ORDINANCE #1181

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO REPEAL SECTIONS 1460.01-1460.43 OF THE LANSING CODIFIED ORDINANCES AND REPLACE THEM WITH NEW SECTIONS 1460.01 - .03, ADOPTING THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH CERTAIN ADDITIONS, DELETIONS, AND ALTERATIONS.

THE CITY OF LANSING ORDAINS:

Section 1. That Sections 1460.01-1460.43 of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby repealed and replaced with the following:

CHAPTER 1460. PROPERTY MAINTENANCE CODE

1460.01. PROPERTY MAINTENANCE CODE

FOR THE PURPOSE OF REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PREMISES AND ANY STRUCTURES THEREON; PROVIDING STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES, OTHER PHYSICAL ASPECTS OF STRUCTURES, AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE; AND PROVIDING A MECHANISM FOR CONDEMNATION OF STRUCTURES UNFIT FOR OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES, THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE (“IPMC”) IS HEREBY ADOPTED AS IF FULLY SET FORTH HEREIN, WITH THE FOLLOWING ADDITIONS, DELETIONS, AND ALTERATIONS:

(a) WHEN USED IN THE IPMC:

(1) “[NAME OF JURISDICTION]” AND “THE JURISDICTION” ARE REPLACED WITH “LANSING” OR “THE CITY.”

(2) “INTERNATIONAL BUILDING CODE” IS REPLACED WITH “THE BUILDING CODE, AS ADOPTED IN CHAPTER 1420 OF THE LANSING CODIFIED ORDINANCES.”

(3) “INTERNATIONAL MECHANICAL CODE” IS REPLACED WITH “THE MECHANICAL CODE, AS ADOPTED IN CHAPTER 1426 OF THE LANSING CODIFIED ORDINANCES.”

(4) “ICC ELECTRICAL CODE” IS REPLACED WITH “THE ELECTRICAL CODE, AS ADOPTED IN CHAPTER 1424 OF THE LANSING CODIFIED ORDINANCES.”

(5) “INTERNATIONAL ZONING CODE” IS REPLACED WITH “THE ZONING CODE, TITLE SIX OF PART TWELVE OF THE LANSING CODIFIED ORDINANCES.”

(6) “INTERNATIONAL FIRE CODE” IS REPLACED WITH “THE FIRE CODE, AS ADOPTED IN CHAPTER 1610 OF THE LANSING CODIFIED ORDINANCES.”

(7) “INTERNATIONAL PLUMBING CODE” IS REPLACED WITH “THE PLUMBING CODE, AS ADOPTED IN CHAPTER 1422 OF THE LANSING CODIFIED ORDINANCES.”

(8) “DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION” AND “DEPARTMENT” ARE REPLACED WITH “OFFICE OF CODE COMPLIANCE.”

(9) “LEGAL REPRESENTATIVE OF THE JURISDICTION,” “LEGAL OFFICER OF THE JURISDICTION,” AND “LEGAL COUNSEL OF THE JURISDICTION” ARE REPLACED WITH “CITY ATTORNEY.”

(10) “APPOINTING AUTHORITY” IS REPLACED WITH “MAYOR.”

(11) “APPEALS BOARD” IS REPLACED WITH “BUILDING BOARD OF APPEALS.”

(b) THE FOLLOWING LANGUAGE IS ADDED TO SECTION 102.6 AFTER THE WORD “DESIGNATED”: BY THE FEDERAL, STATE, OR LOCAL GOVERNMENT.

(c) SECTION 103.2 IS DELETED.

(d) THE TEXT OF SECTION 103.3 IS REPLACED WITH THE FOLLOWING: THE CODE OFFICIAL HAS THE AUTHORITY TO APPOINT CODE COMPLIANCE OFFICERS AND TO DELEGATE TO ANY OF THEM ANY OF HIS OR HER DUTIES OR FUNCTIONS UNDER THIS CODE.

