

Brighton, Michigan City Code

Chapter 18 BUILDINGS AND BUILDING REGULATIONS

## **ARTICLE IV. PROPERTY MAINTENANCE CODE**

Sec. 18-76. Adoption of the International Property Maintenance Code.

Sec. 18-77. Additions, insertions and changes.

Sec. 18-78. Severability.

Sec. 18-79. No effect on pending suits, proceedings, rights or liabilities.

### **Sec. 18-76. Adoption of the International Property Maintenance Code.**

A certain document, three copies of which are on file in the office of the community planning director of the City of Brighton, being marked and designated as the International Property Maintenance Code, current edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Brighton, Livingston County, 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 demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the City of Brighton are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with the additions, insertions, deletions and changes, if any, prescribed in section 18-77 of this article.

(Ord. No. 529, §§ I, II, 11-2-06)

**State law references:** Authority to adopt technical codes by reference, MCL 117.3(k), MSA 5.2073(k).

### **Sec. 18-77. Additions, insertions and changes.**

The following sections of the adopted International Property Maintenance Code, current edition, are hereby revised as follows:

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

*Section 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, Michigan Residential Code, Michigan Plumbing Code, Michigan Fuel Gas Code, Michigan Mechanical Code and the National Electrical Code (NEC). Nothing in this code shall be construed to cancel, modify, or set aside any provision of the Brighton Zoning Ordinance.

*Section 103 Department of Community Development.*

*Section 103.1 General.* The Department of Community Development shall supervise the enforcement of this section. The code official referred to by this section shall be the Code Enforcement officer for the City of Brighton.

*Section 103.2 Liability.* The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by the officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction 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; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection herewith.

*Sections 103.3 and 103.4* are hereby deleted from the International Property Maintenance Code.

*Section 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 guilty of a 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 unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

*Section 106.4 Violation penalties.*

(a) Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to the penalties for a civil infraction, as set forth in Section 1-16(c) of the Brighton City Ordinances.

(b) Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 110.1 General.* The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, as defined in Section 18-59 of the Brighton City Ordinances, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

*Section 302.3 Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions, as set forth in Chapter 78 of the Brighton City Ordinances.

*Section 302.4 Weeds.* All weeds and other growth are regulated by Chapter 94 of the Brighton City Ordinances.

*Section 304.14 Insect screens.* During the period from April 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

*Section 602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to April 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. 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 locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

*Section 602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to April 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature considerations.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. No. 529, §§ I, II, 11-2-06)

### **Sec. 18-78. Severability.**

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The City of Brighton hereby declares that it would have passed this article, 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.

(Ord. No. 529, §§ I, II, 11-2-06)

### **Sec. 18-79. No effect on pending suits, proceedings, rights or liabilities.**

Nothing in this article 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 529, §§ I, II, 11-2-06)

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### **Contact:**

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