

**ORDINANCE NO. 2019-\_\_\_\_\_**

AN ORDINANCE TO ADOPT THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, TO AMEND CERTAIN PROVISIONS OF THE CODE, AND TO ESTABLISH THAT A VIOLATION OF THE CODE CONSTITUTES A MUNICIPAL CIVIL INFRACTION.

THE CITY OF READING ORDAINS THAT:

**Section 1. Property maintenance code adopted by reference.**

1.01 Pursuant to the authority granted to the City by Charter, the 2018 International Property Maintenance Code, including appendix A, as promulgated and published by the International Code Council, Inc., is hereby adopted by reference as the existing structures code for the control of buildings, structures, and premises as herein provided; and each and all of the regulations of the 2018 International Property Maintenance Code are referred to, adopted and made a part hereof as if fully set out in this ordinance together with and subject to the following additions, insertions, deletions, and changes, if any, prescribed in Section 2.

1.02 References in the Code to "name of jurisdiction" shall mean the City of Reading.

1.03 References in the Code to the "International Building Code," the "International Plumbing Code," the "International Mechanical Code" and the "International Electrical Code" shall be substituted with the "Michigan Building Code," the "Michigan Plumbing Code," the "Michigan Mechanical Code" and the "Michigan Electrical Code."

1.04 References in the Code to the "International Zoning Code" shall be substituted with the "City Zoning Ordinance."

**Section 2. Modifications to the property maintenance code.** The following sections of the Code as adopted are amended as set forth herein. Unless otherwise indicated, all sections below refer to like number sections of the Code.

2.01 *Section 101.1* is amended to read in its entirety as follows:

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

2.02 *Section 103.1* is amended to read in its entirety as follows:

*103.1 Enforcing agency.* The city code enforcement officer shall be responsible for administering and enforcing this code within the city and shall be known as the code official.

2.03 *Section 103.2* is amended to read in its entirety as follows:

*103.2 Appointment.* The code official shall be appointed by the city manager, and the code official shall serve at the pleasure of, and be subject to removal, by the city manager.

2.04 *Section 103.5* is amended to read in its entirety as follows:

*103.5 Fees.* The fees for activities and services performed by the code official in carrying out his/her responsibilities under this code shall be as established by resolution of the city council.

2.05 *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 completely complied with, the code official is authorized and empowered to issue a municipal civil infraction violation notice and/or a municipal civil infraction citation and to institute appropriate action through the office of the city attorney to obtain an order from a court of competent jurisdiction in a proceeding at law or in equity to: authorize entry to inspect a building, structure, or premises; restrain, correct or abate such violation; require the removal or termination of the unlawful occupancy of the building, structure, or premises; or to stop an illegal act, conduct, business, or utilization of such building, structure, or premises. The costs associated with any action taken by the code official shall be charged against the real estate upon which the building, structure, or premises is located and shall be a lien upon such real estate.

2.06 *Section 106.4* is amended to read in its entirety as follows:

*106.4 Violation penalties.* Correction of violations: Any person who shall violate or fail to comply with a provision of this code, or who fails to comply with its requirements, including but not limited to those cited in a notice of violation or order served in accordance with Section 107, shall be deemed responsible for a municipal civil infraction together with such penalties and costs as are assessable and charged pursuant to the Municipal Civil Infractions and Violations Bureau Ordinance of the City of Reading, the provisions of this code, and other applicable law.

2.07 *Section 106.5* is amended to read in its entirety as follows:

*106.5 Abatement of violation.* Irrespective of whether penalties and costs are imposed or paid, in the event a violation determined by a court of competent jurisdiction is not corrected as ordered, the code official may order such violations corrected by the appropriate department or agency of the city that is qualified to do the work required, or may do the work by contract or hire. Any unpaid penalties and costs that are imposed and the cost of the correction of the violation, including reasonable administrative costs, shall be assessed and levied upon the property upon which such violation is located. The imposition of the penalties herein prescribed shall not preclude the code official from suspending, revoking, or taking other administrative action permitted by law with respect to a related license or permit, nor shall it preclude the code official from instituting appropriate action through the office of the city attorney to obtain an order from a court of competent jurisdiction in a proceeding at law or in equity to: authorize entry to inspect a building, structure, or premises; restrain, correct or abate such violation; require the removal or termination of the unlawful occupancy of the building, structure, or premises; or to stop an illegal act, conduct, business, or utilization of such building, structure, or premises.

2.08 *Section 106.5.1* is added to read as follows:

*106.5.1 Assessment and collection of penalties and costs.* Any penalties and costs, including administrative costs, that are incurred and imposed by reason of any violation or in conjunction with any action taken or instituted by the code official to secure its restraint, correction, or abatement, shall be assessed and levied upon the property upon which the violation was located if not paid within 30 days of the date such penalties and costs are charged or billed to the property owner. All such penalties and costs shall constitute a lien upon the property and shall be collected at the same time and in the same manner as are regular city taxes, and shall be subject to the same penalties as are levied for unpaid property taxes.

2.09 *Section 107.5* is amended to read as follows:

*107.5 Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in Sections 106.4, 106.5 and 106.5.1.

2.10 *Section 109.5* is amended to read as follows:

*109.5 Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the city. The cost of the emergency repairs, including reasonable administrative costs, shall be billed to the property, and if not paid, shall be assessed and levied on the property upon which emergency repairs were made and shall constitute a lien upon such property. This assessment shall be collected at the same time and in

the same manner as are the regular city taxes, if unpaid, and shall be subject to the same penalties as are levied for unpaid property taxes.

- 2.11 All references to "chief appointing authority" within Section 111 of the Code shall mean the Reading City Council.