

NO. 2882

AN ORDINANCE AMENDING CHAPTER 32 (PROPERTY MAINTENANCE CODE) OF TITLE 15 OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED

THE CITY OF LIVONIA ORDAINS:

Section 1. Chapter 32 of Title 15 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

CHAPTER 15.32

PROPERTY MAINTENANCE CODE

Sections:

15.32.010	Title for citation.
15.32.020	Enabling authority.
15.32.030	International Property Maintenance Code – Adopted by reference – Copies available for public use.
15.32.040	International Property Maintenance Code – Amendments and changes.
15.32.050	Section PM 101.1 amended – Title.
15.32.060	Section PM 105.8 amended – Organization.
15.32.070	Section PM 108.2 amended – Closing of vacant structures.
15.32.080	Section PM 109.1 amended – Emergency vacating of premises.
15.32.090	Section PM 106.2 amended – Penalty for violations.
15.32.100	Section PM 111.2 amended – Appeals board.
15.32.110	Sections PM 111.2.1 through 111.6.2 deleted.
15.32.120	Section PM 110.1 amended – Demolition of dangerous buildings.
15.32.130	Sections PM 110.2 through PM 110.4 deleted.
15.32.140	Section PM 202.0 amended – General definitions.
15.32.150	Section PM 303.8 amended and Sections PM 303.8.1 and PM 303.8.2 added – Exterior lighting
15.32.055	Section [A] 102.8 amended – Requirements not covered by Code.
15.32.065	Section [A] 104.2 amended – Duties and Powers of the Code Official

15.32.160	Section PM 304.5 amended – Foundation walls.
15.32.165	Section PM 304.15 amended – Insect screens.
15.32.175	Section PM 602.2.1 amended – Heat supply.
15.32.180	Section PM 602.3 amended – Nonresidential structures.

15.32.010 Title for citation. The ordinance codified in this chapter shall be known and cited as the “property maintenance code of the city of Livonia.”

15.32.020 Enabling authority. This chapter is adopted pursuant to Section 3 of Act 279, Public Acts of Michigan of 1909, as amended, Section 1 of Chapter II, and Sections 11 and 26 of Chapter IV of the City Charter.

15.32.030 International Property Maintenance Code (IPMC) - Adopted by reference - Copies available for public use. A. The International Code Council hereinafter ICC International Property Maintenance Code The ICC, IPMC 2012 Edition, subject to amendments contained in this chapter, is adopted by reference with the same effect as if repeated word for word in this chapter.

B. Publication of Code. The ICC International Property Maintenance Code adopted in this section shall be published by providing to the public, in the office of the City Clerk on the effective date of the ordinance codified herein, not less than three (3) printed copies in book form available for inspection and distribution to the public at all times. Any amendments or revisions of such code may be published in the same manner. Copies of such code may be purchased by the public at such reasonable charges as may be fixed by the Director of Inspection. Complete copies of the code shall be available for public use and inspection at the office of the city clerk, and publication of this chapter shall constitute notice to such effect.

15.32.040 ICC International Property Maintenance Code – Amendments and changes. The ICC International Property Maintenance Code adopted in Section 15.32.030 is adopted subject to and with the changes and amendments hereinafter provided in Sections 15.32.050 through 15.32.180.

15.32.050 Section [A] 101.1 amended – Title. Chapter 1, Administration, Section [A] 101.1 shall be amended to read as follows:

[A] 101.1 Title: These regulations shall be known as the International Property Maintenance Code of the City of Livonia, hereinafter referred to as the property maintenance code or “this code.”

15.32.055 Section A 102.8 shall be amended to read as follows:

A 102.8 Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Director of Inspections, who is the Code Official.

15.32.060 Section A 103.1 amended – Administration and Enforcement – Shall be amended to read as follows:

A 103.1 General. The department of property maintenance is hereby created and the executive official in charge thereof shall be The Director of Inspection, also known as the code official.

