

INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE
TALLMADGE CHARTER TOWNSHIP, MICHIGAN
ord. no. 122323-4 eff. January 23, 2024

AN ORDINANCE TO ASSUME RESPONSIBILITY FOR ENFORCEMENT OF A
PROPERTY MAINTENANCE CODE AND TO PROVIDE PENALTIES FOR ITS
VIOLATION.

TALLMADGE CHARTER TOWNSHIP, OTTAWA COUNTY, AND STATE OF MICHIGAN,
ORDAINS:

Sec. 1 ADOPTION OF PROPERTY MAINTENANCE CODE; PURPOSE:

Pursuant to the provisions of Public Act 359 of 1947, as amended, the Township adopts by reference the *International Property Maintenance Code*, 2021 edition, as published by the International Code Council, Inc., as amended in this Ordinance, as the property maintenance code to provide standards to safeguard life, limb, health, property, and public welfare by regulating, governing, and controlling the use, occupancy, conditions, and maintenance of all property, buildings, and structures within the Township; and to provide for a just, equitable, and practicable method whereby buildings or structures, which from any cause endanger the life, limb, property, safety, or welfare of the general public or their occupants, may be repaired, vacated, or demolished.

Sec. 2 AMENDMENTS, ADDITIONS, AND DELETIONS:

The following sections and subsections of the *International Property Maintenance Code*, 2021 edition, adopted in this Ordinance shall be amended, added, or deleted by the Township to state, be modified, or to be deleted as follows. All other sections or subsections of the applicable edition of the *International Property Maintenance Code*, 2021 edition, shall remain the same.

101.1 Title. These regulations shall be known as the International Property Maintenance Code (“this code” or “Code”) of Tallmadge Charter Township, County of Ottawa, State of Michigan (the “Township”).

102.3 Application of other codes ordinances and laws. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the codes, laws, and ordinances adopted or enforced by the State of Michigan and/or the Township. This ordinance shall not be construed to prohibit the Township from enforcing any other local ordinance or other applicable law, or from taking any other appropriate action to protect the health, safety, or welfare of the public.

103.1 Enforcement agency. The Township shall be the enforcement agency and the official in charge shall be known as the building official or the code official. The Township shall implement, administer, and enforce the provisions of this code.

104.1 Fees. The fees for activities and services performed by the Township in carrying out its responsibilities under this code shall be established by the Township Board.

105.3 Right of Entry. (Added as the last two sentences to Section 105.3, or such applicable section as provides for a right of entry): In addition to all other rights provided in Section 105.3 and/or by law, the building official and/or the Township shall have the right to seek an administrative search warrant to inspect and photograph premises or conditions on a property which are believed to be in violation of the Code. The code official shall have the right to have others assist in any inspection of a structure or premises whose assistance the code official deems appropriate or necessary, including but not limited to by way of example engineers, individuals experienced in any of the construction trades, health experts, Township officials/employees and/or law enforcement.

105.7 Liability. The building official, any board of appeals member, and any Township employee or official charged with the enforcement of this code, while acting for the Township in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not be civilly or criminally liable personally and are relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit brought against the building official, officer, employee or official because of such act or omission performed by the building official, officer, employee or official in the lawful discharge of duties and enforcement of any provision of this code or other codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the Township shall be afforded all the protection provided by the Township's liability insurance, and any immunities and defenses provided by other applicable state and federal laws; they shall be defended by a legal representative of the Township until the final termination of the proceedings. The building official or any subordinate or Township official shall not be liable for any cost in any action, suit, or proceeding that is instituted in pursuit of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Township, its officers, or employees be held as assuming any such liability by reason of the inspections or actions authorized by this code or any permits or certificates issued under this code.

107.3 Qualifications of Board of Appeals. The Board of Appeals shall consist of one or more members (in such number as the Township Board shall deem appropriate from time to time) who are determined by the Township to be qualified by way of experience and/or training, and who are not employees of the Township. A member of the Board of Appeals may be a member of another board, commission or appeals body for the Township so long as they are not a Township employee.