(e) THE TEXT OF SECTION 103.5 IS REPLACED WITH THE FOLLOWING: THE FEES FOR SERVICES PERFORMED BY THE OFFICE OF CODE COMPLIANCE UNDER THIS CODE SHALL BE ESTABLISHED BY COUNCIL RESOLUTION.

(f) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF SECTION 104.1: THE OFFICE OF CODE COMPLIANCE IS RESPONSIBLE FOR ENFORCING THIS CODE AND ACTS AS THE LOCAL HEALTH DEPARTMENT UNDER PART 24 OF THE PUBLIC HEALTH CODE, PA 368 OF 1978. THE OFFICE OF CODE COMPLIANCE MAY ALSO ENFORCE ANY PROVISION OF THE HOUSING LAW OF MICHIGAN, PA 167 OF 1917.

(g) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF SECTION 106.1: UNLESS OTHERWISE PROVIDED, A PROPERTY’S OWNER IS RESPONSIBLE FOR VIOLATIONS OF THIS CODE OCCURRING ON THE PROPERTY, EVEN WHERE THIS CODE IMPOSES AN ADDITIONAL DUTY ON THE OCCUPANT OR WHERE THE OWNER HAS IMPOSED RESPONSIBILITY ON THE OCCUPANT BY AGREEMENT.

(h) THE TEXT OF SECTION 106.3 IS REPLACED WITH THE FOLLOWING: THE CODE OFFICIAL AND ALL CODE COMPLIANCE OFFICERS ARE HEREBY DESIGNATED AS AUTHORIZED CITY OFFICIALS FOR THE PURPOSE OF ISSUING MUNICIPAL CIVIL INFRACTION NOTICES DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU OR A LOCAL COURT OF COMPETENT JURISDICTION. UNLESS OTHERWISE PROVIDED IN THIS CODE OR BY STATE LAW, ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CODE IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AND SUBJECT TO A $500 FINE AND ALL OTHER PENALTIES AND REMEDIES ALLOWED BY LAW. ANY PERSON IN VIOLATION OF SECTION 108.4.1 OR SECTION 108.5 IS RESPONSIBLE FOR A MISDEMEANOR AND SUBJECT TO THE PENALTIES PROVIDED IN SECTION 202.99(b) OF THE LANSING CODIFIED ORDINANCES AND ALL OTHER PENALTIES AND REMEDIES ALLOWED BY LAW. IF A VIOLATION OF THIS CODE IS NOT CORRECTED AS REQUIRED BY THE NOTICE OF VIOLATION GIVEN PURSUANT TO SECTION 107, THE CODE OFFICIAL 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 ANY UNLAWFUL OCCUPANCY OF THE STRUCTURE. WITH THE EXCEPTION OF THE 30 DAYS WITHIN WHICH A VACANT STRUCTURE MUST BE CLOSED PURSUANT TO SECTION 108.2, THE CODE OFFICIAL HAS THE AUTHORITY TO GRANT AN EXTENSION OF THE TIME SPECIFIED IN THE NOTICE OF VIOLATION, UPON REQUEST BY THE PERSON RESPONSIBLE FOR THE VIOLATION, PROVIDED THAT THE PERSON AGREES TO CORRECT THE VIOLATION WITHIN THE EXTENDED TIME PERIOD TO BE GRANTED AND THE CODE OFFICIAL DETERMINES THAT A CONDITION DANGEROUS TO LIFE OR PROPERTY WILL NOT BE CREATED OR PERPETUATED BY GRANTING SUCH EXTENSION. NO SUCH EXTENSION OF TIME FOR THE CORRECTION OF A VIOLATION WILL EXTEND THE TIME FOR FILING AN APPEAL.