A 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the Livonia Code of Ordinances fee schedule in Title 15 Chapter 15.56. If the fee schedule does not provide for a specific fee for any inspection or work required by the department a reasonable fee based upon the cost to the Inspection Department, which fee will be established by the Director of Inspection or the Assistant Director of Inspection Department.

A 103.6 Bonds. Bond amounts as required by the Inspection Department for completion of required work will be determined by the Director or Assistant Director of the Inspection Department. Bond conditions and administration will follow Livonia Code of Ordinances Title 15, Chapter 15.56.020(C).

15.32.065 Section [A] amended – Duties and Powers of the Code Official. Part 2 – Administration and Enforcement, Section [A] 104.2 shall be amended to read as follows:

[A] 104.2 Inspections. 1. The Director of Inspection shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Director of Inspection is authorized to engage such expert opinions deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

2. The Director of Inspection shall cause to be inspected from time to time or as nearly as possible once a year, all buildings of public assembly, eating or drinking establishments, commercial recreational buildings, hospitals, convalescent and funeral homes and other buildings containing uses similar to the above mentioned. The Director of Inspection shall cause to be inspected from time to time or as nearly as possible every two (2) years, all churches, commercial buildings, office buildings, all factories,

warehouses, bakeries and other buildings used for commercial or industrial purposes. The Director of Inspection shall charge such fees as have been established under Chapter 56 (Permits and Inspection Fees) of Title 15 of the Livonia Code of Ordinances, as amended.

The Director of Inspection shall also cause to be inspected from time to time or as nearly as possible once a year, one-family rental dwellings, two-family rental dwellings, multiple-family rental dwellings, rooming houses, hotels and other buildings containing uses similar to the above-mentioned. The Director of Inspection shall charge fees established under Chapter 56 (Permits and Inspection Fees) of Title 15 of the Livonia Code of Ordinances, as amended. No person, partnership, company, or corporation shall lease, rent or cause to be occupied any building described in this paragraph unless the Director of Inspection has issued a certificate of compliance in the name of the owner or responsible local agent of the premises. Application shall be made for a certificate of compliance, after which the Director of Inspection shall conduct an inspection of the premises. An inspection report shall be completed, noting any and all violations. All violations must be corrected and approved prior to the issuance of a certificate of compliance. A certificate of compliance is valid for the period between inspections or until the real property is transferred, conveyed, leased or sold, whichever occurs sooner. Before real property governed by this paragraph may be transferred, conveyed, leased or sold, including by land contract, a re-inspection shall occur. It shall be unlawful for the owner of any real property governed by this paragraph who has received a notice of violation from the City of Livonia to transfer, convey, lease or sell an ownership interest in any way to another unless such owner shall have furnished to the grantee, lessee, vendee or transferee a copy of any and all notice(s) of violation and shall have furnished to the Director of Inspection a signed and notarized statement from the grantee, lessee, vendee or transferee acknowledging receipt of such notice(s) of violation.

15.32.070 Section PM [A] 108.2 amended – Closing of vacant structures. Chapter 1, Administration, Section A 108.2, shall be amended to read as follows:

[A] 108.2 Closing of vacant structures: 1. If the structure or part thereof is vacant and unfit for human habitation and occupancy, or is in danger of structural collapse, the Director of Inspection is authorized to post a placard of condemnation on the premises and order the structure closed so that it will not be an attractive nuisance. Upon failure of the owner to close the premises within the time specified in the order, the Director of Inspection shall cause the premises to be closed and secured through any available public agency or by contract with private persons or business entities and the cost thereof shall be charged against the real estate upon which the structure is located and collect unpaid costs by any available legal resource.

2. The Director of Inspection shall follow the procedures set forth in Sections 15.52.040 and 15.52.180 at the Livonia Code of Ordinances when enforcing this provision.

