

## ARTICLE IV. PROPERTY MAINTENANCE

### Sec. 6-400. International Property Maintenance Code.

The "International Property Maintenance Code", 2012 edition, as published by the International Code Council, is hereby adopted by reference as the Property Maintenance Code of Pittsfield Charter Township.

### Sec. 6-401. Changes.

Sections and subsections of the International Property Maintenance Code are changed as follows:

*101.1 Title.* These regulations shall be known as the Property Maintenance Code of Pittsfield Charter Township, hereinafter referred to as "this code."

*102.3 Application of other codes.* Notwithstanding any reference in this code to other codes, no other codes are adopted by reference. Where a reference is made to a standard in another code, a regulation adopted in the manner provided in this code shall be used.

*103.5 Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be those adopted by resolution of the Township Board of Trustees.

*104.1 General.* The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety. All rules shall take effect when approved by resolution of the Township Board of Trustees. The rules shall be published on the Township's web site.

*105.1 Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the Construction Board of Appeals appointed and acting in accordance with state construction code act, MCL 125.1501 et seq., shall have the authority to grant variances for individual cases, provided the Construction Board of Appeals shall first find that special individual reason makes the strict letter of this code

impractical and 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 code official may make written interpretations of this code. The details of action granting modifications and making interpretations shall be recorded and entered in the department files.

*Section 106 [deleted]*

*Section 107 [deleted]*

*Section 110 [deleted]*

*Section 111 [deleted]*

*302.4 Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. This section shall be enforced according to the procedures in Chapter 38 of the Township Code.

*304.14 Insect screens.* During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of 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 not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed, or for owner occupied dwellings.

*304.17 Guards for basement windows.* In dwellings where rodent problems have been identified, every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

*304.18.2. Windows.* All operable windows that provide access to a *dwelling unit, rooming unit or housekeeping unit* that is rented, leased or let, or to any common area associated with such a unit, shall be equipped with a window sash locking device.

*304.18 [the following subsections are added]*

*Section 304.18.4* Every dwelling or rooming unit entrance door which does not contain a window or side light shall be equipped with a wide angle peephole viewer installed between 43 and 60 inches from the floor.

*Section 304.18.5 Common Access:* In multiple dwellings which are offered for rent or lease and where access to individual dwellings or rooming units are obtained by means of common hallways and exterior doors, such exterior doors and any windows shall be equipped as follows:

1. All doors shall be self-closing and self-latching and shall not be equipped with any type of hold open device.
2. All doors shall be equipped with a lock requiring a key or code for entry from the exterior. The lock shall operate without any key, code, tool or other special knowledge or effort from the interior and be of a type that remains locked from the exterior at all times. Electric releases are permitted, and if so equipped, the releases shall be operable at all times. Strike plates shall have protective guards on the exterior side to prevent the lock from being pried open.
3. If a common hallway has operable windows, the windows shall be equipped with locks as per section 309.1.1 and 309.1.2. The windows shall be equipped with insect screens per section 304.14.
4. Common tenant areas such as laundry rooms, storage areas, etc., which are accessed from a common hallway shall have entry doors meeting the requirements of this section.

*602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to the dwelling areas at all times necessary to maintain a temperature of not less than 65 degrees F (18 degrees C) in all habitable rooms, bathrooms, and toilet rooms. Structures with closed loop HVAC systems must provide heat based upon fluctuant weather conditions, and in any event, such systems must provide heat no later than October 15.

*602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat at all times necessary to maintain a temperature of not less than 65 degrees F (18 degrees 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.

603 [Text unchanged but the following subsection 603.7 added]

*603.7 HVAC Certification Requirement.* All gas fired heating equipment shall be serviced and inspected by a licensed mechanical contractor. The mechanical contractor shall provide certification of inspection minimally every 4 years. The certification shall be on a form approved by the Building Official. Inspectors may

require cleaning and service more frequently based on observations made during the inspections.

[A new section 705 is added as follows.]

