

## Chapter 8

### **BUILDINGS AND BUILDING REGULATIONS**

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## ARTICLE I. IN GENERAL

**Secs. 8-1—8-18. Reserved.**

## ARTICLE II. STATE CONSTRUCTION CODE

**Sec. 8-19. Enforcement of code.**

Pursuant to the provisions of the state construction code act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), the building official is hereby designated as the enforcing agency to discharge the responsibilities of the city under the act. The city assumes responsibility for the administration and enforcement of said act and the state construction code throughout its corporate limits. (Code 1972, § 22.001; Ord. No. 87, eff. 3-15-1972; Ord. No. 105A, eff. 8-26-1975; Ord. No. 105C, eff. 5-16-1979; Ord. No. 105D, eff. 1-3-1985; Ord. No. 105E, eff. 6-16-1988; Ord. No. 105H, eff. 1-10-1991; Ord. No. 105-G, eff. 7-7-1994)

**Sec. 8-20. Fees.**

Fees required under the state construction code shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

**Secs. 8-21—8-43. Reserved.**

## ARTICLE III. FLOODPLAIN REGULATIONS\*

**Sec. 8-44. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings

**\*State law references**—Soil and sedimentation control, MCL 324.9101 et seq.; soil conservation districts law, MCL 324.9301 et seq.; building and construction in floodplain, MCL 324.3108; wetlands protection, MCL 324.30301 et seq.; subdivision within or abutting floodplain, plat requirements, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.

ascribed to them in this section, except where the context clearly indicates a different meaning:

*Areas of special flood hazard* means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as zone A on the official map.

*Development* means and includes any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Flood* means a temporary rise in a stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

*Floodproofing* means and includes any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

*Mobile home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

*Mobile home park or mobile home subdivision* means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

*100-year flood* means the condition of flooding having a one percent chance of annual occurrence.

*Regulatory flood elevation* means the water surface elevation of the 100-year flood.

*Structure* means a walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including, but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.

*Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, before the improvement is started, or if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, as well as structures listed in national or state registers of historic places. (Code 1972, § 25.502; Ord. No. 116, eff. 7-1-1977; Ord. No. 152, eff. 3-15-1984)

**Sec. 8-45. Building official; additional responsibilities.**

The building official hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this article and all other ordinances of the city now in force or hereafter adopted, relating to rezoning, subdivision or building codes. (Code 1972, § 25.503; Ord. No. 116, eff. 7-1-1977)

**Sec. 8-46. Appointment of building official.**

The building official shall be appointed to these responsibilities by resolution of the city council and his appointment shall continue during good behavior and satisfactory service. During temporary absences or disability of the building official, the city council shall designate an acting building official. (Code 1972, § 25.504; Ord. No. 116, eff. 7-1-1977)

**Sec. 8-47. Maps; flood hazard boundaries.**

The City Council hereby accepts The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Ionia County, Michigan (All Jurisdiction)" and dated January 16, 2015 and the Flood Insurance Rate Map(s)

(FIRMS) panel number(s) of 26067C; 0218D, 0219D, 0331D, and 0332D dated 1/16/2015. These are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code. Furthermore pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the City of Portland. (Code 1972, § 25.505; Ord. No. 116, eff. 7-1-1977; Ord. No. 152, eff. 3-15-1984; Ord. No. 152A, eff. 11-27-2014)

**Sec. 8-48. Permits required.**

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the city or cause the same to be done without first obtaining a separate building permit for each such building or structure.

- (1) *Zone A.* Within zone A on the official map, separate building permits are required for all new construction, substantial improvements and other developments, including the placement of mobile homes.
- (2) *Application.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the city for that purpose. Every such application shall:
  - a. Identify and describe the work to be covered by the permit for which application is made;
  - b. Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
  - c. Indicate the use or occupancy for which the proposed work is intended;

- d. Be accompanied by plans and specifications for proposed construction;
- e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
- f. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest habitable floor (including basement) or in the case of floodproofed nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the building official; and
- g. Give such other information as reasonably may be required by the building official.

