

**CHARTER TOWNSHIP OF MUNDY**  
**2006 PROPERTY MAINTENANCE CODE**  
**ORDINANCE NO. 170-10**

AN EMERGENCY ORDINANCE ADOPTING THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 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 CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH. THIS ORDINANCE NEEDS TO BE ADOPTED AS AN EMERGENCY ORDINANCE DUE TO THE IMMEDIATE CONDITIONS WITHIN THE TOWNSHIP AND THE NEEDS OF ITS RESIDENTS SO AS TO PROTECT THEIR HEALTH, SAFETY AND WELFARE.

**THE BOARD OF THE CHARTER TOWNSHIP OF MUNDY ORDAINS:**

**SECTION I**

**ADOPTION OF BUILDING MAINTENANCE CODE**

That a certain document, three (3) copies of which are on file in the office of the Clerk of the Charter Township of Mundy being marked and designated as *The International Property Maintenance Code*, 2006 edition, as published by The International Code Council, be and is hereby adopted as the Property Maintenance Code of the Charter Township of Mundy; 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 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 therefore; and each and all the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Clerk of the Charter Township of Mundy, 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, as set forth within this Ordinance.

## **SECTION II**

### **INCONSISTENT ORDINANCES REPEALED**

The following sections are hereby revised and clarified:

Section 101.1.        Insert: The Charter Township of Mundy.

Section 102.8.        Shall be amended by adding "...or by the Board of Construction Appeals, as established by the State Building Code."

Section 103.        This entire section, in its entirety, is hereby deleted.

Section 104.2.        Shall be deleted in its entirety.

Section 104.3.        Shall be amended by adding "Shall be subject to all authority contained herein for the Code Official, as subject to the determination and approval of the department head."

Section 104.7.        Shall be deleted and replaced with "All records should be kept in compliance with the Township Record Retention Schedule."

Section 105.1.        Shall be amended so that any deviation, variance or modification shall only be granted by the Township Board of Construction Appeals.

Section 105.2.        Shall be amended by adding "The provisions thereof and powers contained therein shall be exercised by the Township Board of Construction Appeals."

Section 105.3.        Shall be amended by adding "The provisions thereof and powers contained therein shall be exercised by the Township Board of Construction Appeals."

Section 105.3.1.        Shall be amended by adding "The provisions thereof and powers contained therein shall be exercised by the Township Board of Construction Appeals."

Section 106.3. That language contained therein shall be deleted and shall now read “Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction as set forth hereinafter in the Penalty Provisions, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall, after approval by the department head, institute the appropriate proceedings 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 Township on or against such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 111.2. Shall be clarified so the language contained therein relative to the Board of Appeals, shall specifically mean the Board of Construction Appeals of the Township.

Section 111.2.5. Shall be deleted and replaced with “Compensation of those individuals shall be determined by the Township Board.”

Section 302.4. Insert: “twelve (12) inches”.

There shall also be added the following language:

An application or applicability exists relative to this Section. This provision will apply to all sub-divided property, or property in a condominium development, specifically including any common or limited common areas. This provision will also apply to any parcel of land with under 200 foot of frontage, with a residential dwelling on it or used for residential purposes, and shall apply for all property from the roadway to the furthestmost portion of the dwelling. These provisions shall not apply to agriculturally zoned property used for agricultural purposes, whether or not growing crops are present.

Section 304.14. Insert: May 1<sup>st</sup> to November 1<sup>st</sup>.

Section 602.3. Insert: November 1<sup>st</sup> to May 1<sup>st</sup>.

Section 602.4. Insert: November 1<sup>st</sup> to May 1<sup>st</sup>.

### **SECTION III**

#### **REPEAL OF CONFLICTING PROVISIONS**

Any Ordinances in conflict herewith, are hereby repealed, insofar as a conflict exists.

### **SECTION IV**

#### **PENALTIES**

A. Civil infraction:

1. A violation of this Ordinance shall be deemed to be a civil infraction hereunder.
2. Any civil infraction shall have a fine of not less than \$100.00 nor more than \$500.00, plus actual costs incurred by the Township in enforcing the Ordinance.
3. Each day that a violation occurs or remains is another separate occurrence and violation, subject to a separate action and penalty.
4. Any violation of this Ordinance is deemed a nuisance per se.
5. The Township may bring an action to abate any nuisance.

### **SECTION V**

#### **SEVERABILITY**

Each and every article, section and subsection, of this ordinance, and each provision of each article, section and subsection, is declared to be separable and severable, and a judicial determination that any article, section, subsection or provision of this ordinance is invalid or unenforceable, shall not affect the validity or enforceability of any other article, section, subsection or provision.

## **SECTION VI**

### **EFFECTIVE DATE**

This Ordinance is to take effect upon passage and publication hereof, as required by law.

We, the undersigned Supervisor and Clerk of the Charter Township of Mundy, Genesee County, Michigan, do hereby certify that the above Ordinance was passed by the Charter Township of Mundy Board on the 14th day of June, 2010.

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DAVID L. GUIGEAR, Supervisor

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TONYA KETZLER, Clerk