

## ORDINANCE 52

### PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO INSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE; AND THAT PREMISES ARE FREE OF LITTER, NOXIOUS WEEDS, AND DANGEROUS OR HAZARDOUS CONDITIONS.

#### THE VILLAGE OF GRAND BEACH ORDAINS:

##### A. Unfit dwellings or buildings.

Section 1. **Definitions.** The following terms whenever used or referred to in this ordinance shall have the following respective meanings unless a different meaning clearly appears from the context:

- a. "Owners" shall mean the holder of fee simple title.
- b. "Parties in interest" shall mean all individuals, associates, and corporations who have a mortgage or other interest of record in a dwelling or building or who are in possession thereof.
- c. "Dwelling" shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto.
- d. "Dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.
- e. "Building" shall mean structure or part thereof.

f. "Public record" shall mean deeds, mortgages, and other instruments of record relating to land titles.

g. "Occupant" shall mean any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit,

h. "Public officer" shall mean the code enforcement or a law enforcement officer or officers who are authorized by law to exercise the powers prescribed by this article.

**Section 2. Unfit dwelling and buildings defined.** Any dwelling or building which fails to meet the minimum standards of the BOCA National Property Maintenance Code, as shall be in effect from time to time, shall be deemed unfit for human habitation.

**Section 3. Renting an unfit dwelling or building.** It shall be unlawful for any owner or any party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building which is unfit for human habitation for any reason set out in paragraph 5 of this article, due to the dilapidation, leaking water lines, leaking gas lines, electrical defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwelling or building unsafe or unsanitary or dangerous.'

**Section 4. Nuisance.** Any dwelling unfit for human habitation is hereby declared to be a public nuisance, and shall be repaired or removed from site as a serious continuing health hazard and public nuisance pursuant to the laws of the State of Michigan.

## **B. Litter regulations.**

**Section 1. Depositing of litter prohibited.** It shall be unlawful for any person, firm or corporation, in person, or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the city or any public water, drain, sewer, or receiving basin within the jurisdiction of the Village any kind of dirt, rubbish,

waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Village in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the Village; or to articles or things deposited in or conducted into the Village storm system through lawful drains in accordance with the ordinances of the Village relating thereto.

**Section 2. Litter on Private Property.** For purpose of this Ordinance, the term "litter on private property" is defined to mean any condition or use of premises or of building exteriors which is materially detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the property in the neighborhood in which such premises are located or creates a haven for vermin and pests or creates a health or safety hazard. This includes, but is not limited to the keeping or the depositing on, or the scattering over the premises of any of the following:

- a. Lumber, junk, trash, or debris;
- b. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.

**Section 3. Duty of maintenance of private property.** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any litter thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. Nor shall any person maintain premises as a health or safety hazard.

### **C. Plants and weeds.**

**Section 1. Weeds - declared a nuisance.** Any weeds such as jimson,

burdock, cocklebur, or other weeds defined as "noxious weeds" pursuant to Act 359 of Public Acts 1941, as amended (MCL 247.61 et. seq.) of a like kind, found growing in any lot or tract of land in the city are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Section 2. **Height.** It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding twelve inches anywhere in the city; any such plants or weeds exceeding such height are hereby declared to be a nuisance. This shall not apply to dune grasses or other vegetation designed to preserve the dunes or reduce erosion.

Section 3. **Removal - notice.** It shall be the duty of the Code Enforcement Officer to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance within ten days as provided under said Act 359. A failure to remove after said Notice shall result in the Village eradicating or cutting the weeds and charging the same to the Owner.

#### D. **Swimming pools.**

Section 1. **Compliance required.** It shall be unlawful to operate, maintain, or use any swimming pool in the Village except .in compliance with all the provisions of this Ordinance. Each swimming pool maintained in the Village shall have the following accessories, fixtures, safety equipment, and areas of protection:

a. **Walk areas.** Unobstructed walk areas not less than thirty-six inches wide shall be provided to extend entirely around the pool. The walk area shall be constructed of impervious material, and the surfaces shall be of such as to be smooth and easily cleaned and of non-slip construction. The slope of the walks shall have a pitch of a least one-fourth inch to the foot, designed so as to prevent back drainage from entering the pool.

b. **Fences.** All outdoor swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be six feet in height above the grade level and shall be constructed of a minimum number 9 gauge woven wire mesh corrosion-resistant material, or similar material. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

c. **Steps or ladders.** Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep and shallow end of the pool. Treads of steps and ladders shall be constructed of non-slip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

d. **Skimmers.** In every swimming pool, at least one skimming device shall be provided for each eight hundred square feet of surface area or fraction thereof.

e. **Recirculation system and appurtenances.** The swimming pools' recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, together with the necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for back washing filters, and facilities and equipment for disinfection the pool water.

Section 2. **Inspection.** The building inspector or code enforcement officer periodically shall inspect all swimming pools to determine whether or not the provisions of the ordinances regarding health, sanitation, and safety applicable thereto are being complied with.

Section 3. **Nuisance.** Any swimming pool that fails to meet the minimum

standards set forth above shall be declared a nuisance. The Building Inspector shall issue a notice of violation setting forth the remedial actions' required. In the event the owner of the swimming pool shall fail to correct the violation prior to Memorial Day following said Notice if issued between September 2 and February 28 or within ninety (90) days if issued between June 1 and September 1, the owner shall remove the pool and fill the site.

#### **E. Penalties.**

Any person or firm convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not more than Five Hundred and no/100 (\$500.00) Dollars or imprisonment in the County Jail of Berrien County for a period of not more than ninety (90) days or both such fine and imprisonment in the discretion of the Court.

**F. Existing Conditions.** The provisions of this ordinance shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this ordinance, and to conditions which, in the opinion of the enforcement officer, constitute a distinct hazard to life or property.

#### **G. Effective Date.**

This Ordinance shall become effective on this 11<sup>th</sup> day February, 1998 following publication hereof.

#### **H. Conflicting Ordinances.**

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**ORDINANCE DECLARED ADOPTED.**

CAROLE S. NAGY, 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 the 21<sup>st</sup> Day of January, 1998, 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, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

CAROLE S. NAGY, Clerk