

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4366

AMENDING ARTICLE XIV IN CHAPTER 22 OF THE MICHIGAN CITY MUNICIPAL CODE ENTITLED *PROPERTY MAINTENANCE CODE STANDARDS*

WHEREAS, on November 20, 2015, Ordinance No. 4348 entitled *Creating Article XIV in Chapter 22 of the Michigan City Municipal Code to Adopt Property Maintenance Code Standards* was enacted by the Michigan City Common Council; and

WHEREAS, prior to the date of enactment, said Ordinance was referred to committee, and several meetings were held to discuss said Ordinance; and

WHEREAS, as a result of the committee meetings, numerous additions and changes were proposed to said Ordinance, which were inadvertently left out of said Ordinance when the same was adopted; and

WHEREAS, the Common Council now desires to adopt the numerous additions and changes proposed by committee to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, as follows:

SECTION 1. Article XIV entitled “Property Maintenance Code” shall be amended in Chapter 22 of the Michigan City Municipal Code and shall read as follows:

ARTICLE XIV. PROPERTY MAINTENANCE CODE

Sec. 22-800. Adoption of the (International Code Council) 2012 Edition, International Property Maintenance Code.

The International Property Maintenance Code, 2012 Edition, as amended, that is published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the City of Michigan City, as if fully set out in this chapter with the additions, insertions, deletions, and changes, prescribed in Sec. 22-801. The Property Maintenance Code shall govern the following: 1.) 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; 2.) the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and 3.) providing for the issuance of permits and collection of fees therefore. Copies of the International Property Maintenance Code, 2012 Edition, are on file with the Michigan City Clerk’s Office¹.

Sec. 22-801. Amendments.

The International Property Maintenance Code, 2012 Edition, is amended and revised in the following respects:

a.) Section 101.1 entitled “Title” shall be amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the City of Michigan City, hereinafter referred to as “this code.”

b.) Section 101.3 entitled “Intent” shall be amended to read as follows:

¹ An electronic copy of the International Property Maintenance Code, 2012 Edition, is currently provided at the following:
http://publicecodes.cyberregs.com/icod/ipmc/2012/icod_ipmc_2012_1_sec013.htm.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

- c.) Section 102.3 entitled “Application of Other Codes” shall be amended read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the codes and standards listed in Chapter 8.

- d.) Section 103 entitled “Department of Property Maintenance Inspection” shall be amended to read “Michigan City Planning & Zoning Department.”

- e.) Section 103.1 shall be amended to read as follows:

The Michigan City Planning & Zoning Department shall be the department in charge of administering this code and shall be known as the *code official*.

- f.) Section 103.2—103.5 entitled shall be deleted in its entirety.

- g.) Section 106.3 entitled “Prosecution of Violation” shall be amended to read as follows:

In case of any unlawful acts, the code official may prosecute the violation as set forth in Sec. 50-149 of the Michigan City Municipal Code.

- h.) Section 106.4 entitled “Violation Penalties” shall be amended to read:

Any person who shall violate a provision of this code shall pay a fine as set forth in Sec. 50-150 of the Michigan City Municipal Code.

- i.) Section 111.1 entitled “Application for Appeal” shall be amended to read:

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the City of Michigan City Board of Public Works and Safety, provided that a written application for appeal is filed within ten (10) days after the day the decision, notice or order was served. This Section shall not affect the right of a code official to issue a citation. If the citation is processed in court, the person shall not have the right to appeal to the Hearing Authority pursuant to this Section 111.

- j.) Section 111.2 entitled “Membership of Board” shall be amended to read:

The City of Michigan City Board of Public Works and Safety shall be the authority appointed to preside over appeal hearings.

- k.) The subsections of 111.2, namely subsections 111.2.1 through 111.2.5 shall be deleted in their entirety.

- l.) Section 111.3 entitled “Notice of Meeting” shall be amended to read:

The hearing will be scheduled after the filing of the appeal.

- m.) Section 111.4 entitled “Open Hearing” shall be amended to read:

All hearings before the City of Michigan City Board of Public Works and Safety shall be open to the public. The appellant, the appellant’s representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

- n.) Section 111.4.1 entitled “Procedure” shall be amended to read:

Each person appearing at the hearing is entitled to present evidence and arguments to the Board.

- o.) Section 111.5 entitled “Postponed Hearing” shall be amended to read:

Either party may request that a hearing be postponed or continued to a later date. The board may grant or deny said request taking into consideration the reason why said request is being made.