(Code 1972, § 25.506; Ord. No. 116, eff. 7-1-1977)

**Sec. 8-49. Review of permit applications.**

The building official shall review all building permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state law (including section 404 of the Federal Water Pollution



Control Act Amendments of 1972, 33 U.S. Code of 1334) and make recommendations for development in all locations which have flood hazards. (Code 1972, § 25.507; Ord. No. 116, eff. 7-1-1977)

**Sec. 8-50. Construction must conform to standards.**

The building official, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other developments (as defined in section 8-44) will:

- (1) Obtain, review and reasonably utilize, if available any regulatory flood elevation data from federal, state or other sources, until such other data is provided by the Federal Insurance Administration, in a flood insurance study as required within areas designated as zone A of the official map, the following performance standards must be met:
  - a. The first floor elevation (to include basement) of new residential structures be elevated to or above the regulatory flood elevation;
  - b. The first floor elevation (to include basement) of nonresidential structures be elevated or floodproofed to or above the regulatory flood elevation;
  - c. Use of construction materials and utility equipment that are resistant to flood damage; and
  - d. Use of construction methods and practices that will minimize flood damage.
- (2) Be designed or anchored to prevent the floatation, collapse or lateral movement of the structure or portions of the structure due to flooding.
- (3) In regards to mobile homes, specified anchoring requirements are:
  - a. Over-the-top ties must be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate loca-

tions and mobile homes less than 50 feet long requiring one additional tie per side;

- b. Frame ties must be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
- c. All components of the anchoring system must be capable of carrying a force of 4,800 pounds; and
- d. Any additions to mobile homes must be similarly anchored.

(Code 1972, § 25.508; Ord. No. 116, eff. 7-1-1977; Ord. No. 152, eff. 3-15-1984)

**Sec. 8-51. Review of subdivision applications.**

The city council shall review all subdivision applications and shall make findings of fact and determine if:

- (1) All such proposed developments are consistent with the need to minimize flood damage;
- (2) Subdivision proposals for development of five acres of 50 lots, whichever is lesser, include within such proposals, regulatory flood elevation data;
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
- (4) All public utilities and facilities are located so as to minimize or eliminate flood damage; and
- (5) Mobile home parks and mobile home subdivisions will file evacuation plans with appropriate disaster preparedness authorities.

(Code 1972, § 25.509; Ord. No. 116, eff. 7-1-1977)

**Sec. 8-52. New water and sewer systems.**

New water and sewer systems shall be constructed to eliminate or minimize infiltration by

floodwaters; moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.  
(Code 1972, § 25.510; Ord. No. 116, eff. 7-1-1977)

**Sec. 8-53. Maintaining flood-carrying capacity within altered watercourse.**

The city council will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The city will notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the administrator. Moreover, the city will work with the appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.  
(Code 1972, § 25.511; Ord. No. 116, eff. 7-1-1977)

**Sec. 8-54. Maintaining records of elevations and floodproof levels.**

The building official will obtain and maintain records of elevations and floodproof levels for new construction or any new improvements. Said elevations will be provided by the property owner with no expense to the city.  
(Code 1972, § 25.512; Ord. No. 116, eff. 7-1-1977; Ord. No. 152, eff. 3-15-1984)

**Sec. 8-55. Precedence of article.**

This article shall take precedence over conflicting ordinances or parts of ordinances. The city council may, from time to time, amend this article to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this article are in compliance with the National Flood Insurance Program Regulation as published in the federal register, volume 41, number 207, dated October 26, 1976.  
(Code 1972, § 25.513; Ord. No. 116, eff. 7-1-1977)

**Secs. 8-56—8-83. Reserved.**

**ARTICLE IV. DRIVEWAY PAVING**

**Sec. 8-84. Purpose.**

The purpose of this article is to require the driveways and approaches that intersect a paved street or paved alley and serve existing and future garages to be paved with a hard all-weather surface in order to reduce airborne dust from unpaved driveways, which can be a nuisance to adjacent property owners, reduce the amount of gravel and dirt from unpaved driveways, which can enter and clog the city storm drains and accelerate the deterioration of the paved street or paved alley; to support the city's road paving program; to provide for safe, functional, and aesthetically appropriate driveways, access roads, and approaches to all other areas of paved streets or alleys, including, but not limited to, businesses, malls, parking areas, trailer parks, and the like.  
(Code 1972, § 22.102; Ord. No. 186, § 2.01, eff. 3-15-1993; Ord. No. 186-A, eff. 12-13-1999)

**Sec. 8-85. Definitions.**

The following words, terms 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:

*Approach* means that area of a driveway extending from either the traveled portion of the street to the right-of-way line or from the traveled portion of the street to the sidewalk.