### *705 FIRE EXTINGUISHERS*

*705.1 Where required.* Portable fire extinguishers shall be installed as follows:

1. All multiple dwelling units, which are offered for rent or lease, shall be equipped with a fire extinguisher with a minimum rating of 1A:10-B and meeting the requirements of the Fire Prevention Code of Pittsfield Charter Township.
2. All common tenant areas in the structure in which said units are located containing laundry equipment for tenant use shall be equipped with a fire extinguisher with a minimum rating of 3-A:40-B and meeting the requirements of the Fire Prevention Code of Pittsfield Charter Township.
3. All one- or two-unit rental dwellings offered for rent or lease shall be equipped with a fire extinguisher with a minimum rating of 1A:10-B and meeting the requirements of the Fire Prevention Code of Pittsfield Charter Township.

*705.2 Location.* All extinguishers shall be permanently mounted in conspicuous locations where they will be readily accessible and immediately available for use.

*Chapter 8* of the International Property Maintenance Code [deleted]

### **Sec. 6-402. Registration required.**

No person shall occupy, rent or otherwise make available for occupancy any structure designed for human occupation unless the structure is registered with the Building Services Department. No structure shall be left vacant for more than 30 days without being registered.

- (a) Registration shall be on a form provided by the Building Services Department. Required information shall include the name, address and telephone number or the owner and any managing agent. For each individual owner and agent a driver's license number or a State of Michigan Identification number must be provided. The form must be signed by all owners and any agents.
- (b) All changes in the required information must be provided to the Building Services Department in writing within 30 days of the change.
- (c) If the owner's address is more than 60 miles from the Township, the registration form must designate an agent who may be served with process and may be named as a defendant in an action to enforce compliance with this article.
- (d) If the owner is a corporation, the names, addresses and telephone numbers of its officers shall be listed. If such corporation has no substantial assets other than the dwelling in question and is controlled in whole or in part by another corporation or corporations, then the name and address of those corporations

and the names, addresses and telephone numbers of those officers shall be listed.

- (e) Owner occupied residential dwellings are exempt from registration if the only other occupants of the dwelling are members of the owner's family (as defined in the Township Zoning Ordinance.
- (f) The registration requirement for structures other than rental multi-family dwellings shall take effect September 1, 2007

**Sec. 6-403. Certificate of compliance required.**

No person shall occupy, rent or otherwise make available for occupancy any structure designed for human occupation unless a Certificate of Compliance has been issued for the structure and each individual unit within it.

**Sec. 6-404. Issuance of certificate of compliance.**

A Certificate of Compliance shall be issued for a structure or unit only after:

- (a) an inspection of the premises by the Building Services Official verifies that no violations exist and the premises are in good repair, structurally sound and in a sanitary condition;
- (b) all fees have been paid and all current registration information has been provided by the owner/agent of the property.

**Sec. 6-405. Termination of certificate of compliance.**

Certificates of Compliance for residential structures shall expire two years after the date that they are issued. If the owner of a residential structure applies for an inspection before the Certificate of Compliance expires, the Building Services Official shall issue a Temporary Certificate of Compliance with an expiration date based on the time needed to arrange an inspection. Certificates of Compliance for non-residential structures shall terminate upon a change of occupancy or use and shall be reissued after an inspection indicates compliance with this Article. The Building Services Official may revoke a Certificate of Compliance if an inspection reveals violations of this Article.

**Sec. 6-406. Temporary certificate of compliance.**

The Building Services Official is authorized to issue a Temporary Certificate of Compliance for any portion of any structure that can be occupied safely, provided that all fees have been paid and current registration information has been provided. The Temporary Certificate shall state on its face any remaining violations and the Building Services Official shall set a time period during which the Temporary Certificate of Compliance is valid. Failure by the owner or the owner's agent to correct the violations

within the time specified by the Building Services Official shall constitute a violation of this Code and the structure and/or unit may be ordered vacated.

**Sec. 6-407. Inspection frequency.**

- (a) Residential structures may be inspected every 2 years.
- (b) Vacant structures may be inspected every 90 days in order to verify that the structure is maintained in compliance with the Article.
- (c) Structures may be inspected any time there is a complaint or other indication of a violation of this Article.

