



WHY WE DO WHAT WE DO

Legal background for
**Property Inspections, Building and Zoning
Code Violations and Blight Violations.**



Things you may want to know about the ordinances and laws that govern Village actions.

Q What right do you have to inspect my rental property and charge me for inspecting it? How can you tell me I have to repair or replace something? How can you order me to mow my yard or cut my weeds? How can you tell me to fix-up or clean-up my property?

A Michigan Compiled Laws (MCL) regulate what the Village of Paw Paw and any municipality can and cannot do with regard to building inspections, the enforcement of building codes, the establishment of fines and fees, taking corrective action, and assessing the costs to the property owner. The ICC Property Maintenance Code applies to all existing residential and nonresidential buildings and their premises.

MCL 125.1508a allows a municipality to designate an official to conduct inspections and enforce construction codes as well as establish rates and fees to cover costs of such inspector and inspections.

The Property Maintenance Code allows inspections of existing buildings as well as issuing 'notice and orders to the property owner to comply with codes. It also allows assessing the costs of properly abating a violation of the code against the property owner.

The State Construction Codes (MCL 1508a and adopted by the Village) and the Michigan Housing Law allows (MCL 125.401) for inspections of properties. Several statutes allow the municipality to 'abate' (correct the violation) and assess costs to the property owner and, if not paid, to place the costs as a lien against the property. These include: MCL 339.2401 et. seq. and similar MCL's 125.538, 125.539, 125.540, 125, 541 and 125a define and govern the inspection and enforcement of corrective actions of 'dangerous buildings. They also allow the municipality to assess costs to abate the violations to the property owner and if not paid, place the costs as a lien against the property. MCL 117.4r-q allows liens against the property for abating a 'blight violation.' MCL 125.401 allows liens to be placed against a property for municipal nuisance-abatement activities (activities the municipality takes to correct the nuisance). Michigan Housing Laws, MCL 125.534 (7), MCL 125.541 (7) and MCL 125.541a allow the placement of liens against the property for housing code violations. MCL 247.61 allows the placement of a lien against a property for the abatement of noxious weeds such as cutting, spraying, etc.

Many of the above allow for the establishment of reasonable fines and fees for inspections and violations. These include MCL 66.2 et. seq., MCL 141.2101 et. seq., MCL 141.1201 et. seq., MCL 12571 et. seq. and 125.538 et. seq.

Some of our violations in these areas are Municipal Civil Infractions which are authorized by MCL 600.101 et. seq. Under this, MCL 600.8396 and MCL 600.8707 govern the establishment of fines and MCL 600.2940 (3) and (4) allows the Village to collect costs to abate municipal ordinance violation and nuisances from the property owner.

The State Laws governing this were accepted by the Village and put into our Code of Ordinances. The Chapters and Sections follow:

Chapter 8 Section 31 adopts the Single State Construction Code. Chapter 8 Section 91 adopts the ICC Property Maintenance Code. Chapter 8 Sections 151-160 govern inspections of business and residential rental properties. Chapter 42 Section 36 govern zoning violations. Chapter 8 Section 121 (1)-(10) through 126 covers dangerous buildings, definitions, enforcement, penalties and liens. Chapter 1 Section 17 allows for the establishment of certain fines and penalties. Chapter 8 Section 32 allows the establishment of fees for permits. Chapter 18 Section 1-68 establishes municipal civil infractions, fees, fines and penalties for violations thereof.

Village Code of Ordinances are on-line at www.pawpaw.net, click on 'Code of Ordinances' on left.