108.1 Membership of Board. The Board of Appeals for purposes of this code shall be as set forth in Section 107.3 as set forth above.

108.2 Compensation of members. Compensation of members of the board of appeals shall be established by the Township Board.

108.3 Open hearing. All hearings before and meetings of the board of appeals shall be open to the public. The appellant, the appellant's representative, the building official, and any person whose interests are affected shall be given an opportunity to be heard, including but not limited to any neighbor or other individual who claims to be affected by the condition of the property or structure.

108.4 Limitation on Authority. The Board's authority shall be limited to granting a waiver or relief from the code official's determination only for the grounds set forth in section 107.2. The Board of Appeals shall have no authority to waive requirements of this code or interpret administration of this code.

108.5 Appeals of Township Board of Appeals. A party aggrieved by any final decision or order of the Board of Appeals under this Ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision or order.

109.1 Unlawful Acts. No person, firm, corporation or entity, or any owner, occupant or tenant of a property or structure, shall be in conflict with or in violation of any provision of this Code.

109.2 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 accordance with Section 111.4 to the person responsible for the violation as specified in this code.

109.3 Prosecution of Violation. (The first sentence of Section 109.3 shall read as set forth herein, and the remainder of Section 109.3 shall remain as set forth in the IPMC): Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a civil infraction consistent with Township ordinance provisions for municipal civil infractions, except as may be modified herein, and the violation shall be deemed a strict liability offense.

109.4 Violation penalties. Any person who shall violate a provision of this Code, or who shall fail to comply therewith, or with any requirements of the Code, shall be guilty of a municipal civil infraction as set forth herein. Each day that a violation continues after notice has been sent shall constitute a separate violation of this Code, and shall be the basis for a separate municipal civil infraction. In addition to any costs, fees and fines set forth in the Township's Municipal Civil Infractions Ordinance (including increased civil fines for each repeat violation as provided therein), the penalty for violation of the Code shall include payments of court costs, fees and attorneys' fees incurred by the Township in enforcement of the Code, which shall be the responsibility of, and which shall be paid by, the individual or entity who is the subject of the municipal infraction.

109.5 Abatement of Violation. (The following sentence shall be added as the last sentence to Section 109.5 of the Code): In addition, the Township shall have the right to seek all remedies available by Michigan law to address or correct any Code violation which results in a municipal civil infraction, including but not limited to seeking to have the district court order the offending party to take or refrain from certain action, consistent with Chapter 87 of the Michigan Revised Judicature Act, MCL 600.8701 et. seq. and MCL 600.8302.

201.3 Terms defined in other codes and ordinances. Where terms are not defined in this code and are defined in other codes and ordinances adopted or enforced by the State or the Township, such terms shall have the meanings ascribed to them as stated in those codes or ordinances.

Sec. 3 EFFECTIVE DATE:

This Ordinance was approved and adopted by the Township Board on December 12, 2023 after its introduction and first reading on November 14, 2023, and after its publication in the manner provided by Public Act 359 of 1947, as amended. This Ordinance shall take effect 30 days after its publication following adoption.

Mark Bennett, Township Supervisor

Lenore Cook, Township Clerk

CERTIFICATE

I, Lenore Cook, the Clerk for Tallmadge Charter Township, Ottawa County, Michigan, certify that the foregoing International Property Maintenance Code Ordinance, 2021 edition, was adopted at a regular meeting of the Township Board held on December 12, 2023. The following members of the Township Board were present at that meeting: J. Bronkema, T. Bronkema, Bennett, Eppink, Cook, and Terpstra. The following members of the Township Board were absent: Schwallier. The Ordinance was adopted by the Township Board with members of the Board J. Bronkema, T. Bronkema, Bennett, Eppink, Cook, and Terpstra voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on December 24, 2023.

Lenore Cook, Clerk
Tallmadge Charter Township