

**DELTA TOWNSHIP
COMPILED POLICY MANUAL**

Title:	Mold Abatement Policy
Adoption Date:	March 1, 2003
Revision Date:	

General Purpose: If a reasonable determination that mold damage is in existence, a determination that a violation of the Property Maintenance will be made.

Summary Statement of Policy: When a determination is made that there is a violation of the Property Maintenance Code because of mold damage, the owner of the property will be notified and expected to come in compliance with the Property Maintenance Code.

Actual Policy as Written:

Where the possible existence of mold has been brought to the attention of the Delta Township Code Enforcement Officer through any means appropriate;

1. The Delta Township Code Enforcement Officer shall make an inspection of the premises as notified.
2. The Delta Township Code Enforcement Officer will make a reasonable determination as to the possible existence of mold.
3. Whereas the Delta Township Code Enforcement Officer has made a reasonable determination that mold damage is in existence;
 - A. The owner of the property wherein the violation has occurred will be notified in writing of the violation.
 - B. The owner of the property in violation shall be given information on how the property in violation may be made clean and sanitary so as to be in compliance with the Property Maintenance Code.
 - C. The violation notice shall specify the time period in which the owner of the property in violation shall come in compliance with the provisions of the Property Maintenance Code. In no case shall the time period specified in the notice to come in with the provisions of the Property Maintenance Code exceed 10 days.
 - D. If compliance is not met within the specified time period, the owner of the property in violation shall be guilty of a civil infraction punishable by a civil fine. A civil infraction citation shall be issued and served. Each day a violation remains in existence may be treated as a separate offense. The imposition of any fine and/or costs shall not exempt the violator from compliance. If any fine and/or costs associated with this policy are not paid, the civil infraction citation may be filed with the

district court in accordance with section 2-180(g) of the Charter Township of Delta Code of Ordinances.

- E. If compliance is not met within the specified time period, in addition to the civil infraction violation as herein described, the Code Enforcement Officer shall make arrangements to have the property brought into compliance pursuant to sections 102.8, 104.2 and 105.3 of the Property Maintenance Code. All costs incurred will be the responsibility of the property owner in violation. If necessary, the Charter Township of Delta may pursue the means necessary to recover the cost of said compliance from the property owner in violation.
 - F. The violation notice shall specify a date on which the Code Enforcement Officer shall return to inspect said property to ensure continued compliance.
4. Whereas the Code Enforcement Officer makes a reasonable determination upon further inspection, or through any appropriate means, that compliance and/or continued compliance as described herein is not being achieved, and a reasonable determination is made that mold damage is in existence;
- A. The owner of the property wherein the violation has occurred will be notified of the violation.
 - B. The owner of the property in violation shall be required to make arrangements to have the property brought into compliance with the Property Maintenance Code by an expert at their own expense. The owner of the property in violation may utilize an expert of their choosing provided said expert meets the following standards:
 - 1. Valid EAA (Environmental Assessment Association) certification which recognizes;
 - CTS, Certified testing specialist
 - CEI, Certified environmental inspector
 - CES, Certified environmental specialist
- Include certification number.
- 2. Certified Mold Inspectors & Contractors Institute certified property mold specialist; certifications which include;
 - Property mold specialist
 - Mold testing
 - Mold remediation
 - Mold maintenance
- C. Evidence of compliance in the form of a report from the approved expert, as said expert is herein described, must be submitted to the Code Enforcement Officer.

- D. The violation notice shall specify the time period in which the owner of the property in violation shall come in compliance with the provisions of the Property Maintenance Code. In no case shall the time period specified in the notice to come in with the provisions of the Property Maintenance Code exceed 10 days.
- E. If compliance is not met within the specified time period, the owner of the property in violation shall be guilty of a civil infraction punishable by a civil fine. A civil infraction citation shall be issued and served. Each day a violation remains in existence may be treated as a separate offense. The imposition of any fine and/or costs shall not exempt the violator from compliance. If any fine and/or costs associated with this policy are not paid, the civil infraction citation may be filed with the district court in accordance with section 2-180(g) of the Charter Township of Delta Code of Ordinances.
- F. If compliance is not met within the specified time period, in addition to the civil infraction violation as herein described, the Code Enforcement Officer shall make arrangements to have the property brought into compliance pursuant to sections 102.8, 104.2 and 105.3 of the Property Maintenance Code. All costs incurred will be the responsibility of the property owner in violation. If necessary, the Charter Township of Delta may pursue the means necessary to recover the cost of said compliance from the property owner in violation.
- G. The violation notice shall specify a date on which the Code Enforcement Officer shall return to inspect said property to ensure continued compliance.

SEVERABILITY.

If a court of competent jurisdiction declares any provision of this policy or the Property Maintenance Code to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Charter Township of Delta, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

REPEAL OF CONFLICTING PROVISIONS.

All policies or provisions of policies in conflict or inconsistent with the provisions of this policy are hereby repealed; provided that any violation charged before the effective date of this policy under a policy provision repealed by this policy shall continue under the policy provision then in effect.