

NEW BUFFALO TOWNSHIP  
BERRIEN COUNTY, MICHIGAN

An ordinance to adopt the International  
Property Maintenance Code by Reference

Ordinance Number 20140915

An ordinance adopting the 2015 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures in the Township of New Buffalo; providing for the issuance of permits and collection of fees therefor; repealing all other ordinances or parts of ordinances in conflict therewith except the Dangerous and Unsafe Building Ordinance which remains in full force and effect.

The Township of New Buffalo, Berrien County, Michigan, ordains:

**Section 1. Adoption by Reference.** That a certain document, three (3) copies of which are on file in the office of the Clerk of the Township of New Buffalo, being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of New Buffalo, in the State of Michigan, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the New Buffalo Township Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2. Revisions and Insertions.** The following sections of the International Property Maintenance Code of 2015 are hereby revised:

Section 101.1 Title. Insert: Township of New Buffalo

Section 103.5 Fees. Insert: as established and adopted from time to time by the New Buffalo Township Board.

Section 112.4. Failure to comply. Insert: not less than \$75 or more than \$500.00

Section 302.4 Weeds. Insert: 6"

Section 304.14 Insect Screens Insert: April 1 to October 1.

Section 602.3 Heat Supply. Insert: September 1 to June 1.

Section 602.4 Occupiable Work Spaces. Insert: September 1 to June 1.

**Section 3. Repealer.** All other ordinances or parts of ordinances in conflict herewith are hereby repealed except the Dangerous and Unsafe Building Ordinance which remains in full force and effect.

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

**Section 5. Violation.** Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 <sup>st</sup> offense within 3-year period*	\$ 75.00	\$500.00
2 <sup>nd</sup> offense within 3-year period*	\$ 150.00	\$500.00
3 <sup>rd</sup> offense within 3-year period*	\$ 325.00	\$500.00
4 <sup>th</sup> or more offense within 3-year period*	\$ 500.00	\$500.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which New Buffalo Township has been put in connection with the municipal civil infraction. Each day that a violation exists shall constitute a separate offense.

**Section 6. Survival of Rights and Remedies.** Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action 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 7. Publication.** New Buffalo Township is hereby ordered and directed to cause a true copy of this ordinance or a summary to be published once in a newspaper circulating within the Township 30 days after the passage of the ordinance.

**Section 8. Effective Date.** This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect November 1, 2014.

RECORD OF ADOPTION

The names of the Township Board members and their votes are as follows:

NAME	YES	NO
Rose Dudiak	<u>X</u>	_____
Paul Oselka	<u>X</u>	_____
Jack Rogers	<u>X</u>	_____
Peter Rahm	<u>X</u>	_____
Michelle Heit	<u>X</u>	_____

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the New Buffalo Township Board at a meeting held on the 15<sup>th</sup> day of SEPTEMBER, 2014, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: 9/15, 2014

Paul Oselka  
Paul Oselka, Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the New Buffalo Times, New Buffalo, Michigan, on the 25 day of September, 2014.

Paul Oselka  
Paul Oselka, Clerk