

VILLAGE COUNCIL
VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN

(Ordinance No. 2024-05)

At a Council meeting of the Village Council for the Village of Sand Lake held at Village Hall on November 18, 2024, and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Village Councilmember Camilleri and was seconded by Village Councilmember Hellan:

AN ORDINANCE TO ADOPT THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS.

THE VILLAGE OF SAND LAKE (the "Village") ORDAINS:

Section 1. Adoption of the 2021 International Property Maintenance Code.

The 2021 International Property Maintenance Code, second printing April 2022, as published by the International Code Council, is adopted by reference in its entirety with the amendments, additions, or deletions forth in section 2.

Section 2. Amendments, Additions, and Deletions

Arrangement and Format of the 2021 IMPC

Chapters 4, 5, 6, and 8 are deleted from the table of contents and from the chapter summary.

Chapter 1 Scope and Administration

Part 1 – Scope and Administration

Section 101 – Scope and General Requirements.

Subsection 101.1 is amended to insert "the Village of Sand Lake" in place of "[NAME OF JURISDICTION]"

Section 102 – Applicability

Section 102.3 is amended to read as follows: **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 set forth in the international residential code, the international building code, the international mechanical code, the international plumbing code, the international existing building code, and the international energy conservation code published by the international code council and the national electrical

code published by the national fire prevention association, as adopted by and with such amendments, additions, or deletions as the director or authorized designee of the director of the department of licensing and regulatory affairs determines appropriate.

Section 102.6 is deleted in its entirety.

Section 102.8 is deleted in its entirety.

Section 102.8.1 is deleted in its entirety.

Section 102.8.2 is deleted in its entirety.

Section 102.9 is deleted in its entirety.

Part 2 – Administration and Enforcement

Section 103 – Code Compliance Agency.

Section 103 is retitled “Authorized Local Officials”

Section 103.1 is deleted in its entirety.

Section 103.2 is amended to read as follows: **Appointment.** The Village Ordinance Enforcement Officer, Village Zoning Administrator, Village Building Inspector, and any other individual or entity designated by resolution of the Village Council are designated as the *code official* authorized to issue municipal civil infractions and take any other action necessary to implement, administer, and enforce the provisions of this code.

Section 103.3 is deleted in its entirety.

Section 104 – Fees.

Section 104.1 is amended to read as follows: **Fees.** The fees for activities and services performed in accordance with this code shall be as established by resolution of the Village Council.

Section 104.2 is deleted in its entirety.

Section 105 – Duties and Powers of the Code Official.

Section 105.3 is amended to read as follows: **Right of Entry.** The code official in the performance of his or her duty and upon the presentation of his or her credentials, may enter upon or enter into any *premises* on or in which he or she has reasonable cause to believe a violation of this code is occurring. For the purpose of this section the term premises does not include occupied dwelling. If entry is refused, the *code official* shall

have recourse to the remedies provided by law, including obtaining an administrative search warrant, to secure entry.

Section 105.6 is retitled “Code Official Records” and amended to read as follows: The *code official* shall keep official records of all business activities performed in accordance with this code.

Section 106 – Approval.

Section 106.1 is amended to read as follows: **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 upon written application of the *owner* or *owner’s* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, 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 records of the *code official*. The *code official’s* determination regarding modifications may not be appealed.

Section 107 – Means of Appeal.

Section 107.1 is amended to read as follows: **General.** In order to hear and decide appeals of orders, decisions, or determinations made by the *code official* relative to the application of this code, a board of appeals is hereby created.

Section 107.2 is amended to read as follows: **Limitations of Authority.** The board shall review the order, decision, or determination made by the *code official* based on the facts as they existed at the time the order, decision, or determination was made. The board shall review the order, decision, or determination made by the *code official* for whether the order, decision, or determination was supported by competent, material, and substantial evidence; whether *code official’s* interpretation of the code was reasonable and consistent with prior orders, decisions, and determinations of the *code official*; and whether the code official complied with the procedural requirements of the code. No decision of the *code official* may be reversed or modified except by a majority vote of the board of appeals. The board may not waive or modify the requirements of this code

Section 107.3 is deleted.

Section 107.4 is amended to read as follows: **Administration.** The *code official* shall comply with all final decisions of the board.

Section 108 – Board of Appeals.

Section 108.1 is amended to read as follows: **Membership of board.** The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to the code and who are not employees of the Village.

Section 109 – Violations.

Section 109.1 is amended to read as follows: **Unlawful acts.** It shall be unlawful for a *person* to be in conflict with or in violation of any provision of this code.

