

The Charlevoix City Council met on Monday, January 17, 2022 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

CITY OF CHARLEVOIX
ORDINANCE NO. 828 of 2022
PROPERTY MAINTENANCE ORDINANCE

An ordinance adopting by reference the most recent edition of the *International Property Maintenance Code*, except as provided herein; regulating and governing the conditions and maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for human occupation and use; and the condemnation of buildings and structures in the City; providing the issuance of permits and collection of fees therefor; and repealing and all other ordinances and parts of ordinances within.

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title IX, Chapter 91, Section 91.70 of the City of Charlevoix Code is hereby added to read as follows:

Purpose. The purpose of this ordinance is to adopt a property maintenance code to regulate and govern the conditions and maintenance of all property, buildings and structures, to provide uniform standards for occupation and use to ensure that they are safe, sanitary and fit.

SECTION 2.

Title. This Ordinance shall be known and cited as "The City of Charlevoix Property Maintenance Code."

SECTION 3.

Adoption. Pursuant to MCL 117.3 (k), that certain document marked and designated as The International Property Maintenance Code, most recently adopted edition, as published by the International Code Council, is hereby adopted as the Housing/Property Maintenance Code of the City, and each and all of the provisions of such code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, save and except such provisions as hereinafter amended or deleted.

SECTION 4.

Definitions. Wherever the term "building official," "administrative authority" or "code official" appears in the International Property Maintenance Code, as adopted in Section 3, it shall be deemed to mean the Authorized City Official (as defined in the City Code of Ordinances, as amended) and also includes the City Planner and City Zoning Administrator, or his or her duly authorized agent. Wherever the term "Municipality," "City" or "local jurisdiction" appears in such Code, it shall be deemed to mean the City of Charlevoix. Wherever the term "Board of Appeals" appears in such Code, it shall be deemed to mean the Zoning Board of Appeals of the City of Charlevoix.

SECTION 5.

Revisions. The following sections of the International Property Maintenance Code, as adopted in Section 3 above, are also hereby revised:

101.1 Insert: City of Charlevoix

103.5 Insert: Fees shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

106.3 Insert: 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 subject to the civil fines set forth in the City of Charlevoix Code. 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 thereto. Any action taken by the authority having jurisdiction 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.

106.4. Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be responsible for a municipal civil infraction and subject to the civil fines set forth in the City of Charlevoix Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.2.4. Secretary: The secretary of the appeals board will be the city clerk.

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 responsible for a municipal civil infraction and subject to the civil fines set forth in the City of Charlevoix Code.

302.4 Insert: Ten (10) inches

304.14 Insert: Insect screens are required from April 1 through November 1

602.3 Insert: Heat shall be supplied from January 1 through December 31

602.4 Insert: Heat shall be supplied from January 1 through December 31

602.4. *Occupiable Work Spaces*. Insert: January 1 through December 31

SECTION 6.

File Copies. Printed copies of the International Property Maintenance Code, as adopted in Section 3, shall be kept in the office of the City Clerk, available for review and inspection by the public at all times.

SECTION 7. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 8. Inconsistent Ordinances.

Where a provision of the International Property Maintenance Code, as adopted in this Ordinance is found to be in conflict with a provision of any zoning, housing, fire, safety, or health law of the City, the County or the State, the provision which establishes the higher standard or assumes the higher jurisdiction for the promotion and protection of the health, safety and welfare of the City shall prevail.

SECTION 9. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 828 was adopted on the 17th day of January 2022 A.D., by the Charlevoix City Council as follows:

Motion by: Parr

Second by: Spring

Yeas: Parr, Spring, Kalbfell, Hagen

Nays: Knapp, Bryan

Absent: None

State of Michigan } §
City of Charlevoix }

Sarah J. Dvoracek

City Clerk

Luther Kurtz

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 828 of 2022 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on January 17, 2022 and a summary published in the *Charlevoix Courier* on January 28, 2022, 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 full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: January 20, 2022

Sarah J. Dvoracek, City Clerk