

Chapter 10 BUILDINGS AND BUILDING REGULATIONS*

***Charter reference(s)**--Authority of city to regulate building repair and construction, etc., ch. XVII, § 4.

Cross reference(s)--Community development, ch. 18; environment, ch. 26; limitation on hours for construction or demolition work, § 26-46; fire prevention and protection, ch. 30; health and sanitation, ch. 34; historical preservation, ch. 38; planning, ch. 66; solid waste, ch. 70; streets, sidewalks and other public property, ch. 74; leaving building materials on sidewalks, § 74-6; street numbers for buildings, § 74-111 et seq.; subdivisions and other land divisions, ch. 78; utilities, ch. 94; vegetation, ch. 98; waterways, ch. 106.

State law reference(s)--State Construction Code Act of 1972, MCL 125.1501 et seq.

ARTICLE I. IN GENERAL

Sec. 10-1. Registration of contractors.

Any contractor applying for a permit under any construction code of the city shall, upon application, or annually, register such contractors' name, address, telephone number and full information concerning such contractors' state license, (if required), including the number of the license, with the city. At the time of registration a fee in the amount established by resolution shall be paid to the city. No permit under any construction code in effect or enforced by the city shall be issued without such information being on file. In the event any of the information changes the contractor shall immediately notify the city in writing, as a condition of the issuance or continuance in force of any permit required by the city codes.

(Code 1975, § 4-8)

Sec. 10-2. Department and director of inspections.

- (a) A department of inspections is established with a director of such department who shall be appointed by the city manager and who, for the performance of those duties described in this section, shall be immediately responsible to the city manager. Such director shall be known as the director of inspections, inspector or building official with full power and authority to administer and enforce any code or ordinance described in this section, and shall receive such compensation as shall be fixed and determined by the city commission.
- (b) The director of inspections shall have primary responsibility for the administration and enforcement of all building codes, electrical codes, plumbing codes, mechanical codes and all other city codes and ordinances which regulate the construction and maintenance of buildings and structures within the city, together with the regulation of their use and occupancy.
- (c) With the approval of the city manager, such director may delegate administration and enforcement authority of the codes and ordinances described in this section to

any person employed in the department of inspections.

- (d) In the enforcement of the codes and ordinances described in this section, the director of inspections and those employees of the department of inspections delegated enforcement authority shall have the authority provided by law for the enforcement thereof, including, but not by way of limitation, the authority to issue and serve appearance citations, as provided by MCL 764.9(a)--(g), and the right to enter private premises as provided by law.
- (e) The director of inspections shall, in addition to the foregoing, assume and perform such other duties or assignments as shall be required of him by the city manager or the city.

(Code 1975, § 4-1)

Secs. 10-3--10-30. Reserved.

ARTICLE II. CONSTRUCTION CODES*

***State law reference(s)**--State Construction Code Act of 1972, MCL 125.1501 et seq.

Sec. 10-31. Agency designated.

- (a) Pursuant to the provisions of the state building, electrical, mechanical, plumbing, and residential codes, in accordance with section 8B(6) of Public Act No. 230 of 1972, the building, electrical, mechanical and plumbing officials employed or retained by the building inspection department of the city are hereby designated as the enforcing agencies to discharge the responsibilities of the city under Public Act No. 230 of 1972. The city assumes responsibility for the administration and enforcement of the act throughout its corporate limits.
- (b) Any person violating the provisions of the codes mentioned in subsection (a) of this section shall be responsible for a municipal civil infraction, and shall pay a fine as set forth in the schedule of civil infraction fines in section 2-204.

(Ord. No. 2048, §§ 1, 3, 8-14-2001)

Sec. 10-32. Construction board of appeals.

- (a) *Establishment.* There is hereby established a construction board of appeals as authorized, and to be organized, in accordance with the state Construction Code Commission Act, specifically MCL 125.1514.
- (b) *Composition.* The construction board of appeals shall consist of seven members who must be qualified by experience or training to perform their duties as members of the board.
- (c) *Appointment and terms.* Members of the board shall be appointed for two-year terms, such appointments to be made by the city manager with the advice and consent of the city commission. Persons eligible for appointment who are residents of the city shall be preferred; however, city residence is not required for appointment, since, by statute, the members of the construction board of appeals

may serve in more than one jurisdiction.

