushing City Council held on August 14, 2023, adoption of the foregoing ordinance was moved by Councilmember Smith and supported by Johnson.

Ayes: 6

Nays: 0

First Reading: July 10, 2023
Public Hearing: August 14, 2023
Second Reading: August 14, 2023
Date Published: August 17, 2023
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The City of Flushing

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