(i) SECTION 106.6 IS ADDED, TO READ AS FOLLOWS: VIOLATIONS OF SECTION 302.4 AND VIOLATIONS OF SECTION 308 ARE HEREBY DECLARED TO BE NUISANCES AND MAY BE ABATED BY THE CITY IF NOT CORRECTED WITHIN THE TIME PROVIDED IN THE NOTICE GIVEN PURSUANT TO SECTION 107. ANY EXPENSE INCURRED IN ABATING A NUISANCE PURSUANT TO THIS SECTION, INCLUDING AN ADMINISTRATIVE SERVICE FEE, SHALL BE PAID BY THE OWNER OR PARTY IN INTEREST WHOSE NAME APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS. THE OWNER OR PARTY IN INTEREST WHOSE NAME APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS SHALL BE NOTIFIED OF THE AMOUNT OWED BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS. AFTER 30 DAYS, ANY UNPAID AMOUNT SHALL BE REPORTED TO THE CITY ASSESSOR FOR PLACEMENT ON THE NEXT TAX ROLL OF THE CITY

AND IMPOSITION OF A LIEN AGAINST THE PROPERTY ON WHICH THE NUISANCE WAS LOCATED, AS PERMITTED BY STATE LAW.

(j) WHEN USED IN SECTION 107.1, “PERSON” IS REPLACED WITH “PERSONS.”

(k) IN SECTION 107.2:

(1) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF NUMBER 4: FOR VIOLATIONS OF SECTION 302.4, THE NOTICE SHALL REQUIRE CORRECTION WITHIN 7 DAYS.

(2) THE TEXT OF NUMBER 6 IS REPLACED WITH THE FOLLOWING: INFORM THE PROPERTY OWNER THAT, WHEN PERMITTED BY LAW, A LIEN MAY BE IMPOSED UPON THE PROPERTY.

(l) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF SECTION 108.1.1: ANY STRUCTURE THAT IS A “DANGEROUS BUILDING” AS DEFINED IN THE HOUSING LAW OF MICHIGAN, PA 167 OF 1917, IS ALSO AN UNSAFE STRUCTURE.

(m) THE TEXT OF SECTION 108.5 IS REPLACED WITH THE FOLLOWING: ANY STRUCTURE CONDEMNED AND PLACARDED BY THE CODE OFFICIAL SHALL BE VACATED. NO PERSON SHALL OCCUPY ANY SUCH STRUCTURE OR ALLOW ANY DOMESTIC ANIMAL TO OCCUPY ANY SUCH STRUCTURE. NO PERSON SHALL OPERATE EQUIPMENT CONDEMNED AND PLACARDED BY THE CODE OFFICIAL. REPAIRS REQUIRED BY A CORRECTION ORDER MAY BE MADE DURING THE HOURS OF 8 AM AND 5 PM ON MONDAYS THROUGH FRIDAYS OR AT OTHER TIMES FOR WHICH THE CODE COMPLIANCE OFFICE HAS GRANTED PERMISSION. THE CODE COMPLIANCE OFFICE SHALL GRANT PERMISSION FOR REPAIRS TO BE MADE AT OTHER REASONABLE TIMES SET BY DEPARTMENT POLICY IF THE PERSON SEEKING PERMISSION HAS OBTAINED ALL PERMITS NECESSARY FOR THE WORK TO BE DONE AND PROVIDES DOCUMENTATION INDICATING THAT THE WORK CANNOT BE PERFORMED BETWEEN 8 AM AND 5 PM ON MONDAYS THROUGH FRIDAYS.

(n) SECTION 108.8 IS ADDED, TO READ AS FOLLOWS: THE OWNER OF ANY STRUCTURE PLACARDED PURSUANT TO SECTION 108.4 IS RESPONSIBLE FOR PAYING A MONTHLY, NON-REFUNDABLE ADMINISTRATIVE FEE WHILE THE PLACARD REMAINS ON THE STRUCTURE. THE ADMINISTRATIVE FEE SHALL BE ESTABLISHED BY COUNCIL RESOLUTION IN AN AMOUNT SUFFICIENT TO DEFRAY THE COST INCURRED BY THE CITY TO MONITOR THE STRUCTURE FOR THE PURPOSE OF PREVENTING PUBLIC SAFETY HAZARDS. THE OWNER OR PARTY IN INTEREST WHOSE NAME APPEARS ON THE CITY’S REAL PROPERTY TAX ASSESSMENT RECORDS SHALL BE NOTIFIED OF THE AMOUNT OWED BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE CITY’S REAL

