

**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-14-06**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT CHAPTER 7 OF THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 7-202 PERTAINING TO THE ADOPTION OF AND MODIFICATIONS TO TEXT OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

THE CITY OF DEARBORN HEIGHTS ORDAINS THAT SECTION 7-202 OF THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION I.

Sec. 7-202. Adoption of and modifications to text of the International Property Maintenance Code.

(a) Substantive text of the code as modified and operative in the City. Starting with its Table of Contents at page vii and continuing through the end of its Index at page 32, the International Property Maintenance Code is hereby adopted as the property maintenance code of the City; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Property Maintenance Code 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 that follow:

(1) At **101.1 Title.**, *the following is inserted:* City of Dearborn Heights

(2) The text for **102.3 Application of other codes.** *is deleted and replaced with the following:*

102.3 Application of other codes. Except as otherwise provided in this code or the Code, 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 Plumbing Code*, the *Michigan Mechanical Code*, *Chapter 36 of the Code*, and the *National Electrical Code*. To the extent of any conflict between a Michigan code and any international or general code, the provisions of the Michigan code prevail. Nothing in this code shall be construed to cancel, modify, or set aside any provision of *Chapter 36 of the Code*.

(3) After the text of **102.8 Requirements not covered by code.**, *the following new section is added:*

102.9 Occupancy permits. It shall be unlawful for any person to hereafter occupy or reoccupy or for any owner or agent thereof to aid, abet, assist, cooperate, help or permit the occupation or reoccupation of any property, building, addition thereto or part thereof, or to sell or transfer any property upon which any use is conducted, whether for residential, commercial, or industrial purposes, without first obtaining a certificate of occupancy issued by the Department of Building and Engineering. The certificate of occupancy shall state the conditions of and the limitations to the proposed occupancy.

(4) The text for **103.1 General.**, **103.2 Appointment.**, and **103.3 Deputies.** *is deleted and replaced with the following:*

103.1 General. The departments assigned the role of enforcing this code are the Department of Building and Engineering and the Department of Ordinance Enforcement. The director or other executive official in charge of each such department shall be known as the code official for purposes of this code. The authority of the Department of Ordinance Enforcement and of its director or other executive official in charge of it to enforce this code shall be subject to the limitations contained in Section 2-901.

103.2 Appointment. As heads of City departments, each code official's appointment as well as terms and conditions of employment shall be governed by the applicable provisions of the Charter.

103.3 Deputies. In accordance with the Charter and the Code, deputy code officials as well as other related technical officers, inspectors, and other employees may be appointed and/or designated to enforce the code by either code official.

(5) The text for **103.6 Fees.** *is deleted and replace with the following:*

103.6 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as adopted by resolution of the City Council from time to time.

(6) The text for **106.3 Prosecution of violation.** *is deleted and replaced with the following:*

106.3 Prosecution of violation.

106.3.1 In general. Except as set forth at Section 106.3.2 below, any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be responsible for a municipal civil infraction, and the violation shall be deemed a strict liability offense.

106.3.2 Misdemeanors. A person who violates any of the sections of this code set forth under this Section 106.3.2 shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense: (1) Section 108.4.1 (second sentence); (2) Section 108.5; (3) Section 109.1 (last sentence).

(7) The text for the paragraph numbered "3." under **107.2 Form.** *is deleted and replaced with the following:*

3. Include a statement and description of the violation or violations and a statement of why the notice is being issued.

(8) After the text of **107.3 Method of service.**, *the following section is added:*

107.3.1 Service of notice to "last known address". An owner, agent, lessee, or party-in-interest is served at his/her/their/its "last known address" when he/she/they/it is served with the notice at the address registered with the City pursuant to Section 125.525 of the Michigan Compiled Laws. If such a person is not registered with the City pursuant to said provision of State law, the notice is served at the person's "last known address" when it is served on each owner or other party-in-interest in whose name(s) the subject property appeared on the last local tax assessment records at the address(es) set forth in the last local tax assessment records.

(9) After the text of **109.1 Imminent danger.**, *the following sections are added:*

109.1.1 Exemptions. The following individuals and types of individuals are exempt from the last sentence of Section 109.1 to the extent that they are at the premises while acting within the scope of their employment or agency: (1) City officials, employees, and agents; (2) law enforcement officials and employees of any level of government; (3) fire and/or other emergency personnel whether in government service or otherwise; (4) utility personnel.

109.1.2 Limitations. Individuals not otherwise exempt from the last sentence of Section 109.1 shall only enter a structure posted as described in Section 109.1 after receiving the written consent of the code official and even then subject to any conditions specified by the code official in the code official's written consent.

(10) Immediately after the text of **110.3 Failure to comply.**, *the following is added as part of the same paragraph:*

Absent imminent danger or the need for emergency repairs, 20 days shall be the minimum time given to an owner to comply with a demolition order of the code official under this Section 110.

- (11) The entire text for **111.2 Membership of board.** (including Sections 111.2, 111.2.1, 111.2.2, 111.2.3, 111.2.4, and 111.2.5) *is deleted and replaced with the following:*

111.2 Applicability of this section. Depending on the nature of the decision, notice, or order, the appropriate "board of appeals" could be one or more of these three entities: Zoning Board of Appeals, Building Board of Appeals, and/or Demolition Board of Appeals.