Section 109.3 is amended to read as follows: **Prosecution of violation.** Except as otherwise provided in this code, any person failing to comply with a notice of violation or order issued by the *code official* shall be deemed responsible for a municipal civil infraction and subject to a fine not to exceed \$1,000 in addition to any other costs or remedies permitted by law. The violation of this code is a *strict liability offense*. The *code official* may institute the appropriate proceedings at law or equity to enforce this code and to restrain, correct, or abate violations 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. Notwithstanding any other remedies available to the Village, any action taken by the Village on such *premises* may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 109.4 is amended to read as follows: **Violation penalties.** Any person who violates a provision of this code or fails to comply therewith, or with any of the requirements thereof, may 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. A violation of this code is deemed to be a public nuisance subject to abatement.

Section 110 - Stop Work Order.

Section 110.2 is amended to read as follows: **Issuance.** The stop work order shall be in writing and shall be posted at the property and mailed to the *owner* of the property. In lieu of mailing, the code official may deliver the stop work order to the *owner* of the property personally. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. The stop work order may require certain work to be performed within a certain period of time in order to remove a violation or unsafe condition. Upon posting of the stop work order, the cited work shall immediately cease.

Section 110.3 is amended to read as follows: **Emergencies.** Where an emergency exists, the *code official* may issue an oral stop work order to the person performing the work. The oral stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. The oral stop work order may require certain work to be performed within a certain period of time in order to remove a

violation or unsafe condition. Upon the issuance of an oral stop work order, the cited work shall immediately cease. Within 72 hours of issuing an oral stop work order, the code official shall either authorize work to resume or issue a written stop work order in accordance with section 110.2.

Section 110.4 is amended to read as follows: **Failure to Comply.** Any person who shall continue to work in violation of a written stop work order or an oral stop work order, except such work as is directed to be performed by the stop work order, shall be in violation of this code.

Section 111 – Unsafe Structures and Equipment.

Section 111.2 is amended to read as follows: **Closing Vacant Structures.** If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the premises within the time specified in the order, the *code official* may cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such property. The boarding of a building for future repair shall not extend beyond one year, absent exigent circumstances approved in advance by the *code official*.

Section 111.4 is amended to read as follows: **Notice.** Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 111.4.1 and 111.4.2 to the *owner* for the violation as specified in this code. For the purposes of issuing notices and orders, the *owner's* mailing address will be the most recent address on file for the payment of property taxes.

Section 111.4.1 is amended to read as follows: **Form.** Such notice 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 *premises* into compliance with the provisions of this code.
5. Inform the *owner* of the right to appeal.
6. Include a statement of the Village's right to file a lien in accordance with Section 109.3

Section 111.4.2 is amended to read as follows: **Method of Service.** Such notice shall be deemed properly served where a copy thereof is posted to the premises and served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by U.S. mail.

Notice is deemed effective upon posting and (1) personal delivery or (2) three calendar days from the date of mailing.

Section 111.6 is amended to read as follows: **Transfer of Ownership.** It shall be unlawful for the *owner* of any *premise* 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 *premise* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent 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.

Section 111.7 is amended to read as follows: **Placarding.** Upon failure of the owner or owner's agent or person responsible to comply with the notice provisions within the time given, the code official may post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by the notice. If the notice pertains to equipment, it shall be placed on the condemned equipment. A copy of the placard shall be either delivered personally to the *owner* or sent to the *owner* by U.S. mail.

Section 111.8 is amended to read as follows: **Prohibited Occupancy.** Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. No person may occupy placarded *premises* or operate placarded equipment, and no *owner* or *owner's* authorized agent may allow anyone to occupy a placarded premises or operate placarded equipment. A violation of this section 111.8 is a misdemeanor punishable by imprisonment not to exceed 90 days and or a fine not to exceed \$500.

Section 112 - Emergency Measures.

Section 112.1 is amended to read as follows: **Imminent Danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as

follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. Entry into a structure in violation of this section 112.1 is a misdemeanor punishable by imprisonment not to exceed 90 days and or a fine not to exceed \$500.

Section 112.5 is amended to read as follows: **Cost of Emergency Repairs.** The cost of the emergency work shall be charged to the *owner* of the property and must be paid in full within 30 calendar days of invoicing.

Section 113 – Demolition.

Section 113.3 is amended to read as follows: **Failure to comply.** If the *owner* of a *premises* or *owner’s authorized* agent fails to comply with a demolition order within the time prescribed, the *code official* may, subject to any required contractual approvals by the Village Council, cause the structure to be demolished and removed. The cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Chapter 2 – Definitions.

Section 201 – General.

The term CODE OFFICIAL is redefined to mean the following: The official who is charged with the administration and enforcement of this code, including the code official’s designees or representatives.

The term NOXIOUS WEEDS is added and defined to mean the following: Noxious weeds as defined by state law including, but not limited to, ragweed, poison ivy, poison sumac, poison oak, and Canada thistle.

Section 301 - General

Section 302.1 is amended to read as follows: **Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe, and sanitary condition, free of accumulated trash and garbage. Upon failure to comply with the notice of violation regarding this section 302.1, the *code official* may enter onto the exterior of the property and abate the violation. The cost of such abatement shall be charged to the owner of the property and must be paid in full within 30 calendar days of invoicing.

