

Ordinance No: 351

Adoption of the International PROPERTY MAINTENANCE CODE

An ordinance of the City of Bessemer adopting the 2015 edition of The International Property Maintenance Code, 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 City of Bessemer; providing for the issuance of permits and collection of fees therefore; repealing the entirety of Ordinance 320 including Code Title 1 Chapter 9, Title VIII Chapter 101, Title VIII, Chapter 98, Title VIII Chapter 99, Title IX, Chapter 111, Title IX Chapter 112, and Title IX Chapter 116 of the City of Bessemer and all other codes or parts of laws in conflict therewith.

The City Council of the City of Bessemer does ordain as follows:

Section 1. That a certain document, a copy of which is on file in the office of the Clerk of the City of Bessemer, 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 City of Bessemer 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 in the City of Bessemer; 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 City of Bessemer are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised.

Section 101.1 Title. These regulations shall be known as the *International Property Maintenance Code of the City of Bessemer*, hereinafter referred to as "this code".

Section 103.5 Fees. The fees, if any, for activities and services performed by the department in carrying out its responsibilities under this code shall be **indicated in Ordinance XXX titled Civil Infraction Ordinance.**

Section 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 liable for a fine of not less than **\$50 or more than \$500.**

Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of **10** 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.

Section 304.14 Insect screens. During the period from **May 1 to October 31**, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch, and every screen door used for insect control shall have a self-closing devise in good working condition.

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from **September 1 to May 31** to maintain a minimum temperature of 68_F in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from **September 1 to May 31** to maintain a minimum temperature of 65_ during the period the spaces are occupied.

Section 3: Appendix A includes additional related code not included in the Property Maintenance Code.

Section 4: That Code Title 1 Chapter 9, Title VIII Chapter 101, Title VIII Chapter 99, Title IX Chapter 112, and Title IX Chapter 116 of the City of Bessemer and all other codes or parts of laws in conflict herewith are hereby repealed.

Section 5. 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 City of Bessemer 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.

Section 5: 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 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

Section 6. That the Clerk is hereby ordered and directed to cause this legislation to be published

Section 7 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 15 days from and after the date of its final passage and adoption.

Appendix A

Utility Connections

For all vacant or abandoned properties having had City Utility services disconnected for a period of more than 180 consecutive days, City Utility services shall not be restored or connected unless the owner or owners agent is present and access is provided to the structure or structures receiving such services.

Trees in Right of Way

The city shall have control and supervision of shrubs and trees upon or overhanging all streets, boulevards, right of ways, or other public property. No shrubs or trees shall be planted upon any public right of way or property without authorization.

Dangerous Trees

In any area, the owner or occupant of any premises on which is located any tree or other growth, if infected by disease or by injurious insects or if in a dangerous condition (i.e.: wind damage), shall destroy the tree or other growth when such destruction is necessary for the protection of other trees and growth and for the public health, safety and welfare.

Wood Piles

In any area zoned for residential purposes, wood piles shall not be permitted in any front yard, shall not cover more than forty (40) percent of the rear yard, shall be setback at least two (2) feet from all side and rear property lines and shall be stacked no higher than six (6) feet in height. Wood piles shall be maintained in a safe and orderly manner so that they do not become a danger to the public or a nuisance in any way.

Depositing Refuse or Litter

It shall be unlawful for any person or persons within the limits of the City of Bessemer to deposit, throw, or place any garbage, refuse, or litter in any street, alley, or public place (except in designated dumping arear within said city), or upon any private property therein, whether owned by such persons or not.

Enforcement.

The City Manager will be the Chief Code Official and the Building Inspector and all others appointed by the City Council will be Code Officials.

Stagnant Water

The maintenance of any pond, pool of water, or vessel holding stagnant water shall be considered a public nuisance and is therefor illegal.

Securing Items on Automobile

It shall be unlawful to not securely attach a load to a motor vehicle which allows part of the load or its contents to blow, fall, or be deposited upon any street, alley, sidewalk, or other public or private

place, or which deposits from its wheels, tires, or other parts onto the street, alley, sidewalk or other public or private place, dirt, grease, sticky substance, or foreign matter of any kind.

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this 15th day of May, 2017

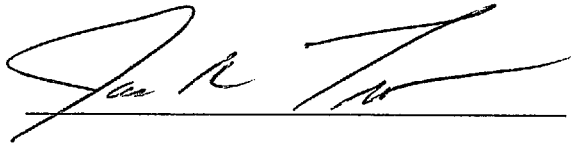
First Reading: May 1, 2017

Public Hearing: May 15, 2017

Second Reading: May 15, 2017

Published: May 20, 2017

ATTEST:

A handwritten signature in black ink, appearing to read "James K. Trudgeon", written over a horizontal line.

James K. Trudgeon, City Clerk