- p.) Section 111.6 entitled “Board Decision” shall be amended to read:

At the conclusion of the hearing, the City of Michigan City Board of Public Works and Safety may affirm the order or decision, rescind the order or decision, or modify the order or decision.

- q.) Subsection 111.6.1 entitled “Records and Copies” shall now be entitled “Decision in Writing” and shall be amended to read:

The decision of the board shall be reduced to writing and mailed to the appellant and the code official.

- r.) Section 201.3 entitled “Terms Defined in Other Codes” shall be amended to read:

Where terms are not defined in this code and are defined in the Code, Existing Building Code, Fire Code, Fuel Gas Code, Mechanical Code, Plumbing Code, Residential Code, Zoning Code, such terms shall have the meanings ascribed to them as in those codes.

- s.) The following definitions shall be added to Section 202 entitled “Definitions:”

Building Code: The Indiana Building Code, the Indiana Residential Code, the Indiana Energy Conservation Code, or other such codes and ordinances adopted by the State of Indiana and/or the City of Michigan City for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy, and maintenance of buildings or structures.

Electrical Code: The Indiana Electrical Code or other such electrical codes and ordinances adopted by the State of Indiana and/or the City of Michigan City.

Fire Code: The Indiana Fire Code or other such fire codes and ordinances adopted by the State of Indiana and/or the City of Michigan City.

Mechanical Code: The Indiana Mechanical Code and the Indiana Fuel Gas Code or other such mechanical codes and ordinances adopted by the State of Indiana and/or the City of Michigan City.

Plumbing Code: The Indiana Plumbing Code or other such plumbing codes and ordinances adopted by the State of Indiana and/or the City of Michigan City.

- t.) The following definitions shall be deleted from Section 202 entitled “Definitions:”

Rooming House: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

- u.) Section 302.4 entitled “Weeds” shall be amended to read as follows:

All *premises* and *exterior property* shall be maintained free from weeds or plant growth as governed by Section 102-1 of the Michigan City Municipal Code, which may be amended from time to time.

- v.) Section 302.10 entitled “Prohibited Display” shall be added to Section 302 and shall read as follows:

No person shall keep, permit, or allow any item not originally designed or manufactured solely for outdoor use to be located on any premises.

- w.) Section 303.2 entitled “Enclosures” shall be deleted in its entirety.
- x.) Section 304.3 entitled “Premises Identification” shall be amended to read as follows:
- Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches (102 mm) in height with a minimum stroke width of 1/2 inch.
- y.) Section 304.7.1 entitled “Temporary Roof Cover” shall be created and read as follows:
- Excluding emergency repairs, the use of tarps for roof and building repairs is prohibited. Temporary tarps placed upon a roof for emergency repairs shall be limited to ninety (90) days. Additionally, the use of tarps for vehicle covers, carports, or temporary canopies, enclosures and/or awnings is prohibited in any outdoor area visible from any public street.
- z.) Section 304.14 entitled “Insect Screens” shall be amended to read as follows:
- With the exclusion of owner-occupied premises, during the period from May 1 to October 31, 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 minimum 16 mesh per inch, and every swinging door shall have a self-closing device in good working condition.
- aa.) In Section 304.18, the following subsection shall be deleted in their entirety:
- 1.) Section 304.18.1 entitled “Doors;”
 - 2.) Section 304.18.2 entitled “Windows;” and
 - 3.) Section 304.18.3 entitled “Basement hatchways.”
- bb.) Section 307.1, entitled “Handguards and Guardrails” shall be deleted in its entirety.
- cc.) Section 401.3 entitled “Alternative Devices” shall be amended to read as follows:
- In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Building Code, and Mechanical Code shall be permitted.
- dd.) Section 402.2 entitled “Common Halls and Stairways” shall be amended to read as follows:
- Means of egress, including exterior stairways shall be illuminated in accordance with the Building Code.
- ee.) Section 404.4 entitled “Bedroom and Living Room Requirements” shall be deleted in its entirety.
- ff.) Section 404.1 entitled “Room Area” shall be deleted in its entirety.
- gg.) Section 404.4.5 entitled “Other Requirements” shall be deleted in its entirety.
- hh.) Section 404.5 entitled “Overcrowding” and Table 404.5 entitled “Minimum Area Requirements” shall be deleted in its entirety.
- ii.) Section 404.5.1 entitled “Sleeping Area” shall be deleted in its entirety.
- jj.) Section 404.5.2 entitled “Combined Spaces” shall be deleted in its entirety.

kk.) Section 505.1 entitled “Scope” shall be amended to read as follows:

All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the International Plumbing Code.

ll.) Section 602.2 entitled “Residential Occupancies” shall be amended to read:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20° degrees C) in all habitable rooms, bathrooms and toilet in accordance with the Building Code, and the Mechanical Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

mm.) Section 602.3 entitled “Heat Supply” shall be amended to read:

Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 15 to April 30 to maintain the room temperature of not less than 68°F (20°C) during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 65 degrees F. (16 degrees C.) during other hours.

nn.) Section 602.3, Exception 1, entitled “Heat Supply” shall be deleted in its entirety:

oo.) Section 602.3, Exception 2, entitled “Heat Supply” shall be deleted in its entirety.

pp.) Section 602.4 entitled “Occupiable Work Spaces” shall be deleted in its entirety and renamed as “Portable Unvented Heaters” and shall read as follows:

The use of listed portable unvented fuel burning appliances shall be limited to supplemental heating in detached single family residences. Exception: Upon approval of the Building Commissioner, portable heating devices may be permitted in any occupancy during the construction process when such is necessary for the construction and the use does not represent a hazard to life or property.

qq.) Section 604.2 entitled “Service” shall be amended to read as follows:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Electric Code. Every dwelling shall be served by a main service that is not less than 60 amperes, three wire.

rr.) Section 702.4 entitled “Emergency Escape Openings” shall be amended to read as follows:

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction. Required emergency escape openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape openings, provided the installation complies with the Building Code.

ss.) Section 704.1 entitled “General” shall be amended to read as follows:

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Fire Code.

tt.) Section 704.2 entitled “Smoke Alarms” shall be amended to read as follows:

All systems, devices and equipment to detect smoke, actuate an alarm, or suppress or control the movement of smoke or gases or any combination thereof shall be installed and maintained in an operable condition at all times in accordance with City code.

uu.) Section 704.2.1 shall be added and entitled “Tampering” and shall read as follows:

Anyone tampering or interfering with the effectiveness of any system, device or equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be in violation of this code.

vv.) Section 705 shall be added and entitled “Accumulations and Storage” and shall read as follows:

Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

ww.) Section 705.2 shall be added and entitled “Hazardous Material” and shall read as follows:

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes, and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Building Code and the Fire Code.

xx.) All Referenced Standards listed in Chapter 8 shall be deleted and replaced with the following Referenced Standards:

- The Indiana General Administrative Rules
- The Indiana Building Code
- The Indiana Residential Code
- The Indiana Electric Code
- The Indiana Fire Code
- The Indiana Fuel Gas Code
- The Indiana Mechanical Code
- The Indiana Plumbing Code
- The Indiana Swimming Pool Code

SECTION 2. Section 50-149 and Section 50-150 shall be created in Chapter 50 of the Michigan City Municipal Code and shall read as follows:

Section 50-149. Prosecution for Violation of Maintenance Code Standards.

Pursuant to Section 22-801(g), the code official shall institute an appropriate action or proceeding at law to impose the penalty provided in Section 50-150 for a violation of this Code. Also, the code official may ask the Michigan City Corporation Counsel to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
To restrain, or to correct the erection, installation, maintenance, repair, or alteration of such structure;
3. To require the removal of work which is in violation of this Code; or
4. To prevent the occupancy of the structure that is not in compliance with provisions of this Code.

Section 50-150. Violation Penalties for Maintenance Code Standards.

Pursuant to Section 22-801(h), any person who violates a provision of this Code shall, upon admission to the violation or adjudication thereof by a court, be subject to a fine of not less than fifty dollars (\$50.00) and not more than two thousand five hundred dollars (\$2,500.00) for a first violation of this Code, and not less than one hundred dollars (\$100.00), nor more than two thousand five hundred dollars (\$2,500.00) for a second or subsequent violation of this code. A second or subsequent violation is defined as a violation which occurs after a person has paid a fine for a violation of this Code, has admitted to a violation of this Code or has had a judgment entered against the person for a violation of this Code and is not limited to the parcel upon which the first violation

occurred. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Secs. 151-160. Reserved.

SECTION 3. Section 22-382 in Chapter 22 shall be amended to read as follows:

No dwelling or dwelling unit shall be deemed to comply with the requirements of this Article unless plaster, paint, and all other surface materials are of such character as to be easily cleanable, and are reasonably smooth, clean, and tight.

SECTION 4. Section 22-399 shall be deleted in its entirety.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 16th day of February, 2016 by a vote of 9 to 0.

/s/ Tim Bietry, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2016.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Office of Corporation Counsel Upon Request