111.2.1 Zoning Board of Appeals. Section 111 is completely inapplicable to appeals to the Zoning Board of Appeals ("ZBA"). The time for taking an appeal to the ZBA, the ZBA's appeal procedures, the membership of the ZBA, and all other rules governing the ZBA are set forth elsewhere in this Code and in the laws of this State.

111.2.2 Building Board of Appeals. The Building Board of Appeals considers appeals regarding certain building standards addressed in this code and related codes, but not matters addressed under Sections 108, 109, and 110 of this code. Only Section 111.1 of this Section 111 governs any appeal to the Building Board of Appeals under this code. All other rules governing the Building Board of Appeals are set forth elsewhere in this Code and in the laws of this State.

111.2.3 Demolition Board of Appeals. The Demolition Board of Appeals considers appeals pertaining to matters addressed under this code at Section 108 Unsafe Structures and Equipment, Section 109 Emergency Measures, and Section 110 Demolition. Section 111 in its entirety applies to the Demolition Board of Appeals. Code Section 7-701 shall govern the membership, terms of appointment, election of officers, quorum, compensation, and other attributes of the Demolition Board of Appeals.

- (12) The last sentence of the text of **111.4 Open hearing.** *is changed to read:*

A quorum shall consist of a majority of the board membership.

- (13) **111.5 Postponed hearing.** *is deleted.*

- (14) The text for **111.7 Court review.** *is deleted and replaced with the following:*

111.7 Court review. The property owner aggrieved by any final decision or order of the board may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision or order.

- (15) The following text *is added to the text of 111.8 Stays of enforcement*:

Appeals board decisions or orders (other than those addressing Imminent Danger) shall not be acted upon by the City until at least 20 days have passed from the date of the decision or order in order to give the affected property owner(s) time to appeal. This limitation may be waived if all affected property owners consent to the City acting upon the decision or order.

- (16) The text for **201.3 Terms defined in other codes.** *is deleted and replaced with the following*:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *Michigan Building Code* or *International Building Code*, *International Fire Code*, *Chapter 36 of the Code*, *International Zoning Code*, *Michigan Plumbing Code* or *International Plumbing Code*, *Michigan Mechanical Code* or *International Mechanical Code*, *Michigan Residential Code*, *National Electrical Code*, *ASME A17.1* or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as in those codes. To the extent of any conflict between a Michigan code and an international, national, or general code, the definitions in the Michigan code will prevail.

- (17) Under **SECTION 202 GENERAL DEFINITIONS**, *the following is inserted after the text defining "BEDROOM"*:

CODE. The Code of Ordinances of the City of Dearborn Heights.

- (18) Under **SECTION 202 GENERAL DEFINITIONS** directly after the text defining "**RUBBISH**", *the following is added*:

Without limitation, this term shall also include any item or condition described as blight, a cause of blight, and/or a blighting factor under Section 7-302 of the Code.

- (19) The text for **302.4 Weeds.** *is deleted and replaced with the following*:

The provisions of Chapter 33, Article III of the Code shall govern the standards for weeds, grass and vegetation. The provisions of Chapter 33, Article III of the Code shall also govern the procedures for enforcement of the standards set forth in those provisions, but only to the extent that the

procedures are actually stated. The provisions of Chapter 33, Article III of the Code and the provisions of this code shall be construed to afford the City the greatest range of remedies to address problems associated with weeds, grass and vegetation. The provisions of Chapter 33, Article III of the Code shall only be interpreted to prevail over the provisions of this code to the extent that the provisions are actually in conflict.

(20) Under **303.14 Insect screens.**, *the following words are inserted in the following order in the two places referring to "[DATE]": "April" and "November".*

(21) After **502.4.1. Drinking facilities.**, *the following new sections are added:*

502.5 Laundry waste outlet. Every dwelling unit shall be provided with a laundry waste outlet or equipment, either within the unit or, in the case of multiple housing, in a public space within the building for use of all occupants.

502.6 Garbage disposal. Every dwelling unit shall have a garbage disposal unit in the waste line of the kitchen sink which has been properly installed in a manner approved by the Building and Engineering Department.

(22) Under both **602.3 Heat supply.** and **602.4 Occupiable work spaces.**, *the following words are inserted in the following order in the two places referring to "[DATE]": "October" and "May".*

(23) At the very end of **604.2 Service.**, *"60 amperes" is deleted and replaced with "100 amperes".*

(24) The text for **605.3 Lighting fixtures.** *is deleted and replaced with the following:*

605.3 Lighting fixtures. In order to illuminate all such areas, every room, hall, stairway, and exterior doorway shall be provided with a lighting fixture in operating condition. The fixture shall be controlled by a wall switch at the area's entrance, or by wall switches at the area's entrances if the area has more than one entrance.

(b) Effect of Section 7-203 on text as adopted and modified. The summary set forth at Section 7-203 is not meant to have any effect on the meaning of the text of the International Property Maintenance Code as adopted and modified as set forth at Subsection (a) of this Section 7-202.

SECTION II.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts 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 IV.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

SECTION V.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

DANIEL S. PALETKO, Mayor

WALTER J. PRUSIEWICZ, Clerk

SECTION VI.

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the **23rd** day of **September, 2014**, and became effective by publication in the official newspaper of the City of Dearborn Heights on the **4th** day of **February, 2015**.

WALTER J. PRUSIEWICZ, Clerk

Publication Date: February 4, 2015