PROPERTY TAX ASSESSMENT RECORDS. AFTER 30 DAYS, ANY UNPAID AMOUNT SHALL BE REPORTED TO THE CITY ASSESSOR FOR PLACEMENT ON THE NEXT TAX ROLL OF THE CITY AND IMPOSITION OF A LIEN AGAINST THE PROPERTY, AS PERMITTED BY STATE LAW.

(o) SECTION 108.9 IS ADDED, TO READ AS FOLLOWS: THE CODE OFFICIAL MAY REQUEST PERMISSION TO INSPECT ANY STRUCTURE INTENDED TO BE USED AS A DWELLING WHEN THAT STRUCTURE HAS REMAINED VACANT FOR 180 DAYS. IF PERMISSION TO INSPECT IS DENIED, THE CODE OFFICIAL MAY SEEK A WARRANT FROM A COURT OF COMPETENT JURISDICTION.

(p) SECTION 110 IS DELETED. IN ITS PLACE, MCL 125.538-125.542, WITH THE EXCEPTION OF MCL 125.541c, FROM ARTICLE VII OF THE HOUSING LAW OF MICHIGAN, PA 167 OF 1917, ARE HEREBY ADOPTED BY REFERENCE. PURSUANT TO MCL 125.534(6), REGARDLESS OF WHETHER OR NOT THE COST OF REPAIR OF A STRUCTURE EXCEEDS ITS STATE EQUALIZED VALUE, THE CODE OFFICIAL MAY BRING A COURT ACTION TO REMOVE OR REHABILITATE IT IF (1) IT IS AN UNSAFE STRUCTURE PURSUANT TO SECTION 108.1.1, (2) IT REMAINS VACANT OR BOARDED, AND (3) A SIGNIFICANT ATTEMPT HAS NOT BEEN MADE TO REHABILITATE IT FOR A PERIOD OF 24 CONSECUTIVE MONTHS.

(q) SECTION 111.1 IS REPLACED WITH THE FOLLOWING: APPEAL OF A DECISION THAT A STRUCTURE IS A DANGEROUS BUILDING PURSUANT TO MCL 125.542 SHALL FOLLOW THE PROCEDURES DESCRIBED IN THE HOUSING LAW OF MICHIGAN, PA 167 OF 1917, AND ADOPTED IN SUBSECTION (p). ANY PERSON DIRECTLY AFFECTED BY ANY OTHER DECISION OF THE CODE OFFICIAL OR NOTICE OR ORDER ISSUED UNDER THIS CODE MAY APPEAL TO THE BUILDING BOARD OF APPEALS. THE CODE OFFICIAL SHALL BE AN EX-OFFICIO MEMBER OF THE BUILDING BOARD OF APPEALS WHEN IT HEARS APPEALS BROUGHT UNDER THIS CODE, BUT THE CODE OFFICIAL SHALL HAVE NO VOTE ON ANY MATTER BEFORE THE BOARD. WRITTEN APPLICATION FOR AN APPEAL MUST BE FILED WITHIN 20 DAYS OF SERVICE OF THE DECISION, NOTICE, OR ORDER BEING APPEALED. AN APPLICATION FOR APPEAL MUST BE BASED ON A CLAIM THAT THE TRUE INTENT OF THIS CODE OR THE RULES LEGALLY ADOPTED THEREUNDER HAVE BEEN INCORRECTLY INTERPRETED, THE PROVISIONS OF THIS CODE DO NOT APPLY, OR THE PURPOSES OF THIS CODE'S REQUIREMENTS ARE ADEQUATELY FULFILLED BY OTHER MEANS.

(r) SECTIONS 111.2-111.7 ARE DELETED.