- (d) *Rules for procedure and operation, meetings and business.* The construction board of appeals shall have the right to adopt its own rules of procedure and guidelines for meetings and hearings, provided that all proceedings of the board shall be conducted in accordance with MCL 125.1514. All proceedings of the construction board of appeals shall be held in accordance with the state Open Meetings Act, and all records of decisions and any other records shall be subject to the state Freedom of Information Act.
- (e) *Appeals.* In addition to the duties set forth elsewhere in this section for the construction board of appeals, it shall also have jurisdiction to hear appeals taken from decisions of the appropriate authorities, or make interpretations, pursuant to the International Fire Code, 2000 edition, or other fire and safety code in effect in the city from time to time.

(Ord. No. 2051, §§ 1--5, 8-28-2001; Ord. No. 2056, § 1, 9-11-2001)

Secs. 10-33--10-60. Reserved.

ARTICLE III. DANGEROUS BUILDINGS*

***Cross reference(s)**--Environment, ch. 26.

State law reference(s)--Dangerous buildings, MCL 125.538 et seq.

DIVISION 1. GENERALLY

Sec. 10-61. 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:

Dangerous building means any building or structure which has any or all of the conditions or defects described in this definition, which shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
- (2) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1¹/₂ times the working stress or stresses allowed in the state construction code for new buildings of similar structures, purpose or location;
- (3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such

catastrophe and is less than the minimum requirements of the state construction code for new buildings of similar structure, purpose or location;

- (4) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (5) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the state construction code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the state construction code for such buildings;
- (6) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
- (7) Whenever the building or structure, or any portion thereof because of:
 - a. Dilapidation, deterioration, or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay or inadequacy of its foundation; or
 - e. Any other cause,is likely to partially or completely collapse;
- (8) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (9) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
- (10) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting members or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;
- (11) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children;
 - b. As to enable persons to resort thereto for the purpose of committing unlawful acts;
- (12) Whenever any building or structure has been constructed, exists or is

maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the state construction code, or housing code, or any law or ordinance of this state or city relating to the condition, location, or structure of buildings;

- (13) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinance, has in any nonsupporting part, member or portion, less than 50 percent, or in any supporting part, member or portion less than 66 percent of the:
 - a. Strength;
 - b. Fire or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;
- (14) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
- (15) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard;
- (16) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;
- (17) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public; or
- (18) Whenever any building or structure shall be unoccupied and unsecured. Any such building or structure shall be deemed "unsecured" when the building or structure can be entered by trespassers without breaking. Any such building or structure shall be deemed "secured" when all its exterior openings are intact and locked.

Substandard buildings means any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the building is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, which shall be deemed and hereby is declared to be a substandard building:

- (1) *Inadequate sanitation.* Inadequate sanitation shall include but not be limited to the following:

- a. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
 - b. Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
 - c. Lack of, or improper kitchen sink.
 - d. Lack of hot and cold running water to plumbing fixtures in a hotel.
 - e. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - f. Lack of adequate heating facilities.
 - g. Lack, or improper operation of required ventilating equipment.
 - h. Lack of minimum amounts of natural light and ventilation required by the housing code.
 - i. Room and space dimensions less than required by the housing code.
 - j. Lack of required electrical lighting.
 - k. Dampness of habitable rooms.
 - l. Infestation of insects, vermin or rodents as determined by the health officer.
 - m. General dilapidation or improper maintenance.
 - n. Lack of connection to required sewage disposal system.
 - o. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.
- (2) *Structural hazards.* Structural hazards shall include but not be limited to the following:
- a. Deteriorated or inadequate foundations.
 - b. Defective or deteriorated flooring or floor supports.
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - d. Members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 - e. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - f. Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - g. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.