*Driveway* means a private or public roadway providing access from a street or alley for vehicles to a garage or building including the area for vehicle parking or storage outside the garage.

*Garage* means an accessory building either attached to or detached from the principal building and which is used for parking or storage of vehicles as may be permitted in connection with the permitted use of the principal building.

*Hard all-weather surface* means and includes asphalt, concrete or similar material.

*Nonresidential garage* means a garage associated with commercial or industrial land uses.

*Residential garage* means a garage associated with residential land uses.

(Code 1972, § 22.103; Ord. No. 186, § 3.01, eff. 3-15-1993; Ord. No. 186-A, eff. 12-13-1999)

**Sec. 8-86. Applicability.**

The requirements of this article shall apply to all properties that contain a residential or non-residential garage or a business, mall location, parking lot, trailer park, or similar property use existing as of the date of adoption of the ordinance from which this article is derived, as amended, as well as all properties improved after the date of the ordinance from which this article is derived that have driveways intersecting a paved street or paved alley.

(Code 1972, § 22.104; Ord. No. 186, § 4.01, eff. 3-15-1993; Ord. No. 186-A, eff. 12-13-1999)

**Sec. 8-87. Requirements and procedure.**

(a) *Requirements.*

- (1) For properties containing an existing residential principal building with an unpaved driveway, a hard all-weather surface approach shall be installed in conjunction with a new garage, an expansion of the footprint of an existing garage, or the conversion of an existing building to a garage or when the street is paved. If the hard-surface approach is installed at the same time the street is paved, the property owner shall have the option of including the cost of the approach in the special assessment for the street.
- (2) A hard all-weather surface driveway extending from the garage to the street shall be installed in conjunction with the construction of a new garage, an expansion of the footprint of an existing garage, or the conversion of an existing building to a garage for properties containing an existing nonresidential principal building with an unpaved driveway.
- (3) A hard all-weather surface driveway shall be installed in conjunction with the construction of a new principal building, including both residential and nonresidential properties, regardless of whether the

property abuts a paved or unpaved alley or street. If an attached or detached garage is built with the principal building, then the driveway shall extend from the street to a point parallel with the wall of the building closest to the street.

- (4) Expansions of residential paved driveways as of the date of adoption of the ordinance from which this article is derived shall be paved with a hard all-weather surface under the same requirements contained in this subsection.
  - (5) Expansion of nonresidential paved driveways existing as of the date of adoption of the ordinance from which this article is derived shall be paved with a hard all-weather surface under the same requirements contained in subsection (b) of this section and in compliance with all other state and local building and zoning codes.
  - (6) All driveways, access roads, and approaches to businesses, malls, parking areas, trailer parks, and the like shall conform and be built according to any access management plan duly adopted by the city council, the Michigan Department of Transportation Bureau of Highways Standard Plans for Driveway Openings and approaches and concrete sidewalks, and such other related standards as may be promulgated by the Michigan Department of Transportation, such standards being specifically adopted by reference as they presently provide and as they may be updated subsequently by the state or the city.
- (b) *Procedure.*
- (1) At the time a building permit is requested for construction or expansion of a building or property that is subject to these regulations, the applicant shall submit a scaled drawing to the building official, illustrating the size and dimensions of the area to be paved and the type of hard all-weather surface to be used. The drawing shall also indicate that the stormwater shall not drain onto adjacent property.

(2) In the case of residential properties, the applicant shall be required to complete the approach within three years from the date of being issued a building permit. In the event this work is not completed within the prescribed time limit, the city shall complete the work and add the costs for such work to the taxes of the property so affected.

(3) In the case of nonresidential properties, the applicant shall comply with the requirements of the site plan, state requirements, or other local zoning and/or building codes.

(Code 1972, § 22.105; Ord. No. 186, § 5.01, eff. 3-15-1993; Ord. No. 186-A, eff. 12-13-1999)

**Sec. 8-88. Penalty for violations.**

In the event any requirements of this article are not complied with, the city shall send by regular mail to the property owner a "Notice of the City's Intent" to remedy the violation and enclose a copy of this article, and if at the end of 90 days from the mailing of the notice the property is not in full compliance with this article, at the city's option, the city shall do or have done all the work needed and add the reasonable cost as a lien on the real property and/or to the owner's property tax, and the expense to the city shall be reported to the assessing office, and that office shall assess the costs against the properties according to law.

