



**PLAINFIELD CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township offices on February 24, 2020 beginning at 7 p.m., the following Ordinance was offered for adoption by Township Board Member Postmus, and was seconded by Township Board Member Pfaff:

**ORDINANCE NO. 2020-01**

**AN ORDINANCE TO AMEND THE CODE OF THE CHARTER TOWNSHIP OF  
PLAINFIELD BY AMENDING CHAPTER 8, ARTICLE V, SECTIONS 8-121  
THROUGH 8-126, INCLUSIVE, ENTITLED "PROPERTY MAINTENANCE" AND TO  
REPEAL IN THEIR ENTIRETY CHAPTER 8, ARTICLE III ENTITLED  
"DANGEROUS BUILDINGS"; CHAPTER 16, ARTICLES V AND VI ENTITLED,  
RESPECTIVELY, "NOXIOUS SHRUBS, PLANTS, WEEDS, GRASS AND OTHER  
CONDITIONS" AND "JUNKED AND INOPERABLE VEHICLES"; AND CHAPTER 37  
ENTITLED "TRASH"**

THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:

**Section 1. Amendment of Chapter 8, Article V, to Replace Sections 8-121 through 8-126, Inclusive, and to Adopt the International Property Maintenance Code, 2015 Edition.** That Chapter 8, Article V, Sections 8-121 through 8-126, inclusive, are deleted in their entirety and replaced to read in full as follows:

**8-121 Adoption the International Property Maintenance Code, 2015 Edition.** A certain document, three (3) copies of which are on file in the office of the Clerk of Plainfield Charter Township, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council (the "Code"), is hereby adopted as the Property Maintenance Code of the Township for regulating and governing the conditions and maintenance of 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 existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Code on file in the office of the Township 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.

**8-122. Amendments to Code.** The following sections and provisions of the Code are hereby revised or altered:

Table of Contents. Delete Chapters 4, 5 and 6.

Section 101.1 Insert: Plainfield Charter Township

Section 102.3 Replace with:

**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 of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Copies of such codes are available for inspection and copying at the Township's offices consistent with state law.

Section 102.8 Delete in its entirety.

Section 103.5 Replace with:

**Fees.** Fees may be adopted for activities and services performed in accordance with this code and shall be as established by resolution of the Township Board as adopted from time to time.

Section 104.3 Replace with:

**Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the Code Official has reasonable cause to believe that there exists upon a premises or in a structure, a condition in violation of this Code, the Code Official is authorized to enter the premises or structure at reasonable times to inspect or perform the duties imposed by this Code. If an inspection is necessary on the interior of a structure, the Code Official shall present credentials to the occupant and request entry into the structure. If the structure is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or agent and request entry into the structure. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry including obtaining an administrative search warrant.

Section 104.4 Replace with:

**Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code and shall provide the same upon request.

Section 105.1 Replace with:

**Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon written application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Section 106.3 Replace with:

**Prosecution of violation.** Except where otherwise provided herein, any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction and shall be subject to a fine not to exceed \$500 for every infraction, plus the costs of prosecution and other sanctions to the full extent permitted by law. The code official is an authorized local official relative to the issuance of municipal civil infraction citations. 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. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate to the full extent permitted by law.

Section 106.4 Replace with:

**Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense and violations are deemed to be a public nuisance and may be abated by injunctive or equitable relief including, without limitation, the establishment of a single-lot special assessment district to the extent authorized by law for costs incurred by the Township in abating such nuisance.

Section 107.1 Replace with:

**Notice to person responsible.** Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with Section 108. For the purposes of issuing notices and orders, the property owner and mailing address will be as determined by the Township's assessing records.

Section 107.2 Replace with:

**Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or structure into compliance with the provisions of this code.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 106.3.

Section 107.6 Replace with:

**Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation.

Section 108.2 Replace with:

**Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the premises within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource. The boarding of a building for future repair shall not extend beyond one year, absent exigent circumstances approved in advance by the building official.

Section 108.5 Replace with:

**Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code. Notwithstanding any provision of this code to the contrary, a violation of this subsection shall be deemed a misdemeanor and upon conviction shall be punished by a fine of not less than \$500, or by imprisonment not to exceed 90 days, or both in the discretion of the court.

Section 109.1 Replace with:

**Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when 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 *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This

*Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.*” 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 of demolishing the same. Notwithstanding any provision of this code to the contrary, a violation of this subsection shall be deemed a misdemeanor and upon conviction shall be punished by a fine of not less than \$500, or by imprisonment not to exceed 90 days, or both in the discretion of the court.