- h. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
 - i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (3) *Nuisance*. Any nuisance as defined in this code.
- (4) *Hazardous wiring*. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (5) *Hazardous plumbing*. All plumbing, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.
- (6) *Hazardous mechanical equipment*. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
- (7) *Faulty weather protection*. Shall include but not be limited to the following:
 - a. Deteriorated, crumbling, or loose plaster.
 - b. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - c. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - d. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (8) *Fire hazard*. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (9) *Faulty materials of construction*. All materials of construction, except those which are specifically allowed or approved by this Code and the building code, and which have been adequately maintained in good and safe condition.
- (10) *Hazardous or unsanitary premises*. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.
- (11) *Inadequate maintenance*. Any building or portion thereof which is determined to be an unsafe building in accordance with the building code.
- (12) *Inadequate exits*. All buildings or portions thereof not provided with

adequate exit facilities as required by the building code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

- (13) *Inadequate fire protection or firefighting equipment.* All buildings or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by the International Fire Code, except those buildings or portions thereof which conformed with all applicable law at the time of their construction and whose fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (14) *Improper occupancy.* All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

(Code 1975, § 4-23)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 10-62. Purpose and scope.

- (a) *Purpose.* It is the purpose of the provisions of this article to provide a just, equitable, and practicable method, to be cumulative with and in addition to, any other remedy provided by the city's adopted codes, concerning buildings, structures, housing or construction, and related regulations and ordinances, whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished.
- (b) *Scope.* The provisions of this article shall apply to all dangerous buildings, as defined in this article, which are now in existence or which may hereafter become dangerous in this city.

(Code 1975, § 4-16)

Sec. 10-63. Rights of action; penalties for violation.

Any violation of this article concerning dangerous buildings shall constitute a civil infraction. The foregoing shall not preclude the city from making application to a court of competent jurisdiction for equitable or injunctive relief.

(Code 1975, § 4-27; Ord. No. 2032, § 4, 9-12-2000)

Secs. 10-64--10-80. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

***Cross reference(s)**--Administration, ch. 2.

Subdivision I. In General

Sec. 10-81. Generally.

- (a) *Administration.* The building official is hereby authorized to enforce the provisions of this code.
- (b) *Inspections.* The fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(Code 1975, § 4-18)

Sec. 10-82. Inspection of unoccupied building; initiation of proceedings.

When an unoccupied and secured building, as defined in section 10-61, continues to exist in such unoccupied and secured condition for a period of six months, the director of inspections shall make an inspection of such building, entering such building in accordance with the provisions of section 10-415, and if the inspector finds that the building violates any of the provisions of this article, he shall initiate proceedings against the owner of such building as required pursuant to sections 10-103--10-105.

(Code 1975, § 4-23(a)(19))

Sec. 10-83. Inspection of work.

All buildings or structures within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this article and the state construction code.

(Code 1975, § 4-21)

Sec. 10-84. Building board of appeals.

In order to provide for final interpretation of the provisions of this article and to hear appeals, there is created a building board of appeals. The membership of the building board of appeals shall be identical to and the same persons as are appointed to the housing board of appeals set forth at article VI, division 2, subdivision IV, of this chapter. The building board of appeals shall follow the same procedures for meetings and hearings, adhere to the standards and consist of the same membership as the housing board of appeals. The officers of the housing board of appeals shall be the officers of the building board of appeals.

(Code 1975, § 4-22)

Cross reference(s)--Boards and commissions, § 2-281 et seq.

Secs. 10-85--10-100. Reserved.

Subdivision II. Abatement

Sec. 10-101. Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the building official, to be dangerous, as defined in this article, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in sections 10-103--10-105, inclusive, of this Code.

(Code 1975, § 4-19)

Sec. 10-102. Violations.

No person, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit such work to be done, contrary to or in violation of any of the provisions of this article or any order issued by the building official under this article. Any person violating the provisions of this section shall be responsible for a civil infraction.

(Code 1975, § 4-20)

Sec. 10-103. General procedure.

- (a) *Commencement of proceedings.* Whenever the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation, or demolition of the building.
- (b) *Notice and order.* The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
 - (1) The street address and a legal description sufficient for identification of the premises upon which the building is located.
 - (2) A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of section 10-61.
 - (3) A statement of the action required to be taken as determined by the building official:
 - a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within 30 days from the date of the order and completed within the time limits of the building permit, which limits, for dangerous buildings, shall be determined by the building official, taking into account the condition of the building or structure, but not to exceed one year.
 - b. If the building official has determined that the building or structure must be vacated, the order shall require such vacation within a reasonable time certain from the date of the order.

