

**CITY OF NILES, MICHIGAN  
COUNTY OF BERRIEN  
STATE OF MICHIGAN**

**ORDINANCE NO. 476**

AN ORDINANCE TO ADOPT BY REFERENCE THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH CERTAIN INSERTIONS, AMENDMENTS, ADDITIONS AND DELETIONS AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF NILES; TO ESTABLISH MINIMUM STANDARDS FOR THE MAINTENANCE AND CONDITIONS OF ALL PROPERTIES, BUILDINGS AND STRUCTURES; TO PRESCRIBE STANDARDS FOR SUPPLIED UTILITIES, FACILITIES AND EQUIPMENT AND FOR THE CONDITIONS ESSENTIAL FOR SAFE, SANITARY AND FIT OCCUPANCY AND USE; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED HEREIN AND FOR PENALTIES AND OTHER REMEDIES FOR VIOLATIONS HEREOF; AND TO REPEAL PRIOR ORDINANCES THAT ARE INCONSISTENT TO THE PROVISIONS HEREIN.

THE CITY OF NILES ORDAINS:

**SECTION 1 Title and Purpose.**

- (a) This ordinance shall be known and may be cited as the “Property Maintenance Code” of the City of Niles (hereinafter sometimes referred to as the “Code”).
- (b) The purpose of the Property Maintenance Code is to establish minimum standards governing the maintenance and conditions of all properties, buildings and structures in the City of Niles and to prescribe minimum standards for supplied utilities, facilities and equipment and conditions essential for safe, sanitary and fit occupancy and use thereof; and to prescribe penalties and other remedies for violations.

**Section 2. Adoption of Code.**

The 2015 International Property Maintenance Code, as published by the International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478 - 5795, is hereby adopted by reference as the “Property Maintenance Code” of the City of Niles, subject to those certain insertions, amendments, additions and deletions set forth in this ordinance.

**Section 3. Notice to be published.**

The City Clerk shall publish a notice of the adoption of this ordinance in the manner required by law, stating that a copy of said Code and of all insertions, amendments, additions and deletions thereto is available at the office of the City Clerk for inspection by the public during regular business hours.

**Section 4. Inspection of Code.**

Copies of said Property Maintenance Code and all insertions, amendments, additions and deletions thereto, shall be kept in the offices of the City Clerk, for inspection by the public during regular business hours.

**Section 5. Insertions in Code.**

The Code shall contain the following insertions.

- (a) Section PM-101.1 (page 1)  
Insert: the City of Niles, Michigan
- (b) Section PM-302.4 (page 11), 10 inches
- (c) Section PM-304.14 (page 13)  
Insert: April 1; October 1
- (d) Section PM-602.3 (page 21),  
Insert: September 1; May 1
- (e) Section PM 602.4 (page 21),  
Insert: September 1; May 1

**Section 6. Amendments of Code.**

The following provisions of the Code are amended to read, instead of as indicated in the Uniform Code, as follows,

- (a) Section PM-111.1 Application for appeal: Any person affected by a decision of the code official or a notice or order issued under this ordinance or under the ordinances of the City of Niles adopting the Uniform Code for Abatement of Dangerous Buildings, adopting the Building Code, adopting the Ordinance pertaining to rental housing registration inspection and licensing system or the City's Fire Ordinance shall have the right to appeal to the Board of Building Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order appealed from was served. An application for appeal shall be based on a

claim that the true intent of the code from which appeal is sought has not been correctly interpreted, the provisions of the ordinance appealed from do not fully apply or the requirements of that ordinance, or are adequately satisfied by other means. The written application shall clearly state the specific grounds for appeal. An administrative handling fee shall be paid at the time of submission of the appeal, which fee shall be set by resolution of the City of Niles Common Council, from time to time.

- (b) PM-302.8 Motor vehicles. Except as provided for in other regulations, no more than one inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state or major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

#### **Section 7. Deletions from Code.**

The following provisions are deleted from the Code:

- (a) Section PM 103.5
- (b) Section PM 112.4

#### **Section 8. Enforcement.**

The Property Maintenance Code shall be enforced by the Code Official or any Deputy Building Official and / or by such other person or persons as the City Administrator may designate with the approval of the Council. References in said Code to a "Code Official" shall be construed to mean said person(s).

#### **Section 9. Penalty.**

Any person, firm or corporation convicted of a violation of any provision of the Property Maintenance Code or any amendment thereto, or of any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than five hundred dollars (\$500.) and cost of prosecution, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The City may also enjoin or abate any violation of the Property Maintenance Code by appropriate court action.

#### **Section 10. Repeal; Preserved.**

- (a) The provisions of ordinances inconsistent with this ordinance are hereby repealed and replaced with the provisions of this Ordinance, specifically the provisions of Ordinance 454.
- (b) All other Ordinances or part of Ordinances in conflict or inconsistent with the Property Maintenance Code as enacted by the within Ordinance are repealed to the extent of such conflict or inconsistency.

**Section 11. Saving Clause.**

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 10 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 12. Effective Date.**

This Ordinance shall become effective twenty (20) days after the date of its enactment.

Proposed by Councilmember: William Weimer

Supported by Councilmember: Daniel VandenHeede

Roll Call:

Ayes: Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Robert Durm, Charlie McAfee, William Weimer, John DiCostanzo, Wm. Tim Skalla

Nays: None

Absent: None

ORDINANCE DECLARED ENACTED.

The foregoing Ordinance was enacted by the City Council of the City of Niles, State of Michigan, on the 27th day of March, 2017, and approved by its Mayor and Clerk on said date.

CITY OF NILES

By: \_\_\_\_\_  
N. Shelton, Mayor

and \_\_\_\_\_  
Linda Casperson, Clerk

First Reading: March 13, 2017

Second Reading and Enactment: March 27, 2017

Publication of Notice: April 7, 2017

Effective Date: April 17, 2017