

**Bertrand Charter Township Board
Regular Meeting
Thursday, September 8, 2022**

Bertrand Charter Township Hall
3835 Buffalo Rd., Buchanan, MI 49107

Supervisor Hicks called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Members Present: Hicks, Kuhn, Payton, Vite, Zelmer

Member Absent: None

Special Guests: Derek Hall, State of Michigan Auditor for Bertrand Charter Township; Sara Senica, township attorney

Consent Agenda *(see attachments)*

Motion made by Zelmer, seconded by Payton to approve the Consent Agenda as amended:

- Remove agenda item #4-Ordinance to Regulate Water-Resolution.
- Remove agenda item #5-Ordinance to Regulate Sewer-Resolution.
- Township Board Regular Meeting Minutes from August 11, 2022
- Accounts Payable for the period 08/12/22-09/08/22:

Total General Fund Expenses	\$40,484.35
Total Fire Dept. Fund Expenses	\$7,890.15
Total WRT Fund Expenses	\$73.29
Total Expenses	\$48,447.79

- Treasurer's Report as of August 31, 2022

General Fund	\$1,870,100.93
Total Fire Dept. Fund	\$558,689.88
Total WRT Fund	\$1,990.04
Total Fund Current Assets	\$2,430,780.85

Roll call vote: **Motion carried unanimously**

Reports

Sheriff's Department *(on file)*

Fire Department *(on file)*

Chief Knisely submitted the September 2022, monthly Fire Department report and gave a verbal report.

SMCAS *(on file)*

Matt Remmo submitted his report and gave a verbal report.

SE Berrien County Landfill *(on file)*

Trustee Zelmer and Treasurer Kuhn gave a verbal report.

Planning Commission

Treasurer Kuhn gave a verbal report.

NATS

Trustee Payton gave a verbal report.

Unfinished Business

None.

New Business

1. Presentation - 21/22 Audit results from State of Michigan

Derek Hall, auditor from the State of Michigan, presented the results and finding from his FY21/22 township audit. Copies of the audit are available at the township office. The township reserves continued to grow in a favorable manner as we save for a new fire truck. Nothing extraordinary to report.

2. International Property Maintenance Code (IPMC)

Motion made by Vite seconded by Kuhn to approve Ordinance#2022-0908A – An Ordinance to Adopt the 2021 International Property Maintenance Code By Reference - as presented.

Discussion: There were concerns expressed about the subjectiveness of tickets being issued but attorney Senica said judges don't waste their time on petty items. She reaffirmed IPMC allows the Zoning Administrator, Building Inspector, and judges to all be on the same page with a standard from which to go by.

Roll Call Vote: Ayes: **Kuhn, Hicks, Payton, Vite** Nays: **Zelmer** **Passed: 4-1**

3. Election Commission Resolution

Motion made by Vite, seconded by Zelmer to approve Resolution 220908B – Resolution to Establish Bertrand Charter Township Election Commission for November 2, 2022, General Election.

Discussion: The Election Commission will be comprised of Trustee Zelmer, Trustee Payton, and Clerk Vite

Voice Vote: **Motion carried unanimously**

Public Comments

Comments were made about the condition of Redbud Trail and whether the repaving schedule could be moved forward.

Two residents reported lights are out and need replacing on Foundation Drive.

Board Member Comments

None.

Communications

None.

Miscellaneous / Announcements / Schedule

- The next township board meeting will be a Special Public Hearing on Tuesday, September 20, at 7:00 p.m. It will be the SMCAS SAD Public Hearing #2 to review the Special Assessment Roll.

Having no further business, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,



September 15, 2022

Don Vite

Date

Bertrand Charter Township Clerk

BERTRAND CHARTER TOWNSHIP

COUNTY OF BERRIEN

STATE OF MICHIGAN

ORDINANCE NO. 2022-0908A

**AN ORDINANCE TO ADOPT THE INTERNATIONAL
PROPERTY MAINTENANCE CODE BY REFERENCE**

An ordinance of Bertrand Charter Township adopting by reference the 2021 *International Property Maintenance Code*, with all current amendments, additions, or deletions except as provided herein; regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Township; providing for the issuance of permits and collection of fees; and repealing and all other ordinances and parts of ordinances in conflict therewith.

BERTRAND TOWNSHIP ORDAINS:

Section 1. That a certain document, copies of which are on file in the office of the Township Clerk, being marked and designated as the 2021 *International Property Maintenance Code*, as may be amended, deleted, with additions, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Bertrand Township, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the 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 2 of this ordinance.

Section 2. The following sections of the International Property Maintenance Code are hereby revised:

Section 101.1. These regulations shall be known as the International Property Maintenance Code of Bertrand Charter Township, hereinafter referred to as “this Code”.

Section 103.5. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be assessed per the fee schedule adopted by the

Township Board from time to time by resolution, or by the actual costs to pay the employee, person, or company for its time in carrying out the work performed.

Section 112.4. 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 liable for a civil infraction and a fine of not less than Two Hundred and Fifty Dollars (\$250.00). Further, the Township may take any action and elect any remedy either at law or in equity as it deems necessary to ensure compliance with this Code.

Section 302.4. Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property

Section 304.14. Insect screens. During the period from April 30 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 31 to April 30 to maintain a minimum temperature of 62°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 31 to April 30 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Section 3. Repealer. That and all other ordinances or parts of ordinances in direct conflict herewith are hereby repealed.

Section 4. Severability. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. Bertrand Charter Township hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact

that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Civil Infraction. A violation of the Property Maintenance Code is a civil infraction, with a fine of \$150.00 for a first offense, \$200.00 for a second offense, and \$250.00 for a third offense. Sworn police officers, the Township building inspector, and the Township Zoning official shall all be authorized to write and serve tickets under this Ordinance. Should the Township be required to initiate cleanup in the absence of such action by a violator after an order of the Court, the entire cost of the cleanup, demolition, or repairs may be attached to the violator's tax bill upon certification by the Township Treasurer. The fees shall include an administrative fee of 10%.

Section 6. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any person be lost, impaired or affected by this ordinance.

This Ordinance shall become effective thirty days after publication.

AYES: Hicks, Kuhn, Payton, Vite

NAYS: Zelmer

ORDINANCE DECLARED ADOPTED.



DON VITE, Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by Bertrand Charter Township, County of Berrien, State of Michigan, at a Regular Meeting, held on September 8, 2022, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.



DON VITE, Township Clerk