- c. If the building official determines the building must be demolished (removed) the order shall state the date by which removal must be accomplished.
- (c) *Noncompliance.* Where an order under this section is not complied within the time specified, the city shall institute proceedings to repair or demolish (remove) the structure. The proceedings shall be as follows:
 - (1) A hearing before the housing board of appeals shall be scheduled.
 - (2) Notice of the hearing shall be sent by certified mail to all owners shown on the tax assessment records, the holder of a recorded mortgage, a tenant under any written lease which has been recorded, any principal occupant and any owner otherwise known to the city, such as land contract vendors and vendees (also called "interested persons" in this section). The notice shall specify the time and place of the hearing, and notify all interested persons that they shall have the opportunity to show cause why the structure should not be demolished or repaired. The notice shall be mailed at least ten days before the hearing date. Personal service may be used in lieu of certified mail. In all cases a copy of the notice shall be posted upon a conspicuous part of the structure and shall constitute notice to all interested persons.
- (d) *Notice; hearings.* The notice shall specify the time and place of the hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure shall not be ordered to be demolished, secured and thereafter demolished, secured and thereafter repaired, or otherwise made safe. The hearing shall be held before the housing board of appeals of the city and the director of inspections shall file a copy of the notice of the dangerous and unsafe conditions with the housing board of appeals. All notices shall be in writing and shall be served upon the person to whom they are directed personally or, in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records at least ten days before the hearing described in the notice. If any person to whom a notice is directed is not personally served in addition to mailing a notice, a copy thereof shall be posted upon a conspicuous part of the building or structure and shall constitute notice to all occupants and all interested parties. Notices of pending action in front of the housing board of appeals shall be mailed, using regular mail, to all owners of dwellings within 150 feet of the dwelling.

(Code 1975, § 4-24; Ord. No. 2032, §§ 1, 2, 9-12-2000)

Sec. 10-104. Hearings.

- (a) *Housing board of appeals hearing.* The housing board of appeals shall take and record testimony of the inspection personnel, the owner of the property and any interested party. The housing board of appeals shall make written findings of fact and conclusions concerning the applicability of this article and render its decision, either dismissing the proceedings, ordering the building to be demolished or providing for an opportunity to repair or demolition.

- (1) If it is determined by the housing board of appeals that the building or structure should be demolished, it shall so order, recommending a time to comply after city commission final action. The housing board of appeals may enter a conditional order giving an opportunity to repair, simultaneously ordering demolition if repairs are not timely accomplished.
 - (2) A copy of the findings and order of the housing board of appeals shall forthwith be served on the owner and other interested parties in the manner set forth in section 10-103.
 - (3) Following such determination by the housing board of appeals, it shall file a written report of its findings and its order with the city commission and request that the city commission review and concur with its decision.
 - (4) If demolition is ordered, or if the interested party or parties fail to comply with the requirements of an opportunity to repair, the city shall issue a notice giving the date and time the matter is to be heard by the city commission and serve same on all interested parties at least ten days prior to the hearing and in the manner provided in section 10-103.
- (b) *City commission hearing.* At the city commission hearing, the owner or other interested persons shall be given the opportunity to show cause why the structure should not be demolished but repaired, and the city commission shall either approve, disapprove or modify the order of the housing board of appeals.
- (1) After the hearing, the order of the city commission shall be served on the owner and all interested parties in the manner provided in section 10-103.
 - (2) The city commission may require a deposit of funds adequate for demolition if it allows an interested person to repair, and it may determine and attach any conditions to the permit.
 - (3) Any permit issued by the city in a dangerous building case shall be limited in time for completion during a period reasonably determined by the city, taking into account the condition of the building or structure, but not to exceed one year.
 - (4) If the owner or other interested parties fail to comply with the order of the city commission within the time limited or as conditioned, the city may cause the building or structure to be demolished or repaired, first utilizing any funds deposited. The cost (in excess of the deposit) of the demolition or repair shall be collected by the city in the manner following: An interested party shall be notified of the amount of such costs by first class mail; if he or she fails to pay within 30 days after the mailing of the notice, the city may recover the costs from the owner, owners or person interested as a personal obligation by filing an action for recovery in the courts. The city may further, or alternatively, add the premises to the next tax roll of the city and collect the costs in the same manner in all respects as provided by law for the collection of taxes. Defendants in the personal action, if any, shall receive credit for all amounts collected through the tax collection procedure, but shall be liable for any uncollected amounts. If the city collects through the personal action any amount of the costs incurred, the tax lien shall be thus reduced.

