



# CITY of NOVI CITY COUNCIL

**Agenda Item D**  
**October 14, 2013**

**SUBJECT:** Approval of an Ordinance No. 13-44.11 to amend the City of Novi Code of Ordinances, Chapter 7, Buildings and Building Regulations, Article III, Property Maintenance Code, to adopt the 2009 International Property Maintenance Code, and amendments to that Code as an Ordinance of the City. **Second Reading**

**SUBMITTING DEPARTMENT:** Community Development Department *UM*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

This proposed amendment adopts the 2009 edition of the International Property Maintenance Code as referenced in the 2009 Michigan Building Code. The International Code would replace the 1990 Building Officials Conference of America (BOCA) National Property Maintenance Code. The provisions are similar and require the information included in Section 7-32 of the Ordinance be inserted into the Code language. The regulatory limits and parameters including maximum allowed height of grass and weeds, dates between which buildings are required to be heated, civil infraction fines and authority of the Construction Board of Appeals to hear appeals are proposed to be carried over unchanged.

The provisions of the Property Maintenance Code are used by City Building and Ordinance Enforcement in concert with other provisions of the City Code to address issues including dilapidated and unmaintained property, damaged or structurally unsound buildings, noxious weeds and grass, as well as damaged parking and sidewalk areas on private property. The related provisions in the City Code are Chapter 7, Article IV: Dangerous Buildings and Chapter 21, Article II: Nuisances Related to Property. In addition to enforcement of basic mowing and maintenance expectations, the property maintenance Code is used by staff and the City Attorney's office in pursuing repair and/or demolition of dilapidated structure.

Printed copies of the 2009 International Property Maintenance Code and 1990 BOCA Property Maintenance Code are available at the Novi City Clerk's Office for examination and review.

**RECOMMENDED ACTION:** Approval of an Ordinance No. 13-44.11 to amend the City of Novi Code of Ordinances, Chapter 7, Buildings and Building Regulations, Article III, Property Maintenance Code, to adopt the 2009 International Property Maintenance Code, and amendments to that Code as an Ordinance of the City. **Second Reading**

	1	2	Y	N
<b>Mayor Gatt</b>				
<b>Council Member Casey</b>				
<b>Council Member Fischer</b>				
<b>Council Member Margolis</b>				

	1	2	Y	N
<b>Council Member Mutch</b>				
<b>Council Member Staudt</b>				
<b>Council Member Wrobel</b>				



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September 23, 2013

Mayor Robert J. Gatt  
City of Novi  
45175 West Ten Mile Road  
Novi, MI 48375

City Council Members  
City of Novi  
45175 West Ten Mile Road  
Novi, MI 48375


**Re: Proposed Property Maintenance Code Ordinance Amendment**

Dear Mayor Gatt and Council Members:

The proposed Property Maintenance Code Ordinance Amendment that accompanies this letter would update the City's Property Maintenance Code from the 1990 BOCA Code to the 2009 edition of the International Property Maintenance Code (see Section 7-31.) The insertions identified in the new Section 7-32 are identified as such and not as amendments because they are required to fill in blanks and individualize the Property Maintenance Code for the City of Novi. The amendments in Section 7-33 are intended to improve upon the enforcement provisions in the 2009 International Property Maintenance Code being adopted and to have the City Construction Board of Appeals serve as the Property Maintenance appeals board. The remaining amendments in Section 7-33, and Section 7-34, are intended to provide for consistency with the State Construction Code and the City's Noxious Weed Ordinance, Fire Prevention Code, and Zoning Ordinance.

Because this Ordinance replaces existing Sections 7-31 and 7-32 of the City Ordinance in their entirety and there is a lack of correlation between the old BOCA Code sections listed there and the section numbering in the Property Maintenance Code proposed for adoption, we have not provided a traditional strike-through version of that ordinance. However, a copy of those ordinance sections as they currently exist is enclosed for reference.

Very truly yours,



Gary L. Dovre

GLD:jah

Enclosures

cc: Clay Pearson, City Manager  
Victor Cardenas, Assistant City Manager  
Maryanne Cornelius, City Clerk

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI  
ORDINANCE NO. 13-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, PROPERTY MAINTENANCE CODE, TO ADOPT THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND AMENDMENTS TO THAT CODE AS AN ORDINANCE OF THE CITY.

