

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE FIRST TWO DIVISIONS OF CHAPTER 150 OF THE HARTFORD CITY CODE TO PROVIDE UPDATED BUILDING REGULATIONS TO ADDRESS NEW CONSTRUCTION, PROPERTY MAINTENANCE, AND DANGEROUS BUILDINGS**

The City of Hartford ordains:

Section 1. Amendment. The first division of Chapter 15 of the Hartford City Code is amended to read in its entirety as follows:

**ADOPTION OF REGULATORY CODES BY REFERENCE**

**Sec. 150.1. Administration and enforcement of Michigan Construction Code.**

The City has assumed responsibility for the administration and enforcement of the Michigan Construction Code, including the building, electrical, plumbing and mechanical codes, throughout its corporate limits. The City's building official is principally charged with the administration and enforcement of the codes. Any fees provided for in the codes shall be as prescribed by resolution of the City Commission.

**Sec. 150.2. Enforcement of the International Property Maintenance Code, 2015 Edition.**

- (a) *Adoption of code.* The International Property Maintenance Code, 2015 Edition, including Appendix A, as promulgated and published by the International Code Council, Inc., is adopted by reference as the Property Maintenance Code of the City of Hartford, subject to the modifications provided herein and subject to such further modifications as the City shall adopt from time to time.
- (b) *Definitions.* Whenever the words "city," "jurisdiction" or "governmental unit" are used in the International Property Maintenance Code, 2015 Edition, they shall mean the City of Hartford. Whenever the word "state" is used in the International Property Maintenance Code, 2015 Edition, it shall mean the State of Michigan.
- (c) *Amendments to the Property Maintenance Code.* The International Property Maintenance Code, 2015 Edition, including Appendix A, is amended as follows:
  - (1) *Section 101.1* is amended to read in its entirety as follows:

*101.1. Title.* These regulations shall be known and may be cited as the "Property Maintenance Code of the City of Hartford," and will be referred to in this article as this "Code."
  - (2) *Section 102.3* is amended to read in its entirety as follows:

*102.3. 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 Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code and any applicable fire codes. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the City of Hartford Zoning Ordinance.
  - (3) *Section 102.3.1* is added to read in its entirety:

*102.3.1. Reference to other codes.* Whenever the "International Building Code" or "building code" is referenced in this Code it shall mean the Michigan Building Code. Whenever the "International Mechanical Code" is referenced in this Code it shall mean the Michigan Mechanical Code. Whenever the "International Plumbing Code" is referenced in this Code it shall mean the Michigan Plumbing Code. Whenever the "International Electrical Code" or "NFPA 70" is referenced in this Code it shall mean the Michigan Electrical Code. Whenever the "International Zoning Code" is referenced in this Code it shall mean the City of Hartford Zoning Ordinance.

- (4) *Section 103.1* is amended to read in its entirety as follows:

*103.1. General.* Whenever the terms "code official" or "building official" are used in this Code it shall mean the designated building official of the City.

- (5) *Section 103.4* is amended to read in its entirety as follows:

*103.4. Liability.* The code official, member of the City of Hartford Construction Board of Appeals or City employee charged with the enforcement of this Code, while acting for the City, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not be rendered liable personally, and is relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission 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 legal representative of the City 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 provisions of this Code.

- (6) *Section 103.5* is amended to read in its entirety as follows:

*103.5. Fees.* The City Commission shall by resolution from time to time, establish a fee schedule for permits under this Code.

- (7) *Section 106.3* is amended to read in its entirety as follows:

*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 shall 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 to this Code. Any action taken by the City 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.

- (8) *Section 106.4* is amended to read in its entirety as follows:

*106.4. Violation penalties.* Any violation of this Code shall be punishable as a municipal civil infraction as provided in and subject to the fines and penalties provided under Code of Ordinances of the City of Hartford.

- (9) *Section 111.1* is amended to read in its entirety as follows:

*111.1. Construction Board of Appeals.* All appeals under this Code shall be brought before the City of Hartford Construction Board of Appeals which board is authorized and has jurisdiction to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this Code, using the rules of procedures adopted by the Construction Board of Appeals.

- (10) *Section 111.2* is deleted in its entirety.

(11) *Section 111.2.1* is deleted in its entirety.

(12) *Section 111.2.2* is deleted in its entirety.

(13) *Section 111.2.3* is deleted in its entirety.

(14) *Section 111.2.4* is deleted in its entirety.

(15) *Section 111.2.5* is deleted in its entirety.

(16) *Section 111.3* is deleted in its entirety.

(17) *Section 111.4* is deleted in its entirety.

(18) *Section 111.4.1* is deleted in its entirety.

(19) *Section 111.5* is deleted in its entirety.

(20) *Section 111.6* is deleted in its entirety.

(21) *Section 111.6.1* is deleted in its entirety.

(22) *Section 111.6.2* is deleted in its entirety.

(23) *Section 111.7* is deleted in its entirety.

(24) *Section 111.8* is deleted in its entirety.

(25) *Section 112.4* is amended to read in its entirety as follows:

*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 in violation of this Code.

(26) *Section 201.3* is amended to read in its entirety as follows:

*201.3. Terms defined in other codes.* Where terms are not defined in this Code and are defined in the Michigan Building Code, the Michigan Residential Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code, any applicable fire code, or the City of Hartford Zoning Ordinance, such terms shall have the meanings ascribed to them as stated in those codes or ordinances.