**Sec. 6-408. Inspection procedures.**

- (a) When an inspection is requested, the Building Services Director shall send the owner or agent a notice of the date for the inspection and the fee that must be paid before the inspection.
- (b) If an owner fails to request an inspection before the expiration of a Certificate of Compliance, the Building Services Official shall send the owner or agent a notice of the date for an inspection and the fee that must be paid before the inspection.
- (c) An inspection may be rescheduled for just cause. Once a date for inspection is scheduled, the owner or agent shall:
  - (1) Notify each tenant of the date when the inspection is scheduled to occur. This notice shall be delivered posted at least 48 hours prior to the time of the scheduled inspection.
  - (2) Notify each tenant or occupant that the owner or agent is required to accompany the inspector during the performance of all inspections and in the event that the tenant or occupant is not present, the owner/agent must provide access to the inspector by unlocking the dwelling unit's door, verifying that no occupant is present and securing the unit after the inspection is completed.

**Sec. 6-409. Transfer of certificate of compliance.**

The Building Services Official shall transfer a Certificate of Compliance to a new owner when the new owner supplies the registration information required by Section 6-402.

**Sec. 6-410. Fees.**

- (a) The owner of the property shall be responsible for payment of the fees which are set by resolution by the Pittsfield Charter Township Board of Trustees and on file at office of the Clerk.

- (b) Applicable fees. The following inspections are applicable with fees per aforementioned schedule:
- (1) Registration. Property owner and or agent recorded. Failure to register prior to occupancy or failure to register a vacated structure within 30 days will result in "Failure to Register" Fee
  - (2) Certification inspection. The fee for the inspection of each dwelling unit that has not previously received a certificate of compliance or for which the certificate renewal is required.
  - (3) Re-inspection. Inspections required for purpose of determining that cited violations have been corrected.
  - (4) Broken appointments. Broken appointments shall be defined as situations where the owner or agent fails to honor an appointment scheduled by the department. In the event the owner/agent fails to show for the scheduled inspection, and/or the owner/agent fails to adequately arrange access to necessary areas of the building or structure for inspection, the inspection shall be deemed a "Broken Appointment" and shall be subject to additional fees.
  - (5) Renewal inspections. Inspections for the purpose of renewing a certificate of compliance if the unit complies with the code and the certificate is renewed after one inspection.
  - (6) Township Scheduled Inspections. Fees assessed for inspections scheduled by enforcing agency for expired Certificate of Compliance and/or Failure to Register.
  - (7) Expired Certificate of Compliance. Expired Certificate of Compliance fee assessed plus the cost of enforcing agency scheduled inspection fees.
  - (8) Tenant complaints. The department shall make an initial inspection after receiving a written complaint and the required fee from the tenant. If a violation is found and re-inspection is required, the property owner shall be billed for all required re-inspections and associated fees.
  - (9) Search warrants. An additional charge shall be assessed over and above any inspection charges for each unit and/or structure for which a search warrant is issued by the court because the owner or agent has failed to respond to the department's requests to gain admission to the unit.
  - (10) Vacant Building. Inspection in accordance with Section 6-407. The fees may be reduced at the discretion of the Building Services Official based on the required intensity of the inspection. Vacant structures without safeguards will be considered a "Dangerous Building"
  - (11) Dangerous Building. A structure requiring special attention, open to public, structurally unstable, or a structure creating dangerous situation which may necessitate emergency safeguards.
  - (12) Appeals. Appeals shall be available through the Pittsfield Charter Township Building Board of Appeals and fees set forth by the Board.

**Sec. 6-411. Collection of fees.**

- (a) All required fees shall be paid before commencement of scheduled inspections.
- (b) When other fees are imposed pursuant to Section 6-410, a statement of the fees shall be mailed to the owner. If the fees are not paid within 60 days, a certificate of nonpayment shall be filed with the Township Treasurer. Upon the filing of the certificate the unpaid fees shall become a lien on the property and may be added to the tax rolls in the manner provided by law.

**Sec. 6-412. Exemption.**

Owner occupied residential dwellings are exempt from the registration requirements of Section 6-402, the Certificate of Compliance requirement of Section 6-413 and the periodic inspection requirements of Section 6-407 if the only other occupants of the dwelling are members of the owner's family (as defined in the Township Zoning Ordinance).

