

## **City of Grand Ledge Ordinance #605**

**An Ordinance to Amend the City Code, Chapter 8 – Buildings and Building Regulations, Article IV – Maintenance of Buildings; to Establish Penalties for the Violation Thereof, Pursuant to the Authorization Set Forth in Section 3(K) of the Michigan Home Rule Cities Act (MCL 117.3); to Repeal Any Code Provision Inconsistent Herewith; to Amend the City Code, Chapter 8 – Buildings and Building Regulations, Article I – In General, to Repeal Section 8.1 – Dangerous Buildings (Ordinance #585); and to Establish an Effective Date Hereof.**

### **The City of Grand Ledge Ordains:**

**Section 1. Purpose.** To promote the health, safety, and welfare of the people of City of Grand Ledge by utilizing the International Property Maintenance Code to regulate and require the safety of buildings, structures, and properties in the City of Grand Ledge and the properties subject to the jurisdiction and control of the City; and to repeal City Code, Chapter 8 – Buildings and Building Regulations, Article I – In General, Section 8.1 – Dangerous Buildings (Ordinance #585).

**Section 2. Change.** Grand Ledge City Code, Chapter 8 – Buildings and Building Regulations, Article IV – Maintenance of Buildings, is amended, as follows:

#### **Section 8-74. Adoption of International Property Maintenance Code of 2015.**

- A. Pursuant to the authorization set forth in Section 3(k) of the Michigan Home Rule Cities Act (MCL 117.3), the City does hereby adopt the International Property Maintenance Code of 2015 prepared by the International Code Council, Inc., as the Property Maintenance Code of the City, as amended herein.
- B. That said Code, five (5) copies of which shall at all times be available for public inspection at the office of the City Clerk together with all amendments marked and designated as the International Property Maintenance Code, 2015 Edition, published by the International Code Council shall be and is hereby adopted by the City. That said code is adopted and made a part hereof by reference except as amended by and within this ordinance. In accordance with the Authorization Set Forth in Section 3(K) of the Michigan Home Rule Cities Act (MCL 117.3), the City Clerk shall make available copies of the ordinance in the City Clerk's office together with amendments which shall be available for distribution to members of the public at large at a charge to be established by the City Council.

**Section 8-75. Amendments to the International Property Maintenance Code of 2015.**

The International Property Maintenance Code of 2015, as adopted by the City, shall be and is hereby amended as follows:

A. Sections 103.1 through 103.4 shall be and are hereby amended to read:

103.1 General. The International Property Maintenance Code shall be administered by the city code official. The code official shall be appointed by the City Manager. The City Manager shall have the authority to appoint deputy code official(s). Such employees shall have powers as delegated by the code official or City Manager. All such persons shall be individually and collectively known as the "code official."

103.2 Fees. A schedule of fees for activities necessary to the administration of this chapter shall be adopted and may be amended from time to time by resolution of the City Council.

103.3 Inspections. Inspections shall be scheduled as needed when the building or code official has cause to believe there exists in any property any condition which makes such property, or any portion thereof, substandard, or unsafe, or that a violation of this chapter or other applicable ordinances or laws may exist.

103.4 Procedural and enforcement guidelines. The City Council shall, by resolution, adopt, and may from time to time amend, guidelines for procedures and enforcement of this Code.

B. Section 103.5 is hereby deleted.

C. Section 106.3 shall be and is hereby amended to read:

Any person or entity failing to comply with a notice of violation or order served in accordance with Section 107 shall be responsible for a municipal civil infraction or district court citation and shall be subject to a civil fine as follows: \$100.00 initial violation, \$200.00 first repeat violation, \$350.00 second repeat violation, and \$500.00 third (or any subsequent) repeat violation. Municipal civil infraction violations are made payable at the City Municipal ordinance violation bureau. Repeat violations are determined based on the date of the commission of the violation. Each day that a violation continues beyond the time specified for compliance shall be deemed to be a separate offense. If the notice of violation is not complied with, City officials may 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. Such legal or court action shall serve as notice. Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Jurisdiction for district court citations and legal action as necessary to enforce City ordinance, this Code, and state law, vest in the state courts of Eaton County.

D. Sections 106.3.1 through 106.3.6 shall be and are hereby added to read:

Section 106.3.1. Violation of Code Section 108.1.1 Unsafe structures; Penalties. No person shall keep nor maintain an unsafe structure as defined by code section 108.1.1. Violation of section 108.1.1, shall be a civil infraction subject to a fine of Five Hundred Dollars (\$500.00).

Section 106.3.2. Violation of Code Section 108.1.2 Unsafe equipment; Penalties. No person shall keep nor maintain unsafe equipment as defined by code section 108.1.2. Violation of section 108.1.2, shall be a civil infraction subject to a fine of Five Hundred Dollars (\$500.00).

Section 106.3.3. Violation of Code Section 108.1.3 Structure unfit for human occupancy; Penalties. No person shall keep nor maintain a structure unfit for human occupancy as defined by code section 108.1.3. Violation of section 108.1.3, shall be a civil infraction subject to a fine of Five Hundred Dollars (\$500.00).