(Code 1972, § 22.106; Ord. No. 186, § 6.01, eff. 3-15-1993; Ord. No. 186-A, eff. 12-13-1999)

**Secs. 8-89—8-119. Reserved.**

**ARTICLE V. DANGEROUS BUILDINGS\***

**Sec. 8-120. Definitions.**

The following words, terms 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:

*Building official* means the duly authorized representative who has been duly appointed by

\*State law reference—Similar provisions, MCL 125.538 et seq.

the city to inspect and enforce the building or zoning ordinance of the city and the officer charged with the responsibility for administration and enforcement of this article.

*Hearing officer* means a person appointed by the mayor of the city who shall conduct the hearing and take testimony of the building official or other officials, the property owner, agent or lessee and other interested persons as to the alleged unsafe and dangerous conditions of the building. Thereafter, the hearing officer shall render his decision, either closing the proceedings or finding the building to be an unsafe and dangerous structure and ordering the building to be demolished or otherwise made safe within a certain period of time.

*Ordinance of the city* means any and all such ordinances presently in effect and any and all such ordinances as may be hereafter duly adopted by the city, and including all amendments to such ordinances as may be hereafter adopted by the city.

*Owner* means the owner of the free hold of the premises or lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure, or real property or his duly authorized agent.

(Code 1972, § 22.202; Ord. No. 122, eff. 3-20-1978)

**Sec. 8-121. Dangerous or unsafe building; defined.**

A "dangerous or unsafe building" means any building or structure which has any of the following defects or is in any of the following conditions:

- (1) *Exits; nonconformance to fire code.* Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code or any housing or buildings ordinance of the city, it shall be considered that such building does not meet the requirements of this article.
- (2) *Structural strength; deteriorated.* Whenever any portion has been damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other

- cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe, and is less than the minimum requirements of this article or any building ordinance of the city for a new building or similar structure, purpose or location.
- (3) *Appurtenance; likely to fall or collapse.* Whenever any portion or member of an appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (4) *Structural portions; less resistance.* Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the building ordinance of the city.
- (5) *Structural supports likely to collapse.* Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal of some portion of ground necessary for the purpose of supporting such building or portion thereof, or for some other reason is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.
- (6) *Manifestly unsafe.* Whenever, for any reason whatsoever, the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- (7) *Dangerous play area; harbor for vagrants.* Whenever the building or structure has been so damaged by fire, wind, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals, or immoral persons, or as to enable a person to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- (8) *Unsanitary.* Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the county health officer or is likely to cause injury to the health, safety or general welfare of those living within.
- (9) *Exposed to elements; accessible to trespassers.* Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) *Unoccupied.* A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, Public Act No. 299 of 1980 (MCL 339.2401 et seq.). For purposes of this subsection, "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:
- a. A building or structure if the owner or agent does both of the following:
    1. Notifies the police department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the police department by the owner or agent not more than 30 days after the building or structure becomes unoccupied; and
    2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this article and the state construction code.
  - b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each

year, if the owner notifies the police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the police department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, the term "secondary dwelling" means a dwelling, including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

(Code 1972, § 22.203; Ord. No. 122, eff. 3-20-1978)

**Sec. 8-122. Building official; notice and duty.**

(a) When the whole or any part of any building or structure is found by the building official to be a "dangerous" or "unsafe" building, the building official shall issue a notice of the dangerous and unsafe condition.

(b) Such notice shall be served on the owner, agent or lessee or any party in interest as defined herein.

- (1) The notice shall be in writing and shall set forth to the owner, occupant, lessee, mortgagee, agent, and or any other known person having an interest in said building or structure, the conditions of said building or structure which shall be found by said building official to be a dangerous or unsafe building or structure within the standards set forth in this article.
- (2) The notice shall set forth a description of the building or structure deemed unsafe, and a statement of particulars which make the building or structure a dangerous or unsafe building.
- (3) The notice shall instruct the person to whom the notice is directed to show cause why the building or structure should not be ordered to be demolished or otherwise made safe, and said notice shall specify the time and place of a hearing to be held

by the hearing officer on the condition of the building or structure, at which time and place the person or persons to whom the notice is directed shall have the opportunity to be heard, as well as any other interested party.

