

**THE TOWNSHIP OF SILVER CREEK**

**CASS COUNTY, MICHIGAN**

**ORDINANCE NO. 22-02**

**ADOPTED: August 17, 2022**

**EFFECTIVE: September 26, 2022**

An Ordinance adopting the 2018 Edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures by providing standards to ensure that structures are safe, sanitary and fit for occupation and use; addressing the condemnation of buildings and structures unfit for human occupancy and use; as well as the demolition of such existing structures in the Township of Silver Creek ; to provide sanctions for violation(s) thereof; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF SILVER CREEK**

**CASS COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**  
**PURPOSE**

The purpose of this Ordinance is to adopt a standardized property maintenance code to regulate and govern the conditions and maintenance of structures within the Township by providing standards to ensure that structures are safe, sanitary and fit for occupation and use; to provide for the condemnation of unsafe buildings and structures; and to allow for the demolition of unsafe and dangerous structures within the Township.

**SECTION II**  
**ADOPTION OF CODE**

A certain document, three (3) copies of which are on file in the office of the Township Building Official, being marked and designated as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Silver Creek, Cass County, Michigan. All of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township Building are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section III this ordinance.

**SECTION III**

## AMENDMENTS TO ADOPTED CODE

The following sections of the adopted code are hereby amended as follows:

- A. **Section 101.1** Remove “[Name of jurisdiction]” and insert “Silver Creek Township”.
- B. **Section 102.3** Add State of Michigan Building Codes.
- C. **Section 103.5** Remove the wording in the paragraph and replace it with the following:

“Fees shall be set in amounts approximating the costs to the Township thereof via resolution which shall be adopted by the Township Board and may be amended as necessary”.
- D. **Section 106.2** Remove all of the wording and replace with “This Section reserved for future expansion”.
- E. **Section 106.3** Remove all of the wording contained in Section 106.3 and replace it with the following:

**“106.3 Violation and Penalties.** Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 <sup>st</sup> Offense	\$ 150.00	\$ 500.00
-2 <sup>nd</sup> Offense*	\$ 300.00	\$ 500.00
-3 <sup>rd</sup> Offense*	\$ 425.00	\$ 500.00
-4 <sup>th</sup> or More Offense*	\$ 500.00	\$ 500.00

\*within 3-year period determined on the basis of the date of commission of the offense(s).

An owner, tenant, occupant, land contract vendor or vendee who causes allows or permits a violation to exist or continue shall be liable as a principal.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Silver Creek has

incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.”

- F. **Section 106.4** is hereby eliminated in its entirety and replaced with the phrase “Section 106.4 Reserved for future expansion”
- G. **Section 107.5** is hereby amended by the removal of the phrase “106.4” and the replacement thereof with the phrase “106.3”.
- H. **Section 111.1** is hereby amended to read:

“111.1 Any person directly affected by a notice or order of the building department, including the building official, building inspector, mechanical, plumbing or electrical inspector shall have the right to appeal such decision to the Construction Board of Appeals; provided that a written application for the appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means”.

- I. **Section 111.2** is hereby amended to read, in its entirety, as follows:

“111.2 The Silver Creek Township Construction Board of Appeals, constituted in accordance with 1972 PA 230, as amended, shall serve as the Board of Appeals under the Silver Creek Township adopted version of the International Property Maintenance Code.”

- J. **Section 111.5** is hereby amended by the elimination of the numerical phrase “106.4 and the replacement thereof with the phrase “106.3”.
- K. **Section [A] 112.4** (failure to comply). Insert \$150 to \$500.
- L. **Section 302.4** (weeds). All of the wording in Section 302.4 is eliminated and replaced with the following sentence:  
  
“ 302.4 See Silver Creek Township Weed Ordinance No. 91-30, as amended.
- M. **Section 302.8** (motor vehicles). All of the wording in Section 302.8 is eliminated and replaced with the following sentence:

Section 302.8 Motor Vehicles. See Silver Creek Township Motor Vehicle Storage and Repair Ordinance, No. 21-04.

- N. **Section 304.14** (insect screens) Remove the first instance of the phrase “[DATE]” and replace it with “May 30”. Remove the second instance of the phrase “[DATE]” and replace it with “September 30”.
- O. **Section 308.1** The following definition of “compost” is hereby added to the section:  
  
“A mixture of decaying organic matter, as from leaves and manure, used as a soil amendment to improve soil structure and provide nutrients. Compost is located in a “compost pile” or “compost heap” which may not be contained in a structure called a “compost bin”. The composting process is largely the result of the activity of aerobic organisms. Compost is the cornerstone of organic gardening.”
- P. **Section 602.3** (cheat supply) remove the first instance of the phrase “[DATE]” and replace it with “October 15”. Remove the second instance of the phrase [DATE] and replace it with “May 15”.
- Q. **Section 602.4** (occupiable workspace) remove the first instance of the phrase “[DATE]” and replace it with “September 15”. Remove the second instance of the phrase [DATE] and replace it with “May 15”.
- R. **Appendix A** Boarding Standard Included.

#### **SECTION IV** **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

#### **SECTION V** **REPEAL OF CONFLICTING ORDINANCES**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

**SECTION VI**  
**EFFECTIVE DATE**

This ordinance shall take effect 30 days following publication of a summary thereof, following adoption.

Township of Silver Creek  
Lorri Behnke, Clerk

**CERTIFICATE**

The undersigned, Lorri Behnke the Clerk of Silver Creek Township, Cass County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Township Board at a meeting held on August 17, 2022 and that said meeting was held in accordance with the Open Meetings Act, PA 267 of 1976.

\_\_\_\_\_  
Lorri Behnke, Clerk  
Silver Creek Township

Attest: \_\_\_\_\_  
Mick Braman, Supervisor