

ALLENDALE CHARTER TOWNSHIP

ORDINANCE NO. 2017-6

PROPERTY MAINTENANCE CODE RESTATEMENT ORDINANCE

AN ORDINANCE to restate Ordinance No. 2005-1, and to adopt the 2015 edition of the International Property Maintenance Code, with revisions, to replace the 2003 edition; to regulate and govern the conditions and maintenance of all residential rental property, buildings, and structures within the Township; to provide standards for supplied utilities, facilities, and other physical aspects and conditions which are essential to ensure that structures are safe, sanitary, and fit for occupation and use; to provide for the condemnation and destruction of buildings and structures in the Township; to provide for the issuance of permits and collection of fees; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, STATE OF MICHIGAN ORDAINS:

Section 1. Purpose and Intent. The 2015 edition of the International Property Maintenance Code, three copies of which are on file in the office of the Charter Township of Allendale (the “Township”), as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the Township, in the State of Michigan, for regulating and governing the conditions and maintenance of all residential rental property, buildings, and structures. Each and all of the regulations, provisions, penalties, conditions, and terms of the Property Maintenance Code are referred to, adopted, and made a part of this Ordinance, as if fully set forth in this Ordinance, with the additions, insertions, deletions, and changes prescribed in Section 2 of this Ordinance.

Section 2. Revisions. The following Sections are revised as follows.

Section 101.1. Insert “the Charter Township of Allendale.”

Section 103.1. Replace existing text with “The Rental Housing Department shall be designated to perform property maintenance inspections, and the executive official in charge thereof shall be known as the *code official*.”

Section 103.5. Replace existing text with “The fees for activities and services performed by the Rental Housing Department in carrying out its responsibilities under this Code shall be as determined from time to time by the Rental Housing Registration Fees Resolution of the Township Board.”

Section 106.3. Replace “misdemeanor or civil infraction as determined by the local municipality” with “civil infraction.”

Section 109.6. Replace “appeals board” with “Construction Board of Appeals.”

Section 111.1. Replace “the board of appeals” with “the Construction Board of Appeals.” Replace “within 20 days” with “within 14 days.”

Section 111.2. Delete the entire Section, including all subsections.

Section 111.4. Insert “or the code official’s representative” between “the code official” and “any person.”

Section 112.4. Replace “liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars” with “subject to a civil infraction and liable to fines as provided in the Township’s Municipal Civil Infractions Ordinance, Ordinance 1995-1.”

Section 201.3. Insert “All references to the International Building Code shall be deemed to mean the Michigan Building Code; all references to the International Zoning Code shall mean the Allendale Charter Township Zoning Ordinance; all references to the International Plumbing Code shall mean the Michigan Plumbing Code; all references to the International Mechanical Code shall mean the Michigan Mechanical Code; all references to the International Existing Building Code shall mean the Chapter of the Michigan Building Code pertaining to existing structures (i.e., currently Chapter 34); and all references to the ICC Electrical Code shall mean the National Electrical Code.”

Section 202. After the definition of “BEDROOM,” insert “BOARD OF APPEALS. The Allendale Charter Township Construction Board of Appeals.”

Section 302.4. Insert “eight inches” for the height.

Section 304.3. Replace the last sentence with: “Numbers shall be in compliance with the Allendale Charter Township Fire Department’s numbering.”

Section 304.14. Insert: “May 1,” and “November 1.”

Section 304.17. Delete the entire Section.

Section 404.5. Replace the entire Section, including all subsections, with “Dwelling units shall not be occupied by more occupants than are permitted by the Allendale Charter Township Zoning Ordinance.”

Section 602.3. Insert “September 1” and “June 1.”

Section 602.4. Insert “September 1” and “June 1.”

Section 3. Repeal. All resolutions, ordinances, orders, or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. Specifically, Ordinance No. 2005-1 is repealed in its entirety and restated by this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Township Board declares it would have passed this Ordinance, in each section, subsection, clause, or phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 5. Pending Suits and Rights. Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6. Immunity. No officer, agent, employee, or member of the Township shall be personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance or the Property Maintenance Code hereby adopted.

Section 7. Effective Date. This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on _____, 2017, after introduction and a first reading on _____, 2017 and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on _____, 2017, in *The Ottawa Advance*, a newspaper having general circulation in the Township.

Adam Elenbaas, Township Supervisor

Laurie Richards, Township Clerk

CERTIFICATE

We, Adam Elenbaas, and Laurie Richards, the Supervisor and the Clerk, respectively, for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Allendale Charter Township Property Maintenance Code Restatement Ordinance was adopted at a _____ meeting of the Allendale Charter Township Board held on _____, 2017. The following members of the Township Board were present at the meeting: _____. The following members of the Township Board were absent: _____.

The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor and members of the Board _____ voting in opposition. The Ordinance was published in the _____ on _____, 2017.

Adam Elenbaas, Township Supervisor

Laurie Richards, Township Clerk