(s) THE FOLLOWING DEFINITIONS REPLACE THOSE PROVIDED IN SECTION 202:

PERSON. ANY LEGAL ENTITY.

(t) THE DEFINITIONS OF "**INOPERABLE MOTOR VEHICLE**" AND "**OPERATOR**" ARE DELETED.

(u) THE FOLLOWING DEFINITIONS ARE ADDED TO SECTION 202:

ABSENTEE LANDLORD. ANY OWNER OF RENTAL PROPERTY WHOSE PRINCIPAL RESIDENCE IS LOCATED MORE THAN FORTY MILES FROM THE CORPORATE LIMITS OF THE CITY.

CODE COMPLIANCE OFFICER. ANY DULY AUTHORIZED REPRESENTATIVE OF THE CODE OFFICIAL.

DWELLING. ANY "DWELLING," AS DEFINED IN THE HOUSING LAW OF MICHIGAN, PA 167 OF 1917.

LEASEHOLD. ANY "LEASEHOLD" AS DEFINED IN THE HOUSING LAW OF MICHIGAN, PA 167 OF 1917.

MOTOR VEHICLE. ANY "MOTOR VEHICLE" AS DEFINED IN THE MICHIGAN VEHICLE CODE, PA 300 OF 1949.

RENTAL PROPERTY. ANY PREMISES, DWELLING, DWELLING UNIT, OR ROOMING UNIT WHICH IS NOT OCCUPIED ON A DAILY BASIS BY THE OWNER(S), AND WHICH IS OFFERED TO LET, TO HIRE, OR TO ASSIGN FOR A PERIOD OF MORE THAN 30 DAYS TO ANY PERSON(S) FOR ANY OR NO CONSIDERATION.

(v) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF SECTION 302.4: NO MATTRESSES OR INDOOR FURNITURE SHALL BE KEPT ON EXTERIOR PROPERTY OR PREMISES.

(w) THE FIRST PARAGRAPH OF SECTION 302.4 IS REPLACED WITH THE FOLLOWING: ALL PREMISES SHALL BE MAINTAINED FREE OF WEEDS AND OF GRASS EIGHT INCHES OR MORE IN HEIGHT.

(x) THE TEXT OF SECTION 302.8 IS REPLACED WITH THE FOLLOWING: NO MOTOR VEHICLE THAT IS INOPERATIVE, STRIPPED, DISMANTLED, OR IN A STATE OF MAJOR DISASSEMBLY OR DISREPAIR MAY BE KEPT ON ANY EXTERIOR PREMISES. MOTOR VEHICLES MAY BE REMOVED FROM PRIVATE PROPERTY IN ACCORDANCE WITH THE TOWING REGULATIONS ESTABLISHED BY THE STATE AS THE "SPECIAL ANTI-THEFT LAWS" SECTIONS OF DIVISION II OF THE MICHIGAN VEHICLE CODE, MCL 257.252 – MCL 257.254.

(y) WHEN USED IN SECTION 304.14, “DURING THE PERIOD FROM [DATE] TO [DATE]” IS REPLACED WITH “BETWEEN MAY AND OCTOBER.”

(z) IN SECTIONS 602.3 AND 602.4, “DURING THE PERIOD FROM [DATE] TO [DATE]” IS DELETED.

1460.02. COPY OF 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE FOR PUBLIC INSPECTION

A COPY OF THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE IS AVAILABLE FOR PUBLIC INSPECTION IN THE CITY CLERK’S OFFICE.

1460.03. ADDITIONAL REGULATIONS

ADDITIONAL PROPERTY REGULATIONS MAY APPEAR IN THE ZONING CODE, CHAPTERS 1240-1300 OF THE LANSING CODIFIED ORDINANCES.

PARKING REGULATIONS APPEAR IN CHAPTER 1284.

LANDSCAPING, SCREENING AND BUFFERING REGULATIONS APPEAR IN CHAPTER 1290.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.