THE CITY OF NOVI ORDAINS:

**PART I.** That Chapter 7, Buildings and Building Regulations, Article III, Property Maintenance Code, of the City of Novi Code of Ordinances, is amended in its entirety to read as follows:

**ARTICLE III. PROPERTY MAINTENANCE CODE.**

**Section 7-31. Adoption.**

The *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code and ordinance of the City of Novi, with the insertions and amendments specified in sections 7-32, 7-33, and 7-34 of this article. Printed copies of such Code shall be kept in the office of the City Clerk and made available for inspection by and distribution to the public at a reasonable charge.

**Section 7-32. Insertions.**

The following sections of the *International Property Maintenance Code*, 2009 Edition, are completed by inserting the following information where indicated in said Code:

- 101.1 Insert City of Novi as the Name of Jurisdiction.
- 103.5 Insert "Fee Schedule adopted by Resolution of the Novi City Council."
- 112.4 Insert a minimum fine of \$200.00 and a maximum fine of \$500.00.
- 302.4 Insert eight inches (8") as the maximum allowed height of weeds and plants.
- 304.14 Insert April 1 to October 31 as the dates for insect screens to be supplied.
- 602.3 Insert October 15 to May 15 as the dates for heat to be supplied.
- 602.4 Insert October 15 to May 15 as the dates for heat to be supplied.

**Section 7-33. Amendments.**

(a) Sections 103.1, 106.1, 106.3, 106.4, 111.2 of the International Property Maintenance Code, 2009 Edition, are hereby amended to read as follows:

**103.1 General.** The City of Novi Building Official is designated as the code official for purposes of administering and enforcing this code.

**106.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this code by action or omission, or directing, authorizing, allowing, or directly or indirectly causing such conflict or violation.

**106.3 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 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 or premises 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 violation is located and shall be a lien upon such real estate that may be assessed and collected on the tax rolls in the same manner and with the same interest and penalties as delinquent special assessments.

**106.4. Violation penalties.** Any person, firm or corporation 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 be subject to the penalties, including civil fines, costs, damages, expenses and court judgments and orders to enforce or enjoin violations of this code as provided in Section 1-11 of the City of Novi Code of Ordinances. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. A violation of any of the provisions of this code is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**111.2 Membership of board.** The board of appeals shall be the City of Novi Construction Board of Appeals, established and appointed as provided in Section 7-19 of the City of Novi Code of Ordinances.

(b) Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5 of the International Property Maintenance Code, 2009 Edition, are deleted.

(c) Sections 302.4 and 602.4 of the International Property Maintenance Code, 2009 Edition, are amended as follows:

**302.4 Weeds.** Amended to add the following sentence at the end of the Section.

“All noxious weeds are prohibited and subject to separate proceedings and penalties as provided in Sections 21-17 through 21-23 of the City of Novi Code of Ordinances.”

**602.4 Occupiable work spaces.** Amended to add a third exception as follows:

“3. In special areas that are heated by individual radiant heat units.”

#### **Section 7-34. Referenced Codes.**

(a) References to the International Building, Existing Building, Fuel Gas, Mechanical and Plumbing Codes, and the list of those ICC Codes in Chapter 8 of the International Property Maintenance Code, 2009 Edition, are amended to refer to the versions of those codes that are part of the State Construction Code that is administered and enforced in the city as provided in Article II of Chapter 7 of the City of Novi Code of Ordinances.

(b) References to the International Fire Code in the International Property Maintenance Code, 2009 Edition, are amended to refer to the Fire Prevention Code adopted in Article II of Chapter 15 of the City of Novi Code of Ordinances.

(c) References to the International Zoning Code in the International Property Maintenance Code, 2009 Edition, are amended to refer to the City of Novi Zoning Ordinance in Appendix A of the City of Novi Code of Ordinances.