Section 106.3.4. Violation of Code Section 108.4.1 Placard removal; Penalties. Any person who defaces or removes a condemnation placard without the approval of the code official shall be in violation of Code Section 108.4.1. Conviction for violation of section 108.4.1, shall be a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

Section 106.3.5. Violation of Code Section 108.5 Prohibited occupancy; Penalties. 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 in violation of Code Section 108.5. Conviction for violation of section 108.5, shall be a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

Section 106.3.6. Violation of Code Section 109 – Emergency Measures, Section 109.1 Imminent danger; Penalties. Conviction for violation of section 109.1, shall be a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

- E. Section 107.1 shall be and is hereby amended to read:

Section 107.1 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. Code officials may issue municipal civil infractions or district court citation pursuant to Section 106.3 of this Code. Notices for condemnation procedures shall also comply with Section 108.3. Notwithstanding Section 107, the City Manager or City Council may initiate immediate legal action as necessary to enforce City ordinance, this Code, and state law, including but not limited to, abate violations and nuisances, 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 and such action shall serve as notice of the violation.

- F. Section 109.6 shall be and is hereby amended to read: Any person ordered to take emergency measures shall comply with such order forthwith. An appeal or request for hearing shall not delay compliance with an order to take emergency measures. A hearing regarding an order to take emergency measures shall be limited to whether the order should be continued, modified, or revoked.
- G. Section 111.4 shall be and is hereby amended to read: All hearings before the Board shall be open to the public and shall comply with the Michigan Open Meetings Act (MCL 15.261 et seq). 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 not less than two-thirds (2/3) of the Board membership.
- H. Section 111.6.1 shall be and is hereby amended to read: The decision of the Board shall be in writing, and a copy thereof shall be furnished to the appellant and to the Code Official.
- I. Section 111.7 shall be and is hereby amended to read: Any party shall have the right to seek judicial review, which review shall be limited to a determination of whether the decision is supported by substantial evidence on the record as a whole.

- J. Section 111.8 shall be and is hereby amended to read: Appeals of notice and orders shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.
- K. Section 111.9 shall be and is hereby amended to read: A person may appeal a notice of violation or order issued under this code to the Board of Appeals, except those violations issued pursuant to a Municipal ordinance violation citation, district court citation, or those violations instituted at law or in equity to, but not limited to, restrain, correct or abate such violation, or demolition of structures or building, 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, jurisdiction of such violation(s) and actions vest in the state courts of Eaton County.
- L. Section 202 shall be and is hereby amended to read: Board of Appeals means the jurisdiction's construction board of appeals, subject to Section 111.2 Membership of board. Where board of appeals is indicated in this Code, it shall be the jurisdiction's construction board of appeals.
- M. Section 302.3 shall be and is hereby amended to read: All private sidewalks, walkways, stairs, driveways and parking places and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- N. Section 302.4 and section 302.8 shall be and are hereby deleted.
- O. Section 303.2 shall be and is hereby amended to read: Private swimming pools, hot tubs and spas containing water more than 20 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level, measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.
- P. Section 304.14 shall be and is hereby deleted.
- Q. Section 602.3 shall be and is hereby amended to read: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants

thereof shall supply heat during the period from November 1 to April 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathroom 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.
- R. Section 602.4 shall be and is hereby amended to read: Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to April 1 to maintain a temperature of not less than 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.

#### **Section 8-76. Applicability of remaining provisions.**

All provisions of the International Property Maintenance Code not specifically amended herein shall remain as printed in said Code.

**Section 3. Savings Clause.** All proceedings pending and all rights and liabilities existing or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law enforced when they were commenced. This amendatory Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory Ordinance for an offense committed before that date.

**Section 4. Conflicting Ordinances Repealed.** Except as to prosecution and legal actions pending and saved pursuant to Section 4 above, any Grand Ledge City Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance and the International Property Maintenance Code of 2006 and 2009, as amended hereby, are repealed.

**Section 5. Grand Ledge Ordinance #585 repealed.** Grand Ledge Ordinance #585 and City Code Section 8-1 Dangerous Buildings is hereby repealed, and Section 8-1 is reserved for future use.

**Section 6. Severability.** The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases, or portions of this ordinance.

**Section 7. Section Headings.** The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

**Section 8. Effective Date.** This ordinance shall take effect seven days after it has been adopted by the Grand Ledge City Council.

Introduced by the Grand Ledge City Council this 13<sup>th</sup> day of February, 2023.

**Motion by** Gillespie

**Second by** MacDowell

**Ayes:** Gillespie, Jancek, Lantz, Logel, MacDowell, Willems

**Nays:** None

**Absent** Mulder

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Adopted by the Grand Ledge City Council this 27<sup>th</sup> day of February, 2023.

**Motion by** Lantz

**Second by** Gillespie

**Ayes:** Gillespie, Jancek, Lantz, Logel, MacDowell, Mulder,  
Willems

**Nays:** None

**Absent** None

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Approved:

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Keith O. Mulder, Mayor

I, Gregory Newman, Grand Ledge City Clerk, certify this is Ordinance #605 adopted by the Grand Ledge City Council at a meeting held the 27<sup>th</sup> day of February, 2023, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance #605 was published in the Grand Ledge Independent, a newspaper of general circulation in the City of Grand Ledge, the 05<sup>th</sup> day of March, 2023, subsequent to its adoption.

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Gregory L. Newman, City Clerk

Introduced: 13 February 2023

Public Hearing: 27 February 2023

Adopted: 27 February 2023

Published: 05 March 2023

Effective: 06 March 2023