- (4) The notice shall be given in writing to the owner, occupant, lessee, mortgagee, agent, tenant, and all other persons having an interest in such building or structure, and shall be given either by personal service or certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records, said notice shall be given at least ten days before the date of the hearing described in the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure at least ten days prior to the hearing date.

(Code 1972, § 22.204; Ord. No. 122, eff. 3-20-1978)

**Sec. 8-123. Hearing officer; duties.**

(a) The hearing officer shall receive a report and a copy of the notice of the building official that an owner, agent or lessee or any other interested party has a dangerous or unsafe building or structure in the city, and said notice shall set forth the date, time and place for a hearing before said hearing officer.

(b) The hearing officer shall take testimony of the building official, the owner of the property, agent or lessee and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings, ordering the building or structure demolished or otherwise made safe, or properly maintained.

(c) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a reasonable time in the order for the owner, agent, or lessee to comply therewith. If the building is a dangerous building under section 8-121(10), the order may require the owner or agent to maintain the exterior of the building and

adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.  
(Code 1972, § 22.205; Ord. No. 122, eff. 3-20-1978)

**Sec. 8-124. Noncompliance by owner, agent or lessee.**

If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under section 8-122, the hearing officer shall file a report of the findings and a copy of the order with the city council not more than five days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 8-122.  
(Code 1972, § 22.206; Ord. No. 122, eff. 3-20-1978)

**Sec. 8-125. City council hearing, notice and opportunity to be heard.**

The city council shall set a date not less than 30 days after the hearing prescribed in section 8-123 for a hearing on the findings and order of the hearing officer. The city council shall give notice to the owner, agent, or lessee in the manner prescribed in section 8-122 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The city council shall either approve, disapprove, or modify the order. If the city council approves or modifies the order, the city council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this section.  
(Code 1972, § 22.207; Ord. No. 122, eff. 3-20-1978)

**Sec. 8-126. Assessment of costs; collection; liens.**

(a) For an order of demolition, if the city council determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the

state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

(b) The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this act. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the city to bring the property into conformance with this article shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

(c) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city shall have a lien for the cost incurred by the city to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this section does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act No. 206 of 1893 (MCL 211.1 et seq.).

(d) In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost

of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained under this section. The lien provided for in this section shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(e) A judgment in an action brought pursuant to the subsection above may be enforced against assets of the owner other than the building or structure. The city shall have a lien for the amount of a judgment obtained pursuant to such subsection against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

(Code 1972, § 22.208; Ord. No. 122, eff. 3-20-1978; Ord. No. 122A, eff. 9-5-1995)

#### **Sec. 8-127. Judicial review.**

An owner aggrieved by the final decision or order of the city council may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Code 1972, § 22.209; Ord. No. 122, eff. 3-20-1978)

#### **Sec. 8-128. Dangerous or unsafe buildings declared nuisances.**

All dangerous or unsafe buildings or structures which are determined to be in violation of the terms of this article or of the building ordinance of the city are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided by this article.

(Code 1972, § 22.210; Ord. No. 122, eff. 3-20-1978)

#### **Secs. 8-129—8-154. Reserved.**

## **ARTICLE VI. PROPERTY MAINTENANCE CODE**

### **Sec. 8-155. Adopted.**

There is hereby adopted by reference the International Property Maintenance Code, 2006 edition, as published by the International Code Council, as the property maintenance code of the city, for the control of buildings and structures as provided in this article, and each and all of the regulations, provisions, penalties, conditions and terms of such code are hereby referred to, adopted and made a part of this article as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 8-156.

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

### **Sec. 8-156. Additions, insertions and changes.**

The following sections of the International Property Maintenance Code, 2006 edition, are hereby amended or deleted, or additional sections or subsections are added as follows:

*Section 101.1* (page 1, second line). Insert: City of Portland.

*Section 304.14*. Insert: March 1 to December 1.

*Section 602.3*. Insert: October 1 to May 15.

*Section 602.4*. Insert: October 1 to May 15.  
(Code 1972, § 22.001; Ord. No. 87, eff. 3-15-1972; Ord. No. 105A, eff. 8-26-1975; Ord. No. 105C, eff. 5-16-1979; Ord. No. 105D, eff. 1-3-1985; Ord. No. 105E, eff. 6-16-1988; Ord. No. 105H, eff. 1-10-1991; Ord. No. 105-G, eff. 7-7-1994)