**Sec. 6-413. Date for registration.**

The registration requirement for structures other than rental multi-family dwellings shall take effect September 1, 2007.

**Sec. 6-414. Dangerous buildings.**

No person shall keep or maintain a dangerous building as defined by MCL 125.539. If the Building Services Official determines that a building is dangerous, he shall initiate proceeding for the repair or demolition of the building in accordance MCL 125.540 - MCL 125.542. By resolution, the Township Board of Trustee may appoint a board of appeals as provided in MCL 125.541c.

**Sec. 6-415. Appeals.**

Any person aggrieved by a decision of the Building Services Official regarding the enforcement of this article or any order or notice issued pursuant to this article, may appeal that decision to the Construction Board of Appeals if a notice of appeal is filed with the Township Clerk within 20 days of the decision, order or notice. The Construction Board of Appeals shall hear appeals in accordance with the procedure specified by state construction code act, MCL 125.1501 et seq. An appeal of the decision of the Construction Board of Appeals may be made to the Washtenaw Circuit Court in the manner provided by law.



**Sec. 6-416. Violations.**

- (1) No owner or owner's agent shall keep or maintain property that does not comply with the standards of this Article.
- (2) No owner or owner's agent shall fail to register property as required by Section 6-402
- (3) No person shall rent or otherwise make available for occupancy a building or dwelling unit for which a certificate of occupancy has not been issued pursuant to Section 6-404 or Section 6-406
- (4) Violations of this section or other requirements of this article shall be civil infractions punishable in accordance of Article VI of Chapter 2 of this Code.

**Sec. 2-241. Schedule of civil fines established; general penalties and sanctions for violations of township ordinances; continuing violations; injunctive relief.**

A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established as follows. Except as provided for in the schedule of civil fines, civil fines for violations shall be as follows:

Name and Code Section	First Offense	First Repeat Offense	Second Repeat Offense
Zoning Ordinance, 1-6(10)	\$100.00	\$250.00	\$500.00
Building Code, 6-31 et seq.	100.00	250.00	500.00
Electrical Code, 6-101 et seq.	100.00	250.00	500.00
Mechanical Code, 6-136 et seq.	100.00	250.00	500.00
Property Maintenance, 6-400 et seq.	100.00	250.00	500.00
Fire Prevention, 10-31 et seq.	100.00	250.00	500.00
Open Burning, 10-66 et seq.	25.00	100.00	250.00
Parks & Recreation, 16-47	25.00	50.00	100.00
Property Identification, 6-351 et seq.	25.00	50.00	100.00
Sidewalks, 28-31 et seq.	25.00	50.00	100.00
Weeds, 38-34	25.00*	50.00*	100.00*
Wetlands, 8-209	1000.00	2,500.00	5,000.00
Fertilizer, (owner)	50.00	500.00	1,000.00
8-336 (applicator)	500.00	1,000.00	2,000.00
*in addition to mowing charges if any			

(1) Unless a violation of an ordinance of the township is specifically designated by ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(2) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by ordinance.

(3) Unless otherwise specifically provided by ordinance for a particular municipal civil infraction violation, the sanction for a violation that is a municipal civil infraction shall be a civil fine in the amount as provided by this article, plus any costs, damages, expenses and other sanctions, as authorized under chapter 87 of the act and other applicable laws.

a. Unless otherwise specifically provided for a particular municipal civil infraction violation by any ordinance, fine for a violation shall be \$50.00, plus costs and other sanctions, for each infraction.

b. Increased civil fines shall be imposed for repeated violations by a person of any requirement or provision of any ordinance. Unless otherwise specifically provided by ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

1. The fine for any offense that is a first repeat offense shall be \$100.00, plus costs.

2. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be \$250.00, plus costs.

(4) A violation includes any act prohibited or made or declared to be unlawful or an offense by ordinance; and any omission or failure to act where the act is required by ordinance.

(5) Each day on which any violation of any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a repeat offense.

(6) In addition to any remedies available at law, the township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any township ordinance.