(27) *Section 302.4* insert "eight (8) inches in height."

(28) *Section 304.14* insert "May 1 to October 31."

(29) *Section 602.2* is amended to read in its entirety as follows:

*602.2. Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature as provided within the Michigan Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(30) *Section 602.3* is amended to read in its entirety as follows:

*602.3. Heat supply.* Every owner or operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish a heating system to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms, and toilet rooms.

*Exception:* When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the City shall be 6 degrees F.

(31) *Section 602.4* is amended to read in its entirety as follows:

*602.4. Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F during the period the spaces are occupied.

*Exceptions:* Processing, storage and operation areas that require cooling or special temperature conditions or areas in which persons are primarily engaged in vigorous physical activities.

(d) *Copies of code.* A complete copy of the International Property Maintenance Code, 2015 Edition, including Appendix A, is available for public use, inspection and purchase at the offices of the City Clerk.

Section 2. Amendment. The second division of Chapter 150 of the Hartford City Code, which is currently named “Certificate of Occupancy,” is hereby renamed “Dangerous Buildings” and is amended to read in its entirety as follows:

### **Dangerous Buildings**

#### **Sec. 150.20. Dangerous building and structures ordinance.**

This ordinance is specifically authorized by the housing law, 1917 PA 167, as amended, and shall be known and cited as the City of Hartford Dangerous Buildings Ordinance.

#### **Sec. 150.21. Dangerous building unlawful.**

It shall be unlawful for any owner, agent, lessee or party in interest to keep or maintain any building or part thereof which is a dangerous building or structure as defined in this ordinance.

#### **Sec. 150.22. Dangerous building defined.**

As used in this ordinance, the term “dangerous building” means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- (a) A door, aisle, passageway, stairway, or other means of exit does not conform to the requirements of applicable fire codes.
- (b) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is significantly impaired and the structure does not meet the minimum requirements of the housing law or the Michigan Building Code for a new building or structure, purpose, or location.
- (c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (d) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the housing law or the Michigan Building Code.
- (e) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (f) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.

- (g) The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (i) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

**Sec. 150.23. Notice of dangerous building.**

- (a) The City's building official may issue a notice pursuant to this section upon finding that a building or structure is a dangerous building. The notice shall be served on the owner, agent, or lessee registered with the City. If an owner, agent, or lessee is not registered with the City, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
- (b) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (c) The hearing officer shall be appointed by the mayor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the City shall not be appointed as hearing officer. The City shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
- (d) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

**Sec. 150.24. Hearings and other proceedings.**

- (a) At the hearing, the hearing officer shall take testimony of the City, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- (b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under the provisions of this ordinance, the order may require the owner or agent, to bring and maintain the exterior of the building and adjoining grounds into compliance including, but not limited to, the maintenance of lawns, trees, and shrubs.
- (c) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (b), the hearing officer shall file a report of the findings and a copy of the order with the City's construction board of appeals not more than 5 days after the date for compliance set in the order and

request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in Section 150.23.

- (d) The construction board of appeals shall set a date not less than 30 days after the hearing prescribed in subsection (a) for an appellate hearing on the findings and order of the hearing officer. The construction board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in Section 150.23 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The construction board of appeals shall either approve, disapprove, or modify the order. If the construction board of appeals approves or modifies the order, the City shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the construction board of appeals of the City determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires expedited demolition exists.
- (e) The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this ordinance. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the City to bring the property into conformance with this ordinance shall be reimbursed to the City by the owner or party in interest in whose name the property appears.
- (f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the City shall have a lien for the cost incurred by the City to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, as amended.
- (g) In addition to the other remedies provided under this ordinance, the City may bring an action against the owner of a dangerous building or structure for the full cost of demolition, of making the building safe, or of maintaining the exterior or grounds adjoining a dangerous building or structure. The City shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

#### **Sec. 150.25. Enforcement of judgment against other assets.**

- (a) A judgment in an action brought pursuant to subsection 150.24(g) may be enforced against assets of the owner other than the building or structure.
- (b) The City shall have a lien for the amount of a judgment obtained pursuant to subsection 150.24(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section

does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens or encumbrances.

**Sec. 150.26. Penalties.**

- (a) A person who violates any provision of this dangerous building ordinance shall be responsible for a municipal civil infraction.
- (b) A person who fails or refuses to comply with an order approved or modified by the construction board of appeals is guilty of misdemeanor punishable by imprisonment for not more than 120 days or a fine of not more than \$1,000 or both.

**Sec. 150.27. Appeal of circuit court.**

An owner or party in interest aggrieved by any final decision of the construction board of appeals may appeal the decision or order to the Van Buren County Circuit Court by filing an appeal within 20 days from the date of such decision.

Section 3. Publication and Effective Date. The City Clerk shall cause this ordinance or a notice of adoption of this ordinance to be published. This ordinance shall take effect upon such publication.

First Reading: July 24, 2023  
Second Reading:  
Adopted:  
Published:

CERTIFICATION

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a regular meeting of the Hartford City Commission held on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Richard A. Hall, Mayor

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RoxAn Rodney-Isbrecht, City Clerk