

**CITY COMMISSION
CITY OF OTSEGO
Allegan County, Michigan**

Commissioner Misner, supported by Commissioner Trobeck, moved the adoption of the following ordinance:

ORDINANCE NO. 155

AN ORDINANCE TO AMEND ARTICLE III, DIVISION 2 OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF OTSEGO, MICHIGAN, TO PROVIDE FOR THE ADOPTION BY REFERENCE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION

THE CITY OF OTSEGO ORDAINS:

Section 1. Amendment. Chapter 10, "Building and Building Regulations," Article III, "Housing Code," Division 2, "Minimum Standards," Sections 10-111 through 10-116, of the Code of Ordinances of the City of Otsego, Michigan, are hereby amended to read as follows:

Division 2. Property Maintenance Code

Sec. 10-111. Adoption of code.

The International Property Maintenance Code, 2012 Edition, including Appendix A, as promulgated and published by the International Code Council, Inc., is adopted by reference as the Property Maintenance Code of the City of Otsego, and made a part of this chapter as if fully set forth in this division, subject to the modifications provided in this division and subject to such further modifications as the city shall adopt from time to time.

Sec. 10-112. Purpose of code.

The purpose of the Property Maintenance Code is to ensure public health, safety and welfare insofar as they are affected by the maintenance of all property, buildings and structures within the city.

Sec 10-113. Definitions.

Whenever the words "city," "jurisdiction" or "governmental unit" are used in the International Property Maintenance Code, 2012 Edition, they shall mean the City of Otsego. Whenever the word "state" is used in the International Property Maintenance Code, 2012 Edition, it shall mean the State of Michigan.

Sec. 10-114. Amendments to the Property Maintenance Code.

The International Property Maintenance Code, 2012 Edition, including Appendix A, is amended as follows:

(a) Section 101.1 is amended to read in its entirety as follows:

101.1. Title. These regulations shall be known and may be cited as the "Property Maintenance Code of the City of Otsego", and will be referred to in this division as this "Code."

(b) Section 102.3 is amended to read in its entirety as follows:

102.3. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code and the Otsego Fire

Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the City of Otsego Zoning Ordinance.

(c) Section 102.3.1 is added to read in its entirety:

102.3.1. Reference to other codes. Whenever the “International Building Code” or “building code” is referenced in this Code it shall mean the Michigan Building Code. Whenever the “International Mechanical Code” is referenced in this Code it shall mean the Michigan Mechanical Code. Whenever the “International Plumbing Code” is referenced in this Code it shall mean the Michigan Plumbing Code. Whenever the “International Electrical Code” or “NFPA 70” is referenced in this Code it shall mean the Michigan Electrical Code. Whenever the “International Fire Code”, “fire code” or “NFPA 25” is referenced in this Code it shall mean the Otsego Fire Code. Whenever the “International Zoning Code” is referenced in this Code it shall mean the City of Otsego Zoning Ordinance.

(d) Section 103.1 is amended to read in its entirety as follows:

103.1. General. Whenever the "department of property maintenance inspection" is used in this Code it shall mean the City of Otsego Building and Code Enforcement Department. Whenever the terms "code official" or “building official” are used in this Code it shall mean the designated building inspector of the city.

(e) Section 103.2 is deleted in its entirety.

(f) Section 103.3 is deleted in its entirety.

(g) Section 103.4 is amended to read in its entirety as follows:

103.4. Liability. The code official, member of the Otsego Construction Board of Appeals, or employee charged with the enforcement of this Code, while acting for the city, 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 rendered liable personally, and is relieved from all 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 instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by legal representative of the City until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

(h) Section 103.5 is amended to read in its entirety as follows:

103.5. Fees. The city commission shall by resolution from time to time, establish a fee schedule for permits under this Code.

(i) Section 103.5.1 is added to read in its entirety:

103.5.1. Payment and collection. The provisions of section 62-11 of the Code of Ordinances of the City of Otsego, Michigan, entitled "Procedure when expense is chargeable to single premises," shall govern the payment and collection of special assessments made under this Code.

(j) Section 103.5.2 is added to read in its entirety:

103.5.2. Unpaid fees. Any unpaid fees, as required by this Code that remain unpaid after February 15th, shall become a debt to the city from the owner or person otherwise to be assessed on tax day provided by law. Such unpaid fees shall become a lien upon such

real property and the lien for such amounts and all associated interest and penalties shall continue until payment. All such lien amounts shall be collected in the same manner as real property taxes.

