

EATON COUNTY, MICHIGAN

Ordinance No. 2022-2

AN ORDINANCE TO DESIGNATE VIOLATIONS OF THE STATE CONSTRUCTION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE MODEL MANUFACTURED HOME INSTALLATION STANDARDS TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE VIOLATIONS OF THE STATE CONSTRUCTION CODE, INTERNATIONAL PROPERTY MAINTENANCE Code AND THE MODEL MANUFACTURED HOME INSTALLATION STANARDS TO ADOPT A SCHEDULE OF FINES; TO PLACE THE MUNICIPAL CIVIL INFRACTIONS VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ESTABLISH A CONSTRUCTION CODE BOARD OF APPEALS; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. DESIGNATION OF VIOLATIONS OF THE STATE CONSTRUCTION CODE, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, CONSTRUCTION CODE COMMISSION, and of the INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE MODEL MANUFACTURED HOME INSTALLATION STANDARDS AND ENFORCED BY EATON COUNTY, AS MUNICIPAL CIVIL INFRACTIONS.

- A. Pursuant to the authority set forth in 1972 PA 230, as amended, being MCL 125.1523(3), any violation of any provision of the State Construction Code, which includes the International Building Code, the International Residential Code, the Michigan Residential Code, the International Mechanical Code, the International Plumbing Code, the National Electrical Code, the International Energy Conservation Code, and International Existing Building Code, which have been adopted through rules of the Michigan Department Licensing and Regulatory Affairs, Construction Code Commission, and of any provision of the International Property Maintenance Code and the Model Manufactured Home Installation Standards, and which are enforceable by Eaton County, or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense, and any omission or failure to act where the act is required by the State Construction Code.

- B. The sanction for any violation of the State Construction Code, or of the International Property Maintenance Code, or the Model Manufactured Home Installation Standards, which is a municipal civil infraction, shall be a civil fine as provided herein, plus any cost, damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes, and Eaton County Department of Construction Codes Building, Electrical, Mechanical and Plumbing Inspectors, deputies of the Eaton County Sheriff, and other persons specifically designated by the Director of the Eaton County Department of Construction Codes, are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of the State Construction Code or the International Property Maintenance Code or the Model Manufactured Home Installation Standards.
- D. In addition to enforcement of violations of the State Construction Code, International Property Maintenance Code and the Model Manufactured Home Installation Standards as municipal civil infractions, enforcement of violations of the State Construction Code or International Property Maintenance Code or the Model Manufactured Home Installation Standards may be accomplished by civil action, along with any other remedies provided by law. Violation of this Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of the State Construction Code, International Property Maintenance Code or the Model Manufactured Home Installation Standards shall not preclude other civil proceedings to abate such nuisance.
- E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADOPTION OF A SCHEDULE OF FINES FOR VIOLATIONS OF THE STATE CONSTRUCTION CODE, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, CONSTRUCTION CODE COMMISSION, AND OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND MODEL MANUFACTURED HOME INSTALLATION STANDARDS, ENFORCED BY EATON COUNTY.

- A. Fines to be Established by County Board Resolution

The County Board of Commissioners shall by Resolution adopt a schedule of fines for violations of the State Construction Code and of the International Property Maintenance Code and Model Manufactured Home Installation Standards, which may be amended by subsequent Resolution. For

purposes of establishing an initial schedule of fines, the following schedule is adopted.

B. Fines for Municipal Civil Infraction Citations

1. A person, corporation or firm who violates any provision of the State Construction Code or of the International Property Maintenance Code or the Model Manufactured Home Installation Standards, and is found responsible at the district court for a municipal civil infraction citation, shall pay a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense," means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the State Construction Code or of the International Property Maintenance Code or the Model Manufactured Home Installation Standards, committed by a corporation, person or firm within any 24-month period and (b) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350.00 plus costs and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.

C. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of the State Construction Code or of the International Property Maintenance Code or the Model Manufactured Home Installation Standards receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Municipal Civil Infractions Violations Bureau of \$100.00.

- (1) In the case of another offense within one year of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense.)

- (2) In the case of another offense within one year of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense.)
- (3) In the case of another offense within one year of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense.) All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ESTABLISHMENT OF MUNICIPAL CIVIL INFRACTIONS VIOLATIONS BUREAU FOR DISPOSITION OF VIOLATIONS OF THE STATE CONSTRUCTION CODE, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, CONSTRUCTION CODE COMMISSION, AND OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE MODEL MANUFACTURED HOME INSTALLATION STANDARDS AND ENFORCED BY EATON COUNTY.

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the State Construction Code or of the International Property Maintenance Code or the Model Manufactured Homs Installation Standards, shall be located at the Eaton County Department of Construction Codes, 1045 Independence Blvd., Charlotte, MI 48813.

SECTION 4. CONSTRUCTION BOARD OF APPEALS

A Construction Board of Appeals is created pursuant to Sec. 14 of the State Construction Code, MCL 125.1514, consisting of not less than 3 nor more than 7 members, as determined by the County Board of Commissioners, to be appointed to serve for 2-year terms. The Construction Board of Appeals has jurisdiction to hear and decide appeals from the denial of a permit or any other decision by the County in the enforcement of the State Construction Code or International Property Maintenance Code or the Model Manufactured Home Installation Standards.

SECTION 5. JURISDICTION.

This Ordinance is effective throughout Eaton County, Michigan, unless a local municipality has assumed jurisdiction for enforcing the State Construction Code or the International Property Maintenance Code or the Model Manufactured Home Installation Standards.

SECTION 6. REPEALER.

All ordinances in conflict are repealed to the extent necessary to give this ordinance full force and effect.

SECTION 7. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.


SECTION 8. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

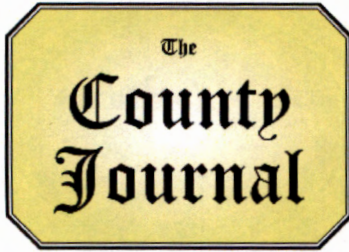
SECTION 9. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Diana Bosworth, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on June 25, 2022.



Diana Bosworth
Eaton County Clerk



“Eaton County’s Advertising & News Journal”

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June 27, 2022

Eaton County Clerk’s Office
1045 Independence Blvd.
Charlotte, MI 48813

The Eaton County Clerk’s Office ran the following legal public notice in the June 25, 2022 edition of The County Journal as per attached pages:

**NOTICE OF ORDINANCE ADOPTION
EATON CO. CONSTRUCTION CODE DEPT.**

The above named notice was published in its entirety.

Witnessed by Pamela D. Caruthers, Public Notary for The County Journal:

Pamela D. Caruthers
Notary Public – STATE OF MICHIGAN
COUNTY OF EATON
My Commission Expires July 20, 2026
Acting in the County of Eaton