

NORWAY TOWNSHIP
ORDINANCE # 2020-_____
PROPERTY MAINTENANCE CODE

An ordinance to provide guidance in blight management on a uniform basis throughout Norway Township.

SECTION 1 - GENERAL

1.1 Title. These regulations shall be known as the Property Maintenance Code of Norway Township, hereinafter referred to as “this code.”

1.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

1.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety, welfare, and property values insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

1.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

1.6 Applicability. The provisions of the code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 1. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

1.7 Maintenance. Except as otherwise specified herein, the owner, or his/her designated agent, shall be responsible for the maintenance of buildings, structures and premises.

1.8 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the existing building code.

1.9 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

1.10 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions.

1.11 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

1.12 Referenced codes and standards. Where differences occur between provisions of this code and the referenced standards, the provision of this code shall apply.

1.13 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 2 - CODE OFFICIAL

2.1 General. The executive official in charge thereof shall be known as the code official. The code official shall enforce the provisions of this code.

2.2 Appointment. The code official shall be appointed by the Norway Township Board. The code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority. Unless otherwise appointed, the Township Supervisor shall act as code official.

2.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official.

2.4 Liability. The code official charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provision of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

2.5 Fees. The fees for activities and services performed by the department on carrying out its responsibilities under this code shall be as indicated in the Norway Area Zoning Ordinance or the Civil Infraction Fees. The code official will determine the schedule to use for enforcement.

2.6 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

2.7 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The

code official is authorized to engage expert opinions as deemed necessary to report upon unusual technical issues that arise, subject to pursue recourse as provided by law.

2.8 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

2.9 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code.

2.10 Department records. The code official shall keep official records of all business and activities. Such records shall be retained in the official records as long as the building or structure to which such records related remains in existence, unless otherwise provided for by other regulations.

2.11 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find the special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

SECTION 3 - VIOLATIONS OF THIS CODE

3.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

Failure to comply with this code after receiving a Notice of Violation is a municipal civil infraction. The code official is authorized to issue citations for such municipal civil infractions.

3.2 Notice of Violation. For any violation of this code, the code official shall serve a notice of violation.

3.3 Prosecution of violation. Any person failing to comply with a notice of violation shall be deemed guilty of a civil infraction, as determined by the code official. The violation shall be deemed a strict liability offense. If the notice of violation is not complied with, 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 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. This Section shall not in any way impair the code official's ability to institute legal proceedings as are available in Michigan in law or in equity.

3.4 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 prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. For violations deemed municipal civil infractions, the penalties are as follows:

Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction and subject to penalties as follows:

a. A person found responsible for a first offense shall be fined not less than \$100.00, nor more than \$500.00, plus costs.

b. A person who violates this ordinance when having been previously found responsible or admitted responsibility for a violation of this ordinance in a prior municipal civil infraction proceeding, shall be fined not less than \$250.00, nor more than \$500.00, plus costs.

c. A person who violates this ordinance when having been found responsible or admitted responsibility on at least two prior occasions for violation of this ordinance in a municipal civil infraction proceeding shall be fined \$500.00 plus costs.

3.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the township attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Any violation of this code is a nuisance per se.

SECTION 4 - NOTICES

4.1 Notice to person responsible. Whenever the code official determines that there has been a Violation of the code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 4.2 and 4.3 to the person responsible for the violation as specified in this code.

4.2 Form. Such notice prescribed in Section 4.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the property, dwelling unit, or structure into compliance with the provisions of this code.

4.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address;
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or real estate affected by such notice;
or
4. Any other method of service reasonably calculated to give notice.

4.4 Transfer of ownership. It shall be unlawful for the owner of any property, dwelling unit, or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without conditions or repairs required by such compliance order or notice of violation.

SECTION 5 - GENERAL REQUIREMENTS

5.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

5.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupant of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which the occupy and control.

5.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

5.4 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

5.5 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

5.6 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained free from hazardous conditions, debris, waste.

5.7 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. This weed/grass requirement is not applicable in an obvious non-residential area of Norway Township. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. This cost will be added to the real estate tax bill if not paid in the time stated on the bill presented to the owner or taxpayer.

5.8 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

5.9 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

5.10 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

5.11 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. A vehicle of any type is permitted to

undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes, or area approved of by the code official.

5.12 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

5.13 Animal Waste. Animal waste shall not be left in plain sight. Animal waste must be timely disposed of in a proper manner.

SECTION 6 – RUBBISH, GARBAGE, AND OTHER MATERIALS

6.1 Accumulation of rubbish, garbage, building materials, raw materials, industrial waste, and goods for sale. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage, building materials, industrial waste, and goods for sale, unless otherwise permitted.

6.2 Disposal of rubbish. Every occupant of a structure and premises shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. The owner of the premises shall be responsible for removal of rubbish.

6.3 Disposal of garbage. Every occupant of a structure and premises shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

6.4 Building Materials. Except for short-term storage during the permitted, active construction, restoration, or maintenance of a structure, building materials shall not be stored in the exterior property. During any permitted short-term exterior storage, building materials shall be stored securely and in an organized manner. All scrap and excess building materials must be properly disposed of within a reasonable time after the permitted, active construction is complete or no longer active or permitted.

6.5 Raw Materials and Goods for Sale. All raw materials used for the production of final goods of any industry and goods being stored for sale must be stored in a secure area of the exterior property screened from public view. Raw materials must be stored in a location out of the public view to the greatest extent possible. If raw materials are stored in public view, the raw materials must be stored in an organized fashion. Any goods for sale stored in the exterior property must be stored in an organized fashion that is not unsightly.

6.6. Industrial Waste. Industrial waste must be disposed of in a timely, clean, and sanitary manner. Industrial waste shall not be allowed to accumulate. Industrial waste that is to be sold, including, but not limited to, sawdust, wood chips, or scrap metal must be stored in a secure area of the exterior property screened from public view. Toxic waste of any kind may not be stored in the exterior property unless such storage is otherwise approved by appropriate authorities.

SECTION 7 – EXTERMINATION

7.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not

be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

7.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

7.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

7.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

7.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

SECTION 8 - DEFINITIONS

8.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

8.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include feminine and neuter; the singular number includes the plural and the plural, the singular.

8.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

8.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

8.5 Part. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

8.6 General Definitions.

APPROVED. Approved by the code official.

BUILDING MATERIALS. Any material of any kind or nature the purpose of which is to be installed as part of a structure, including, but not limited to, lumber, siding, roofing, fasteners, piping, plumbing fixtures, bricks, concrete block, paint, décor, and mechanical and heating equipment.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operator of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INDUSTRIAL WASTE. Any substance of any kind or nature that is produced by a business as part of any business or industrial process, including, but not limited to, sawdust, wood chips, wood shavings, scrap wood, scrap plastics, particulates of any kind, grease, and scrap metal.

INFESTATION. The presence, within or contiguous to a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, wood particles, saw dust, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, furniture, metals, scrap metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

SECTION 9 - REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the applicable Joint Norway Area Zoning Ordinance or Building Codes.

SECTION 10 - EFFECTIVE DATE

This ordinance shall take effect 30 days following its publication after adoption by the Norway Township Board.

ENACTED:

PUBLISHED:

EFFECTIVE:

Ayes:

Nays: None

Don Byczek, Supervisor

Date

Joyce Giuliani, Clerk

Date

I, Joyce Giuliani, Clerk of Norway Township do hereby certify that the above ordinance was published in the Daily News, Iron Mountain, Michigan on the _____ day of _____ 2017.