

**VILLAGE OF GRAND BEACH**  
**BERRIEN COUNTY, STATE OF MICHIGAN**

**ORDINANCE NO. 2023-106**

**AN ORDINANCE TO ADOPT THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE BY REFERENCE.**

An ordinance of the Village of Grand Beach adopting by reference the **2021 International Property Maintenance Code**, with all current amendments, additions, or deletions except as provided herein; 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; providing for the issuance of permits and collection of fees; and repealing all other ordinances and parts of ordinances in conflict therewith.

**VILLAGE OF GRAND BEACH ORDAINS:**

**Section 1.** That a certain document, copies of which are on file in the office of the Village Clerk, being marked and designated as the **2021 International Property Maintenance Code**, as may be amended, deleted, with additions, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Grand 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 therefore; 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 Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following Sections of the International Property Maintenance Code are hereby revised and amended to read as follows:

Section 101.1. Title. These regulations shall be known as the International Property Maintenance Code of the Village of Grand Beach, hereinafter referred to as “this Code”.

103.1 Creation of Agency. Sworn police officers, the Village zoning administrator, ordinance enforcement officers as designated, and any and all Village Building Inspectors

shall be considered “code officials” under this Ordinance. All Village code officials shall be authorized to write and serve tickets under this Ordinance. Code officials shall have all authority to implement, administer, and enforce the provisions of this code. The department authorized to act to enforce this Code shall known as the Village of Grand Beach Code Enforcement Department.

103.2 Appointment. The code officials shall be appointed and/or hired by the Village of Grand Beach.

103.3 Deputies. This Section is hereby deleted in its entirety.

Section 104.1. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be assessed per the fee schedule adopted by the Village Council from time to time by resolution, OR by determining the actual costs incurred by the Village to pay the employee, code official, attorney, person, or company for its time in carrying out the work performed under this Code, including but not limited to all enforcement and staff time, attorney fees, publication or posting costs, and related fees.

104.2 Refunds. This Section is hereby deleted in its entirety.

Section 110.4. 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 civil infraction and a fine of not less than Two Hundred Fifty Dollars (\$250.00). Further, the Village may take any action and elect any remedy either at law or in equity as it deems necessary to ensure compliance with this Code, including equitable relief. Second or repeat offenses may be subject to a fine of Three Hundred Fifty Dollars (\$350.00) or more as the court sees fit.

Section 108. The Village hereby appoints the Zoning Board of Appeals as the Board of Appeals under this Code.

Section 111.4.2 shall be amended to add Section (4):

4. A copy is posted in a conspicuous place in or about the property affected by such notice.

Section 302.4 Weeds. This Section is hereby deleted in its entirety, with the following inserted in its place and stead:

302.4 Dangerous Trees. All exterior areas shall be kept clear of trees that have become public or private nuisances. The trees shall be removed or trimmed as needed if any of the following are true:

1. The tree is dead and likely to fall.
2. The tree hanging over a public or private way so as to be in the path of vehicles and/or pedestrians.
3. If the tree is stricken with an infectious disease, or heavily infected with parasites or insects.
4. If the tree is a threat to overhead electric power lines. The property owner shall be responsible for notifying the electric power supplier of trees that are dangerous to power lines.

Section 302.8 Motor Vehicles. Except as provided for in other regulations, inoperative, non-road worthy as deemed by the State of Michigan, or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time kept on any premises and be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Section 302.8.1 Boats and Trailers. Boats, trailers, and nonmotorized camping vehicles shall be required to comply with Section 302.8.

303.1 Swimming Pools, Hot Tubs, and Spas. Swimming pools, hot tubs, and spas shall be maintained in a clean and sanitary condition, and in good and slightly repair.

303.2 Enclosures – 6 Foot Fence Required for Pools Unless Powered Pool Safety Cover Meets Certain ASTM Requirements; then 4 Foot Fence Required. Private swimming pools containing water more than 18 inches in depth shall be completely surrounded by a fence or barrier not less than 6 feet (72 inches) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. Pools with powered safety covers that meet and comply with the American Society for Testing and Materials - ASTM F1346 shall be permitted to have a 4-foot (48 inch) fence. In addition to meeting the requirements in this Section, fences subject to this Section shall also meet any other Zoning requirements for fences contained in the Village Zoning Ordinance which do not directly conflict with the requirements in this Section.

Section 304.14. Insect screens. The dates of April 30 to October 31 are hereby inserted.

Section 602.3. Heat supply. The dates of October 31 to April 30 are hereby inserted.

Section 602.4. Indoor occupiable work spaces. The dates of October 31 to April 30 are hereby inserted.

**Section 3.** Repealer. All other ordinances or parts of ordinances which are in direct conflict herewith are hereby repealed.

**Section 4.** Severability. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village of Grand Beach hereby declares that it would have passed this ordinance, 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.** Civil Infraction. A violation of the Property Maintenance Code is a civil infraction, which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum	Maximum
1 <sup>st</sup> offense within a 3-year period*	\$200.00	- \$500.00
2 <sup>nd</sup> offense within a 3-year period*	\$250.00	- \$500.00
3 <sup>rd</sup> offense within a 3-year period*	\$350.00	- \$500.00
4 <sup>th</sup> offense within a 3-year period*	\$500.00	- \$500.00

\*Determined on the basis of the date of commission of the offense(s)

Should the Village be required to initiate cleanup in the absence of such action by a violator after an order of the Court, the entire cost of the cleanup, demolition, or repairs may be attached to the violator's tax bill upon certification by the Village Treasurer. The fees shall include an administrative fee of 10% to account for staff time and administrative expenses incurred by the Village.

**Section 6.** That nothing in this ordinance 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 ordinance; nor shall any just or legal right or remedy of any person be lost, impaired or affected by this ordinance.

This Ordinance shall become effective ten (10) days after publication.

AYES: James Bracewell, Ed Brandes, Peter Doerr, Blake O'Halloran and Harry Walder.

NAYS: None.

**ORDINANCE DECLARED ADOPTED.**

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Harry Walder, Council President

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Mary Robertson, Village Clerk

## CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on April 19, 2023, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

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Mary Robertson, Village Clerk