Section 109.5 Replace with:

**Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction may institute appropriate action against the *owner* of the *premises* or owner’s authorized agent where the unsafe structure is or was located for the recovery of such costs. Such costs shall be charged against the real estate on which the work of emergency repairs occurred and shall be a lien on the real property which shall be subject to collection in any manner authorized by law including, where permitted, placing such costs on the tax roll for the premises.

Section 110.1 Replace with:

**General.** In the manner permitted by law, the code official shall order the owner or owner’s authorized agent of any premises upon which is located any structure, which in the code official’s judgment, based on Section 108, Unsafe Structures and Equipment, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, to demolish and remove such structure; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner’s authorized agent to demolish and remove such structure.

Section 110.2 Replace with:

**Notices and orders.** Notices and orders in accordance with this section shall comply with Section 107.

Section 110.3 Replace with:

**Failure to comply.** If the owner of a premises or owner’s authorized agent fails to comply with a demolition order within the time prescribed, the Code Official may, subject to the approval of the Township Superintendent, cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such premises to the extent and in any manner permitted by law.

Section 111.4 Replace with:

**Open hearing.** Hearings before the board shall be open to the public in accordance with the Open Meetings Act, Act No. 267 of the Public Acts of 1976. The appellant, the appellant’s representative, the *code official* and any person whose interests are affected shall be given an

opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership. Records of the board shall be subject to the Freedom of Information Act, Act No. 442 of the Public Acts of 1976.

Section 111.7 Replace with:

**Court review.** Any person aggrieved by a decision of the board shall have the right to appeal to the appropriate circuit court for review of the decision. Review by the circuit court shall be made in the manner and time required by law following the filing of a written decision of the board with the Plainfield Charter Township Clerk and the delivery of written notice of the filing of such written decision to the party who filed the appeal.

Section 112.4 Replace with:

**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 deemed responsible for a municipal civil infraction and shall be liable for a fine of \$500 for each day of a violation, plus the costs of prosecution and other sanctions to the full extent permitted by law.

Section 201.4 Replace with:

**Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Without limiting the foregoing, for purposes of the interpretation of this code, and where not otherwise defined, words, phrases, and terms such as, but not limited to, "unsafe," "proper," "good," and "sound" shall have the meaning ascribed to them in common parlance and in a manner consistent and harmonious with defined words, phrases, and terms in this code (e.g., Workmanlike). Interpretations by the code official of words, phrases, and terms are subject to appeal to the Board of Appeals.

Section 202 Replace or add the following definitions to read as follows:

**BOARD OF APPEALS.** The Plainfield Charter Township Construction Board of Appeals.

**CODE OFFICIAL.** The Community Development Director for the Township, the official charged with the administration and enforcement of this code, or any other duly authorized representative.

**GARBAGE.** Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter, used or intended for food to that attends the preparation, use, cooking, cleaning in, or storing of meat, fish, fowl, fruit or vegetable. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed or unregistered, wrecked, junked, abandoned, in a state of disrepair, or incapable of being moved under its own power including, without limitation, any vehicle or conveyance, including recreational vehicles, boats, and trailers, that are inoperable or not functional as intended.

**NOXIOUS WEEDS.** Noxious weeds as defined by state law including, but not limited to, ragweed, poison ivy, poison sumac, poison oak and Canada thistle.

**VENDORING.** The hiring of a contractor or vendor by the Township to perform work pursuant to this article.

**VERMIN.** Includes rodents, birds and insects that are destructive of real or personal property or injurious to health.

Delete the definition for "Rubbish."

Section 302.1 Replace with:

**Sanitation.** Exterior property and premises shall be maintained in a clean, safe and sanitary condition, free of accumulated trash and garbage. All trash and garbage must be stored in a watertight storage receptacle with a tightfitting and watertight cover that must remain closed. The trash and garbage in the container must be removed every eight days. Upon failure of the owner or agent or occupant having charge of a property to keep the premises free of trash and garbage after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106. Upon failure to comply with the notice of violation any duly authorized employee of the Township or contractor hired by the Township shall be authorized to enter upon the property in violation and remove the trash and garbage thereon, and the costs of such removal shall be paid by the owner or agent or occupant responsible for the property and shall be a lien upon such property and may be placed on the tax rolls to the full extent permitted by law.