Section 302.4 is amended to read as follows: **Weeds.** The premises and exterior property areas shall be maintained free from weeds and grass in excess of eight inches (8”) in height in the following areas:

1. For all properties developed for residential use where a traditional lawn has been established or where the property has been cleared or graded for intended improvements.
2. The front 25 feet measured from the improved right-of-way of vacant lots, parcels and units in plats, site condominiums and residential planned unit developments in which over 85 percent of the lots or units have been developed. For corner lots, parcels or units, the front 25 feet shall be measured from both improved rights-of-way.
3. For all landscaped areas on developed commercial, office or industrial properties and on all planned unit developments containing commercial, office or industrial uses.
4. For every property that is to be maintained under this section, the required maintenance is to include the area between the owner's front property line and improved public or private road.
5. Noxious weeds shall be prohibited on premises and exterior property areas under all circumstances.

Upon failure to comply with the notice of violation regarding this section 302.4, the *code official* may enter onto the exterior of the property and abate the violation. The cost of such abatement shall be charged to the owner of the property and must be paid in full within 30 calendar days of invoicing.

Section 302.8 is amended to read as follows: **Motor Vehicles.** Unless in an enclosed structure, no inoperative motor vehicle or inoperable vehicle of any kind shall be parked, kept, or stored on any premises.

Section 302.10 is added and reads as follows: **Trees and Shrubs.** No tree or shrub or other vegetation shall block safe vision or access on a sidewalk, drive or street. No tree, dead parts thereof, fallen trees, or fallen parts thereof that create an imminent risk of damage or injury to adjacent structures, people or property shall be permitted on any property regulated by this code. Landscaping, including trees and shrubbery domestically used as landscaping elements or domestically located separate and apart from customary wild forest or wild vegetation areas, shall be upkept and maintained to a reasonably neat appearance in order to maintain an aesthetically appealing residential neighborhood profile.

Section 303 – Swimming pools, spas, and hot tubs.

Section 303.2 is amended to read as follows: **Enclosures.** Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be provided with a fence or barrier consistent with the building code and international swimming pool and spa code incorporated by reference therein. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

Section 304 – Exterior Structure

Section 304.14 is amended to insert the following dates: March 1st and November 30th.

Section 305 – Interior Structure.

Section 305 is deleted in its entirety.

Section 308 – Rubbish and Garbage.

Section 308 is deleted in its entirety.

Section 309 – Pest Elimination.

Section 309 is deleted in its entirety.

Chapter 4 – Light, Ventilation, and Occupancy Limitations.

Chapter 4 is deleted in its entirety.

Chapter 5 – Plumbing Facilities and Fixture Requirements.

Chapter 5 is deleted in its entirety.

Chapter 6 – Mechanical and Electrical Requirements.

Chapter 6 is deleted in its entirety.

Chapter 7 – Fire Safety Requirements.

Chapter 8 – Reference Standards.

Chapter 8 is deleted in its entirety.

Appendix B Board of Appeals

B101.1 is deleted in its entirety.

B101.2 is amended to read as follows: **Application for appeal.** Any application for appeal must be filed using the Village approved form and with the filing fee as determined from time to time by resolution of the Village Council. Applications for appeal must be filed with the Village Clerk within 20 calendar days of the action or notice being appealed. The Village Clerk may administratively deny untimely appeals.

B101.3 is amended to read as follows: **Membership of the Board.** The board shall consist of not less than three members. Members shall be appointed by the Village President and confirmed by the Village Council. The term of each appointment shall be 3 years.

B101.3.1 is deleted in its entirety.

B101.3.2 is amended to read as follows: **Alternate members.** Subject to confirmation by the Village Council, the Village President may appoint two alternate members of the board who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the same qualifications required for board members and shall be appointed for terms of the same duration as board members.

B101.5.2 is deleted in its entirety.

B101.5.3 is deleted in its entirety.

B101.7 is deleted in its entirety.

B101.7.1 is deleted in its entirety.

B101.7.2 is deleted in its entirety.

B101.8 is deleted in its entirety.

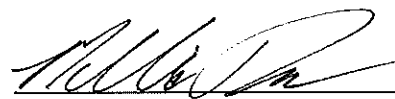
Section 3. Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Section 4. Effective Date. This ordinance is effective upon the expiration of the twentieth day following its publication in the manner required law.

The vote to adopt this Ordinance was as follows:

YEAS: 6
NAYS: 0
ABSENT/ABSTAIN: 1

ORDINANCE DECLARED ADOPTED.



Mollie Doerr
Village President

Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Ordinance adopted by the Village Council for the Village of Sand Lake, Kent County, Michigan, at a meeting of the Village Council duly called and held on November 18th, 2024.

By: *Nyha Merritt*

Village Clerk

Adopted:
Published (Date / Newspaper):
Effective:

