

Village of Estral Beach

ORDINANCE 1051A

ADOPTION OF THE 2015 *INTERNATIONAL PROPERTY MAINTENANCE CODE*

An ordinance of the Village of Estral Beach adopting the 2015 edition of the *International Property Maintenance Code (IPMC)*, 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 Village of Estral Beach; providing for the issuance of permits and collection of fees therefor; repealing ordinances 1010, 1011, 1019A, and 1051 of the Village of Estral Beach and all other ordinances or parts of laws in conflict therewith.

The Village of Estral Beach, Monroe County, hereafter referred to as the Village, does hereby ordains:

1051A-01. A complete copy of which is on file in the office of the Clerk of the Village of Estral Beach, 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 Village of Estral Beach, 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 Village of Estral Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

1051A-02. The following sections are hereby revised:

Section 101.1 Insert: Village of Estral Beach

Section 103.5 Insert: \$25/hour for Code Officials performing work not covered by permit fees

Section 108.1 Insert: See ordinance 1036, as amended, for additional guidance.

Section 108.2 Insert: See ordinance 1024, as amended, for additional guidance.

Section 112.4 Insert: \$100

Section 202 Append to the end of the definition: (e.g., Building Official, Fire Chief, Health Official, Village Council, etc.)

Section 303.3 Insert: Refer to the latest revision of ordinance 1041, as amended, for further guidance.

Section 302.4 Insert: 12 inches

Section 302.8 Append to end of exception: Upon written application, the Village Council shall have authority with a majority vote to grant a one-time temporary waiver for vehicle storage location requirements for a time to be determined by the Council, but in no instance shall the waiver period be greater than six (6) months. The length of time of the waiver shall be based on the hardship beyond the control of the applicant, where special or peculiar circumstances exist, and where no adjoining property owner is adversely affected thereby. Moving said vehicle between properties and submittal of a waiver application for the same vehicle shall not be allowed. Property owners that repair vehicles at their home on a frequent basis shall apply for a special use permit under zoning ordinance 1031, as amended, and shall meet the enclosure requirements specified above. Also refer to ordinance 1024, Blight, as amended.

Section 302.10 Insert: **Boats.** No boat that has remained unlicensed for more than three (3) years shall be parked, kept, or stored on any premises, and no boat shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Section 302.11 Insert: **Trees.** All trees with canopies extending above the roadway shall be trimmed up to a minimum height of ten (10) feet above the road.

Section 302.12 Insert: **Ditches.** All ditches which fall within a resident's platted land shall be maintained by the property owner to ensure that the ditches are free of vegetative growth and debris which might stop or limit the effective flow through the ditches.

Section 302.13 Insert: **Culverts.** All culverts which fall within a resident's platted land, except those culverts routed under the road easement or those installed by the Village along the road, shall be repaired and maintained by the property owner to ensure unimpeded flow through the culvert(s).

Section 302.14 Insert: **Blight.** Refer to ordinance 1024, as amended, for further guidance on blight.

Section 304.14 Insert: Memorial Day to Labor Day

Section 602.3 Insert: Labor Day to Memorial Day

Section 602.4 Insert: Memorial Day to Labor Day

1051A-03. Conflicting Ordinances

All prior existing ordinances adopted by the Village of Estral Beach inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

That ordinance 1051A of the Village of Estral Beach entitled ADOPTION OF THE 2015 *INTERNATIONAL PROPERTY MAINTENANCE CODE* repeals the following listed ordinances and all other ordinances or parts of laws in conflict herewith, with the inserts noted in section 1051-02 above.

- Ordinance 1010 Provide for the cutting, destruction and removal of noxious and poisonous weed, dead grass, brush and trees
- Ordinance 1011 Regulates disposition of garbage, rubbish and other refuse
- Ordinance 1019A Regulation of the outdoor parking, storage and repair of motor vehicles, or new or used motor vehicle parts or junk
- Ordinance 1051 Adopt the 2003 edition of the international Property Maintenance Code

1051A-04. Constitutionality

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the Village hereby declares that it would have passed this law, 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.

1051A-05. Legality

That nothing in this legislation 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 1051A-03 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

1051A-06. Publication

That the Village Clerk is hereby ordered and directed to cause this legislation to be published as required by Village Charter.

1051A-07. Penalty for failure to comply with order.

Any owner of any property that fails or refuses to comply with an order approved or modified by the Village within the time prescribed by that section shall be guilty of a civil infraction and assessed a fine in the amount of \$100 plus costs. If extenuating circumstances exist which prevent compliance within the sixty (60) days, a one-time sixty (60) day extension may be granted by a majority vote of the Village Council. Only one extension shall be allowed for the first citation. Failure to comply within that time will result in a second fine of \$250 plus costs. A property owner that continues to fail to comply after passage of an additional sixty (60) days shall be guilty of a misdemeanor punishable by a \$500 fine or 90 days in jail, or both, at the discretion of the court.

1051A-08. Appeals

An owner aggrieved by any decision or order of the Village Council NOT associated with a decision made by the Code Official on a code related issue may appeal the decision, in writing, to the Village Council for reconsideration within twenty (20) days from the date of the decision. All code related appeals shall follow the process outlined in section 111 of the IPMC, Means of Appeals.

1051A-09. Savings Clause

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending 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; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

1051A-11. Severability

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

1051A-12. Effective Date

That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

Moved by Trustee: Jennifer Metcalf to adopt Ordinance 1051A

Supported by Trustee: Debby Dare

Roll Call:

Ayes: Jennifer Metcalf, Debby Dare, Adam Younglove, Jessica Anglin

Nays: Greg Knierim, Jim Wiegand

Absent: None

Adopted: October 17, 2017

Published: October 25, 2017

Certification

I Carol A. Vandercook, duly elected Clerk of the Village of Estral beach, County of Monroe, State of Michigan, do hereby attest and affirm the Ordinance is a true copy of the Ordinance Adopted by the Village of Estral Beach Council at the Regular Meeting held on October 17, 2017.

Carol A. Vandercook

Carol A. Vandercook, Clerk – Village of Estral Beach

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN SS
COUNTY OF MONROE

PAID PUBLIC NOTICE
REVISED/NEW ORDINANCES
The Village of Estral Beach adopted revised/new ordinances 1036A Dangerous Buildings, 1051A Adoption of 2015 IPMC, and 1054 Telecommunications at the 10/17/17 regular meeting and are published as required by Village Charter Chapter VII, Ordinances, section 4. Ordinances can be viewed in their entirety at http://estralbeachvillage.org/ordinance_index.html
OCTOBER 25, 2017

Jay Hollon being first duly sworn, says that he is the Controller of The Monroe News, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news and which is a duly qualified newspaper, published and circulated in the County of Monroe. The annexed notice is a printed copy contained in said newspaper, and has been duly published in said newspaper for one insertions, and that the first publication thereof was on the 25th day of October A.D. 2017 and the last publication thereof was on the 25th day of October A.D. 2017.

Jay Hollon
Sworn to and subscribed before me this 26th day of October
A.D. 2017.

Janet Latondress
Notary Public, Monroe County, Mich.

My commission expires _____

JANET LATONDRESS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MONROE
My Commission Expires Jan. 25, 2019
Acting in the County of _____