15.32.80 Section [A] 109.1 amended – Emergency measures.
Part 2, Administration and Enforcement, ... Section [A] 109.1, Imminent danger shall be amended to read as follows:

1. [A] 109.1 Imminent danger: If, in the opinion of the Director of Inspection, there is imminent danger of failure or collapse of a building or structure which endangers life, or if any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or if there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Director of Inspection is hereby authorized to order and require the occupants to immediately vacate the premises. The Director of Inspection shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy is Prohibited." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing it.

2. Notwithstanding other provisions of this code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order. The code official may also utilize Sections 15.52.270 and 15.52.180 of the Livonia Code of Ordinances when those provisions are applicable to the existing emergency.

15.32.090 Section [A] 106.4 amended – Penalty for violations. Part 2: Administration and Enforcement, Section [A] 106.4, shall be amended to read as follows:

106.4 Violation Penalties: Any person, firm, partnership, company, or corporation, who shall violate any provision of this code or fail to comply with it shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall constitute a separate offense.

15.32.100 Section [A] 111.2 amended – Membership of board. Part 2, Administration and Enforcement, Section [A] 111.2, shall be amended to read as follows:

[A] 111.2 Membership of board. Jurisdiction to hear petitions under Section P.M. 11.1 shall be vested in the Building Code Board of Appeals as established in (a) of Section 15.04.300 of the Livonia Code of Ordinances.

15.32.110 Sections [A] 111.2.1 through 111.2.5 deleted. Part 2: Administration and Enforcement, Section [A] 111.2.1 through [A] 111.2.5, shall be deleted from the property maintenance code.

15.32.120 Section [A] 110.1 amended – Demolition general. Part 2: Administration and Enforcement, Section [A] 110.1, shall be amended to read as follows:

[A] 110.1 General: The Director of Inspection may seek an order requiring the owner of premises upon which is located any structure or part thereof, which in his or her judgment is so old, dilapidated or in a condition of disrepair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, such that it would be unreasonable to repair it, to raze and remove such structure or part thereof; or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than six (6) months to raze and remove such structure or part thereof. The procedures set forth in Sections 15.52.050 through 15.52.180 of the Livonia Code of Ordinances shall be utilized to this section. Sections 15.52.050 through 15.52.180 are hereby adopted by reference as though fully set forth herein.

15.32.130 Sections [A] 110.2 through [A] 110.4 deleted. Part 2, Administration and enforcement, Sections [A] 110.4, shall be deleted from the property maintenance code.

15.32.140 Section 202.0 amended – General definitions. Chapter 2, General Definitions, shall be amended by the addition and/or change of the following terms and definitions to Section PM 202.0:

(A) Code Official: The Director of Inspection of the City of Livonia or any duly authorized representatives.

Rat/Vermin wall or control. A continuous minimum 4 inch wide wall by minimum 24 inch deep below grade concrete wall placed directly under the total perimeter of an accessory building or structure with a concrete slab there. If the structure there is wood, the rat/vermin wall shall extend an additional minimum 4 inches above grade. Other methods such as continuous substantial galvanized sheeting may be considered for approval as an alternative method by the code official.

Sleeping Units: The area or areas of a dwelling in which the bedrooms or sleeping rooms are located. Where such sleeping areas are separated by other use areas, excluding baths or closets, or are on different levels of the dwelling, they shall be considered separate sleeping areas.

15.32.145 Section IPMC amended – Weeds. Chapter 8, General Requirements, Section IPMC 302.4, is deleted in its entirety. The “noxious weed and refuse ordinance” which is found at Title 8, Chapter 8.40, Sections 010 through 080 (8.040.010, et seq.) shall be enforced and is incorporated by reference as though full set forth herein.

15.32.150 – Section IPMC 304.3 amended – Premises identification. Chapter 3, Exterior Structure, Section [F] 304.3 shall be amended to read as follows:

IPMC [F] 304.3 Premises identification: Buildings shall have approved address numbers placed in a horizontal position on the street side of the building to be plainly legible and visible from the street or access way fronting the property. These numbers shall contrast their background and shall be Arabic numerals. Residential numbers shall be a minimum of 3 inches in height, with a minimum stroke width of .5 inch. Non-residential numbers shall be a minimum of 4 inches in height, and a maximum of 12 inches in height with a minimum stroke width of .5 inch. All non-residential buildings shall also have the address posted on at least one (1) rear entry/exit door if one exists.

15.32.160 Section IPMC 304.14 amended - Insect screens. Chapter 3, Exterior Structure, Section IPMC 304.14 shall be amended to read as follows:

IPMC 304.14 Insect screens: During the period from April 1, to December 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 and every screen shall have a self-closing device in good working condition.

Exception: Screens shall not be required where not needed for ventilation as defined by the code or where other approval applies, such as air curtains or insect repellent fans, are employed.

15.32.165 Section IPMC 304.20 added - Exterior lighting. Chapter 3, Exterior Structure, Section IPMC 304.20 shall be added to read as follows:

IPMC 304.20 Exterior lighting: Exterior lighting shall be subject to the following requirements of sections IPMC 304.20.1 and IPMC 304.20.2. p

PM 304.201 Lighting of residential property: Lighting of residential property, including vandal lights and all other forms of outside illumination, shall be hooded and shielded so as to reflect the light away from adjacent residential property.

PM 304.20.2 Lighting of non-residential establishments: Lighting of commercial and industrial establishments, including that used for parking lot illumination and ornamental or advertising purposes, shall be hooded and shielded so as to reflect the light away from adjacent residential property.

15.32.170 Section IPMC 307.1 amended – Handrails and guardrails.
Chapter 3, Interior structures, Section IPMC 307.1 shall be amended to read as follows:

IPMC 307.1 General: Interior and exterior stairs, balconies, ramps, porch, deck or other walking surface shall have handrails and guardrails installed and maintained as originally approved when first constructed under the code in effect at that time. For one and two family residential structures older than 1988 (without additions or alterations) the following section will apply:

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finish floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

15.32.175 Section IPMC 308.1 amended – Garbage facilities.
Chapter 3, Rubbish and Garbage, Section IPMC 308.3.1 shall be amended to read as follows:

IPMC 308.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste

grinder in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

15.32.180 Section PM 602.3 and PM 602.4 amended – Heat supply. Chapter 6, Heating facilities, Section IPMC 602.3 and IPMC 602.4 shall be amended to read as follows:

IPMC 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 during the period from September 1st to May 31st to maintain a minimum temperature of 68°F (20°C) from 6:30 A.M. to 10:30 P.M. each day and not less than 65°F (18°C) during other hours in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. 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 for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

IPMC 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to May 31st to maintain a temperature of 65°F (18°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.

15.32.190 Section IPMC 603.7 added – Certification of mechanical appliances. Chapter 6, Mechanical and electrical

requirements, Section IPMC 603.7 shall be added to read as follows:

IPMC 603.7: Certification of mechanical appliances: All mechanical appliances shall be certified a minimum of once every three (3) years. The certification must be performed by a licensed state of Michigan mechanical contractor on a form provided by The City of Livonia and submitted for review and approval. The certification shall provide, but will not be limited to, rating of (co) carbon monoxide produced in parts per million, as well as certification that the mechanical appliances are in good condition and operating as designed. The Director of Inspection may require an annual certification of mechanical appliances based upon evidence of advanced age or any signs of deterioration. The owner shall pay the cost of any such certifications.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

The above ordinance was passed at the regular meeting of the Council of the City of Livonia held Wednesday, January 11, 2012, at 8:00 p.m.

Terry Marecki, City Clerk

The foregoing ordinance was authenticated by me on this 23rd day of January, 2012.

Jack E. Kirksey, Mayor

Approved as to form:

Donald L. Knapp, Jr., City Attorney
Dated: January 23, 2012