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Sec. 8-96. Adoption of International Property Maintenance Code.

- (a) *Adoption.* Pursuant to the authority granted the City of St. Joseph by MCL 117.3(k), the 2003 edition of the International Maintenance Code, as published by the International Code Council and including the penalties provided in that Code, is adopted by reference and made a part of this chapter.
- (b) *Revisions to code.* The following sections of that published code are revised as follows:
Section 106.3 shall read 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 guilty of a civil infraction. 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 the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises, including administrative costs as set by the City Commission, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 106.4 Insert the following after the existing paragraph:

- (a) A first violation of any provision of this code is a municipal civil infraction which shall, upon a determination of responsibility, be punished by a fine of not less than \$50.00.
- (b) A second violation of any provision of this code within a two-year period is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$150.00.
- (c) A third violation of any provision of this code within a two-year period is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$300.00.
- (d) The fourth and any subsequent violation of any provision of this code within a two-year period is a misdemeanor which shall, upon conviction, be punishable in

accordance with [section 1-11](#) of the Code of Ordinances of the City of St. Joseph.

- (e) In all instances, the city's costs of enforcement, abatement and prosecution may be added to any fine imposed by the court.
- (f) In addition to the penalties provided by this section, the court shall have equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision of this chapter, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or granting any injunctive relief.

Section 107.2 Subsection 4 shall read as follows:

- 4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure or property into compliance with the provisions of this code. For violations of Section 302.4, forty-eight (48) hours is deemed a reasonable time to make improvements for the purpose of this subsection.

Section 107.3 Insert subsection 4 which shall read as follows:

- 4. For violations of Section 302.4 only, posted in a conspicuous place in or about the property that is the subject of such notice or on public property adjacent to the property that is the subject of such notice.

Section 302.3 shall read as follows:

302.3 Sidewalks, driveways and adjacent public ways. All sidewalks, walkways, stairs, driveways, parking spaces, adjacent public ways, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Trees, shrubs, hedges, bushes or other growing things shall be trimmed and maintained in such manner so as not to obstruct the view ahead, the view at intersections of persons using public streets, sidewalks or other public ways, or to impede the public use of the full width of such streets, sidewalks, or other public ways.

Upon failure of the owner or agent having charge of a property to trim or maintain trees, shrubs, hedges, bushes or other growing things after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee or agent of the city shall be authorized to enter upon the property upon which the violation occurs and trim or maintain the trees, shrubs, hedges, bushes or other things growing thereon, and the costs of such removal including administrative fees as set by the City Commission shall be paid by the owner or agent responsible for the property.

Section 302.4 shall read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. All noxious weeds shall be prohibited. Weeds and plant growth shall be defined as all grasses, annual plants, shrubbery, and vegetation. Exemption: Trees, flower gardens, vegetable gardens, shrubbery and vegetation that are cultivated and tended in a manner customary for such plant and the surrounding area, and that do not otherwise constitute a nuisance.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in

accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut or destroy the weeds growing thereon, and the costs of such removal including administrative fees as set by the City Commission shall be paid by the owner or agent responsible for the property.

(Ord. of 4-25-11; Ord. of 4-9-12)

State law reference— Authority to adopt technical codes by reference, MCL 117.3(k).

Sec. 8-97. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affidavit of completion shall mean the properly completed statement affirming that all code deficiencies or violations identified on a provisional rental occupancy permit have been corrected in compliance with the housing and property maintenance code, that statement to be on a form to be provided by the city.

Agent shall mean the property manager or other individual or entity representing the owner of a rental unit or hotel.

City shall mean the department, officer or individual designated by the city manager or city commission to administer all or any part of the registration and inspection programs under this article.

Hotel shall mean a building or buildings in which lodging rooms are offered to the public and are primarily used for transient lodgings of less than 30 days in return for compensation. This includes hotels, motels, residence inns, bed and breakfasts, and similar uses, but does not include short-term rentals, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental health facility, or other health care related clinic. Housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity are not hotels.

Hotel permit shall mean a written document issued by the city indicating that the hotel identified thereon is then in compliance with the housing and property maintenance code. A hotel permit shall be valid for one calendar year, ending on April 30 of each year, absent newly- or later-detected violations of the housing and property maintenance code, this article or other applicable laws, rules or regulations, or a revocation of the permit pursuant to this article. The expiration date shall be shown on the permit.

Housing and property maintenance code shall mean the International Property Maintenance Code as adopted by the city commission.

Immediate family shall mean spouses, children, stepchildren, brothers and sisters, half brothers and half sisters, parents and stepparents.

Local agent shall mean that person who is designated by the owner of a short-term rental unit who must live within the cities of Benton Harbor, Coloma, or St. Joseph, the townships of Benton, St. Joseph, Lincoln, Hagar, Royalton, Coloma, or Sodus, or the villages of Shoreham or Stevensville.

Lodging room shall mean a room or group of rooms in a hotel which is occupied by one or

more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which persons are not acquiring an ownership interest in the dwelling.

