

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 260

AN ORDINANCE TO AMEND SECTION 5-5, "ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE," OF ARTICLE II, "PROPERTY MAINTENANCE CODE," CHAPTER 5, "BUILDING AND CONSTRUCTION," OF THE CODE OF ORDINANCES TO CLARIFY PROSECUTION PROCEDURES

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Amendment of Section 5-5 of the Code of Ordinances. Section 5-5, "Adoption of International Property Maintenance Code," Article II, "Property Maintenance Code," Chapter 5, "Building and Construction," of the Code of Ordinances of the City of New Buffalo is amended to read as follows:

The International Property Maintenance Code, 2015 Edition, as promulgated and published by the International Code Council, is adopted by reference as the property maintenance code of the City of New Buffalo, and made a part of this subject to the following modifications:

A. Section 101.1. Insert: "City of New Buffalo."

B. Section 102.3.1. Add section to read:

References to Other Codes.

Whenever the "International Building Code" or "building code" is referenced in this Code it shall mean the Michigan Building Code. Whenever the "International Mechanical Code" is referenced in this Code it shall mean the Michigan Mechanical Code. Whenever the "International Plumbing Code" is referenced in this Code it shall mean the Michigan Plumbing Code. Whenever the "International Electrical Code" or "NFPA 70" is referenced in this Code it shall mean the Michigan Electrical Code. Whenever the "International Zoning Code" is referenced in this Code it shall mean the New Buffalo Zoning Ordinance.

C. Section 103.5. Amend to read:

Fees.

The City Council shall, by resolution from time to time, establish a fee schedule for permits under this Code.

D. Section 106.3. Amend to read:

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 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 to this Code. Any action taken by the City of New Buffalo on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

E. Section 111. Amend to read in its entirety as follows:

Construction Board of Appeals.

All appeals under this Code shall be brought before the City's Construction Board of Appeals, which Board is authorized and has jurisdiction to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this Code, using the rules of procedures adopted by the Construction Board of Appeals. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Construction Board of Appeals.

F. Section 112.4. Amend to read:

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 in violation of this Code and responsible for a municipal civil infraction.

G. Section 302.4. Insert: "6 inches."

H. Section 304.14. Insert: "April 1 to October 31."

I. Section 602.3. Insert: "October 1 to April 30."

J. Section 602.4. Insert: "October 1 to April 30."

Section 2. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City, and shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS: Robertson, Lijewski, Flanagan, Price, Humphrey

NAYS:

ABSTAIN:

ABSENT:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

This is a true and complete copy of an ordinance adopted by the City Council of the City of New Buffalo, Berrien County, Michigan, at a meeting held on May 15, 2023.

John Humphrey, Mayor

Ann M. Fidler, Clerk