(k) Section 104.3 is amended to read in its entirety as follows:

104.3. Right of Entry. When the code official has reasonable cause to believe a condition exists in a building or upon a premises that is contrary to and in violation of this Code and the condition makes the building or premises unsafe, dangerous or hazardous, the code official may enter the building or premises at reasonable times to inspect or perform the duties imposed by this Code. If the building or premises is occupied, the code official's credentials shall be presented to the occupant(s) and the code official shall request permission to enter. If the building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or the person having charge or control of the building or premises and request entry. In all instances where entry is refused, the code official is authorized to pursue recourse as provided by law.

(l) Section 106.3 is amended to read in its entirety as follows:

106.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall 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 to this Code. Any action taken by the City of Otsego 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.

(m) Section 106.4 is amended to read in its entirety as follows:

106.4. Violation penalties. Any violation of this Code shall be punishable as a municipal civil infraction as provided in and subject to the fines and penalties provided under section 1-15 of the Code of Ordinances of the City of Otsego.

(n) Section 111.1 is amended to read in its entirety as follows:

111.1. Construction Board of Appeals. All appeals under this Code shall be brought before the Construction Board of Appeals as created pursuant to section 10-51 of the Code of Ordinances of the City of Otsego, which Board is authorized and has jurisdiction to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this Code, using the rules of procedures adopted by the Construction Board of Appeals.

(o) Section 111.2 is deleted in its entirety.

(p) Section 111.2.1 is deleted in its entirety.

(q) Section 111.2.2 is deleted in its entirety.

(r) Section 111.2.3 is deleted in its entirety.

(s) Section 111.2.4 is deleted in its entirety.

(t) Section 111.2.5 is deleted in its entirety.

(u) Section 111.3 is deleted in its entirety.

- (v) Section 111.4 is deleted in its entirety.
- (w) Section 111.4.1 is deleted in its entirety.
- (x) Section 111.5 is deleted in its entirety.
- (y) Section 111.6 is deleted in its entirety.
- (z) Section 111.6.1 is deleted in its entirety.
- (i) Section 111.6.2 is deleted in its entirety.
- (ii) Section 111.7 is deleted in its entirety.
- (iii) Section 111.8 is deleted in its entirety.
- (iv) Section 112.4 is amended to read in its entirety as follows:

112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Code.

- (v) Section 201.3 is amended to read in its entirety as follows:

201.3. Terms defined in other codes. Where terms are not defined in this Code and are defined in the Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code, the Otsego Fire Code or the City of Otsego Zoning Ordinance, such terms shall have the meanings ascribed to them as stated in those codes or ordinances.

- (vi) Section 302.4 insert 'six (6) inches in height.'

- (vii) Section 304.14 insert 'May 15 to October 31.'

- (viii) Section 401.3 is amended to read in its entirety as follows:

401.3. Alternative devices. In lieu of the means for natural light and ventilation prescribed in this Code, artificial light or mechanical ventilation complying with the Michigan Building Code and/or the Michigan Mechanical Code shall be permitted.

- (ix) Section 602.2 is amended to read in its entirety as follows:

602.2. Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature as provided within the Michigan Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

- (x) Section 602.3 is amended to read in its entirety as follows:

602.3. Heat supply. Every owner or 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 a heating system to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68 degrees F. (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: 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 City of Otsego shall be 6 degrees F.

(xi) Section 602.4 is amended to read in its entirety as follows:

602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F during the period the spaces are occupied.

Exceptions: Processing, storage and operation areas that require cooling or special temperature conditions or areas in which persons are primarily engaged in vigorous physical activities.

Sec. 10-115. Copies of code.

A complete copy of the International Property Maintenance Code, 2012 Edition, including Appendix A, is available for public use, inspection and purchase at the offices of the city clerk.

Secs. 10-116—10-130. Reserved.

Section 2. Effective Date. Following its final adoption and publication in accordance with the City Charter, this ordinance shall take effect on July 1, 2014.

YEAS: Commissioner: Tom Gilmer, Kathy Misner, Cyndi Trobeck, Ryan Wieber & Matt Shankle

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None

ABSENT: Commissioners: None.

ORDINANCE ADOPTED.

CERTIFICATION

I certify that this is a true and complete copy of an ordinance adopted by the City Commission of the City of Otsego at a regular meeting held on March 17, 2014.

Dated: March 17, 2014

Angela Cronen, City Clerk

Introduced: March 3, 2014

Adopted: March 17, 2014

Published: March 31, 2014

Effective: July 1, 2014