Maximum occupancy load shall mean the maximum number of tenants permitted to reside in a rental unit as determined by the city building inspector or zoning administrator pursuant to applicable building, construction and property maintenance codes, the city zoning ordinance, and this article.

Owner shall mean the individual or entity who is the legal or equitable titleholder and/or who controls the premises occupied by one or more rental units or hotels.

Permit shall mean rental unit permit or provisional rental unit permit.

Provisional hotel permit shall mean a written statement issued by the city indicating that the hotel identified thereon is substantially, but not entirely, in compliance with the housing and property maintenance code. The provisional hotel permit shall identify any deficiencies or violations that must be corrected, and shall state the date on which the provisional hotel permit shall expire if those deficiencies or violations are not corrected. The provisional hotel permit may note individual lodging rooms that shall not be occupied until the applicable deficiencies or violations are corrected.

Provisional rental unit permit shall mean a written statement issued by the city indicating that the rental unit identified thereon is substantially, but not entirely, in compliance with the housing and property maintenance code. The provisional rental unit permit shall identify any deficiencies or violations that must be corrected, and shall state the date on which the provisional rental unit permit shall expire if those deficiencies or violations are not corrected.

Rental unit shall mean any residential dwelling which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which persons are not acquiring an ownership interest in the dwelling. This shall include single-family, two-family and multiple-family dwellings, short-term rentals and rooming or boarding houses. "Rental unit" shall not include transient dwelling structures such as hotels, motels, or bed and breakfasts, and shall not include dwellings that are occupied only by members of the owner's immediate family.

Rental unit permit shall mean a written document issued by the city indicating that the rental unit identified thereon is then in compliance with the housing and property maintenance code. A rental unit permit shall be valid for two years from the date of the inspection that found the rental unit in compliance, absent newly- or later-detected violations of the housing and property maintenance code, this article or other applicable laws, rules or regulations, or a revocation of the permit pursuant to this article within that time, and the expiration date shall be shown on the permit.

Short-term rental shall mean the rental of any rental unit for a term of less than one month, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health care related clinic. Housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity are not short-term rental units.

Tenant shall mean any person, other than a legal or equitable titleholder, occupying or possessing all or any part of a rental unit or lodging room.

(Ord. of 4-25-11)

Sec. 8-98. Right of appeal.

All administrative actions taken by the city may be appealed in the manner provided by the housing and property maintenance code.

(Ord. of 4-25-11)

Sec. 8-99. Penalties and remedies.

- (a) Persons violating any provision of Sections [8-103](#) through 8-114, including any owner or occupant of a rental unit or hotel, shall be responsible for a municipal civil infraction punishable as provided in this article and [Section 1-11](#) of the Code of Ordinances. A court may order compliance with this article and as provided by law with respect to its authority for municipal civil infractions.
- (b) For violations of division 2 of this article, the following shall apply:
- (1) For civil infraction violations of [Section 8-104](#), fines shall be \$1,000.00 per occurrence for the first offense and \$2,500.00 for each subsequent offense within two calendar years. Each day that a violation continues shall be a separate offense.
 - (2) If an owner is found by a court to be responsible for a violation of [Section 8-104](#), the owner shall be ineligible to register any rental property under [Section 8-103](#) of this article, including the property that is the subject of the violation, or to obtain a rental unit permit for such property, for a period of two years. The owner may, however, timely renew valid rental unit permits previously issued to properties that are not the subject of the violation.
 - (3) Fines for civil infraction violations of this division, except for [Section 8-104](#), shall be \$500.00 per occurrence for the first offense, \$1,000.00 for a second offense within two calendar years of a prior offense even if it occurs at the same time as the prior offense, and \$2,500.00 for each subsequent offense within two calendar years even if it occurs at the same time as another offense. Each day that a violation continues shall be a separate offense.
 - (4) If an owner is found by a court to be responsible for a violation of this division, except for [Section 8-104](#), on three or more occasions within two consecutive calendar years, the rental unit permit for that property shall be revoked for a period of not less than three months or more than two years.
 - (5) In all instances, the city's costs of enforcement and prosecution, including attorney fees, may be added to any fine imposed by the court.
- (c) For violations of division 3 of this article, the following shall apply:
- (1) Fines for civil infraction violations of this division shall be \$500.00 per occurrence for the first offense, \$1,000.00 for a second offense within two calendar years of a prior offense even if it occurs at the same time as the prior offense, and \$2,500.00 for each subsequent offense within two calendar years even if it occurs at the same time as another offense. Each day that a violation continues shall be a separate offense.
 - (2) If an owner is found by a court to be responsible for a violation of this division on three or more occasions within two consecutive calendar years, the hotel permit for that property shall be revoked for a period of not less than three months or more than two years.
 - (3) In all instances, the city's costs of enforcement and prosecution, including attorney fees, may be added to any fine imposed by the court.

(Ord. of 4-25-11)

Sec. 8-100. Conflicts.

In the event that the provisions of this article conflict with another ordinance, the ordinance that is more restrictive shall apply.

(Ord. of 4-25-11)

Secs. 8-101, 8-102. Reserved.