Section 302.3 Replace with:

**Weeds and Grass.** The premises and exterior property areas shall be maintained free from weeds and grass in excess of eight inches (8") in height in the following areas:

1. For all properties developed for residential use where a traditional lawn has been established or where the property has been cleared or graded for intended improvements.
2. The front 25 feet measured from the improved right-of-way of vacant lots, parcels and units in plats, site condominiums and residential planned unit developments in which over 85 percent of the lots or units have been developed. For corner lots, parcels or units, the front 25 feet shall be measured from both improved rights-of-way.
3. For all landscaped areas on developed commercial, office or industrial properties and on all planned unit developments containing commercial, office or industrial uses.
4. For every property that is to be maintained under this section, the required maintenance is to include the area between the owner's front property line and improved public or private road.
5. Noxious weeds shall be prohibited on premises and exterior property areas under all circumstances.

Section 302.4 Replace with:

**Inoperable motor vehicle and inoperable vehicle.** Except as provided for in other regulations, no inoperative motor vehicle or inoperable vehicle of any kind shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The ownership, occupation or use of premises by any person in

violation of this subsection shall be prima facie evidence that such person stored, accumulated or placed upon such premises inoperable motor vehicles or inoperable vehicles or permitted the same to occur.

**Exception:** A vehicle or means of conveyance of any type is permitted to be parked, kept or stored inside a completely enclosed structure or similar enclosure approved for such purposes.

Section 302.5 Replace with:

**Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the property owner or agent to restore said surface to an approved state of maintenance and repair.

Section 302.6 Replace with:

**Trees and Shrubs.** No tree or shrub or other vegetation shall block safe vision or access on a sidewalk, drive or street. No tree, dead parts thereof, fallen trees, or fallen parts thereof that create an imminent risk of damage or injury to adjacent structures, people or property shall be permitted on any property regulated by this Code.

Section 302.9 Replace with:

**Outdoor storage.** On property developed for residential use, the storage of items other than trash or garbage is not permitted in the area located between the street and the building nor closer than three feet to any side or rear lot line. Such items shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings nor be stacked in a manner which may provide harborage for vermin.

Section 302.10 Replace with:

**Abatement of violations.** A property owner or agent who fails to correct a violation of Section 302, after service of a notice of violation, shall be subject to prosecution in accordance with Section 106 and as prescribed by the Township. Upon failure to comply with the notice of violation, any duly authorized employee of the Township or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and abate the violation including removal of trash or garbage, cutting of tall weeds, grass, pruning of bushes and trees, the removal of dead branches and trees, the impounding of inoperable motor vehicles and the removal of inoperable vehicles and the restoration of a surface that has been defaced. The costs and fees shall be a debt of the owner to the Township. Without limitation, any costs for such abatement or removal shall be paid by the owner or agent responsible for the property and shall be a lien upon such property and, until paid, may be enforced and collected in the same manner as ad valorem property taxes to the full extent permitted by law.

Section 303.2 Replace with:

**Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be provided with a fence or barrier consistent with the building code. No



existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

Section 305 Delete in its entirety.

Section 308 Delete in its entirety.

Section 309 Delete in its entirety.

Chapters 4, 5 and 6 Delete in their entirety.

**Section 704.2.1.5 Added to read as follows:**

**Groups.** The Groups referred to in this section shall be those as set forth in the Township's adopted fire code.

Chapter 8 Introductory paragraph to read as follows:

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard and are available for review in the Township's offices consistent with state law. The application of the referenced standards shall be as specified in Section 102.7.

**Section 2. Repeal of Chapter 8, Article III, Chapter 16, Articles V and VI, and Chapter 37.** That Chapter 8, Article III entitled "Dangerous Buildings"; Chapter 16, Articles V and VI entitled, respectively "Noxious Shrubs, Plants, Weeds, Grass and Other Conditions" and "Junked and Inoperable Vehicles"; and Chapter 37, entitled "Trash" and all other ordinances or parts of laws in conflict herewith are hereby repealed.

**Section 3. Severability.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance. The Township Board hereby declares that it would have passed this Ordinance, the Code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unlawful.

**Section 4. No Effect on Pre-Existing Proceedings.** That nothing in this Ordinance or in the 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by the adoption of this Ordinance.

**Section 5. Publication.** That the Township Clerk is hereby ordered and directed to cause this Ordinance to be published in the manner required by law.

**Section 6. Effective Date.** That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on March 31, 2020 unless otherwise provided by law.

YEAS: Homan, Pfaff, Brinkman, Morrow, Hagedorn, Postmus, Greene

NAYS: None

ABSENT: None

ORDINANCE NO. 2020-01 ADOPTED.



Robert Homan, Supervisor



Cathleen Postmus, Clerk