#### **PART II.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

#### **PART III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART IV.**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Robert J. Gatt, Mayor

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

Adopted:  
Published:  
Effective:

# Existing Ordinance Sections

## **Sec. 7-31. BOCA National Property Maintenance Code adopted.**

Under authority of Chapter 7 of the City Charter, all provisions of the BOCA National Property Maintenance Code/1990, Third Edition, as prepared by the Building Officials and Code Administrators International Inc., are hereby adopted, enacted and made a part of this section by reference. The City of Novi Building Official is designated as the code official for purposes of enforcement of said code.

*(Ord. No. 91-44.07, Pt. I, 5-6-91)*

*Charter reference— Authority to adopt technical codes by reference, § 7.6(c).*

*State law reference— Authority to adopt technical codes by reference, MCL 117.3(k).*

## **Sec. 7-32. Amendments.**

The Property Maintenance Code adopted by reference in this article is hereby amended as follows:

*Section PM-100.1, Title*, is hereby amended to read as follows:

*PM-100.1, Title:* These regulations shall be known as the Property Maintenance Code of the City of Novi, hereinafter referred to as the property maintenance code or "this code."

*Section PM-109.0, Violations* is hereby amended to read as follows:

*PM-109.1 Unlawful acts:* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.

*PM-109.2 Penalty:* Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days or both at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. A violation of any of the provisions of this code is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

*PM-109.3 Prosecution:* In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-109.2. The code official may also ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:



1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the structure which is not in compliance with the provisions of this code.

*Section PM-111.0, Right to Appeal*, is hereby amended to read as follows:

*PM-111.1 Petition:* Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this code or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the board; provided that such person shall file in the office of the board a written petition requesting such hearing and containing a statement of the grounds therefor within twenty (20) days after the day the notice was served.

*PM-111.2 Appeals board:* In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a code appeals board, hereafter referred to as the board, consisting of the City of Novi Construction Board of Appeals, appointed pursuant to Section 14 of Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1514), as amended, and Code of Ordinances, [Section 7-16](#).

*PM-111.2.1 Vote:* The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

*PM-111.2.2 Financial interest:* A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest or is engaged as a contractor or is engaged in the preparation of plans and specifications or in which that member has any personal interest.

*PM-111.3 Records:* The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

*Section PM-301.0, Exterior Property Areas*, is hereby amended to read as follows:

*PM-301.1 Sanitation:* All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage.

*PM-301.2 Grading and drainage:* All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

*Exception:* Water retention areas and/or reservoirs approved by the code official.

*PM-301.3 Sidewalks and driveways:* All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free of hazardous conditions. Stairs shall comply with the requirements of Section PM-302.10.

*PM-301.4 Rat harborage:* All structures and exterior property shall be kept free from rat infestation. Where rats 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 prevent reinfestation.

*PM-301.5 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.

*PM-301.6 Accessory structures:* All accessory structures, included detached garages, fences and walls, shall be maintained structurally sound and in good repair.

*PM-301.7 Motor vehicles:* Except as provided in other regulations, not more than one currently unregistered and/or uninspected motor vehicle shall be parked, kept or stored on any property and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled.

*Exception:* A vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

*Subsection 601.1, Residential Buildings,* is hereby amended to read as follows:

*PM-601.1 Residential Buildings:* Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees F (21 degree C) at a level of 5 feet (1524 mm) above the floor and a distance of 5 feet (1524 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the Mechanical Code listed in Appendix A. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to

the occupants thereof shall supply sufficient heat during the period from October 15th to May 15th to maintain a room temperature of not less than 70 degrees F (21 degrees C) in all habitable rooms, bathrooms and toilet rooms during the hours of 6:30 AM and 11:00 PM of each day and not less than 65 degrees F (16 degrees C) during the other hours. The temperature shall be measured at a point 5 feet (1524 mm) from above the floor and 5 feet (1524 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the Mechanical Code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

*Subsection 601.2, Nonresidential Structures*, is hereby amended to read as follows:

*PM-601.2 Nonresidential Structures:* Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 15th to May 15th to maintain a temperature of not less than 70 degrees F (21 degrees C) during all working hours. The temperature shall be measured at a point 5 feet (1524 mm) from the floor and 5 feet (1524 mm) from the exterior wall.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperatures conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.
3. In special areas that are heated by individual radiant heat units.

*(Ord. No. 91-44.07, Pt. I, 5-6-91; Ord. No. 96-44.08, Pt. I, 8-26-96)*