(Code 1975, § 4-25; Ord. No. 2032, § 3, 9-12-2000)

Sec. 10-105. Emergency proceedings.

- (a) Whenever any building or structure shall be unoccupied and unsecured as defined in section 10-61, and when, in such event, the director of inspections shall deem such structure an immediate hazard or danger to trespassers, the director of inspections shall notify the record owner of such structure as shown by the last local tax assessment records by certified mail, return receipt requested, at the address as shown on the local tax assessment records, that unless such structure is made secure as defined in section 10-61 within seven days following the mailing of such notice, the structure shall be made secure at the owner's cost and expense.
- (b) Whenever any building or structure shall be found to be in immediate danger of collapse because of fire, natural disaster, neglect of maintenance or repair, or because of cessation of demolition, the director of inspections shall notify the record owner of any such structure as shown by the last local tax assessment records by certified mail, return receipt requested, at the address shown on the local tax assessment records that, unless such structure is demolished and removed within five days following the mailing of such notice, the structure will be demolished and removed at the owner's costs and expense.
- (c) In the event the owner or other interested parties shall fail to comply with the order of the city commission within the time limited therein, the city may cause the building or structure to be demolished, secured or made safe, and in such event, the cost of the demolition, securing or making the building safe shall be collected by the city in the manner following: The owner or party interested in whose name the property appears upon a last local tax assessment record shall be notified of the amount of such costs by first class mail at the address shown on the records; if he fails to pay such costs within 30 days after the mailing of the notice, the city may recover the costs from the owner, owners or parties interested as a personal obligation by filing an action for recovery in the courts. The city may further add the premises to the next tax roll of the city and collect the costs in the same manner in all respects as provided by law for the collection of taxes. Any defendants in the personal action, if any, shall receive credit for all amounts collected through the tax collection procedure, but shall be liable for any uncollected amounts. In the event the city collects through the personal action any amount of the costs incurred, the tax lien shall be thus reduced and the amounts received applied to any obligation of the city arising from corresponding tax anticipation payments.

(Code 1975, § 4-26)

Sec. 10-106. Appeals.

An owner or interested person aggrieved by any final decision or order of the city commission may appeal the decision or order to the circuit court for the county by filing a petition for an order of superintending control within 21 days from the date of mailing of the city commission decision. The order of the city commission shall be stayed pending the outcome of all court proceedings if a petition is timely filed.

(Code 1975, § 4-28; Ord. No. 2032, § 5, 9-12-2000)

Sec. 10-107. Annual registration of vacant buildings and registration fees.

- (a) *Purpose.* The purpose of this section requiring the registration of all vacant buildings, including dwellings that are subject to Chapter 10 as referenced below, and the payment of registration fees is to assist the city government, particularly the Department of Public Safety (DPS) and Planning Departments in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the city, to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of the Muskegon City Code.
- (b) *Definitions and applicability; registration statement and fees.*
- (1) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:
- (A) *Boarded:* A building or structure subject to the provisions of this section shall be deemed to be “boarded” if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.
- (B) *Exterior maintenance and major systems:* The phrase “exterior maintenance and major systems” shall mean the safe and lawful maintenance of the façade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, drive-way, if any, area of the lot, as applicable and as enforced by the DPS, particularly in connection with subsection 10-82 (inspection of unoccupied building) and 10-101 (abatement of dangerous buildings) of this section of this code.
- (C) *Occupied:* Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid city business license, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person

or business claiming occupancy; or proof of pre-rental inspection.

- (D) *Open*: A building or structure subject to the provisions of this section shall be deemed to be “open” if any one or more exterior doors other than a storm door is broken, open and, or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.
 - (E) *Owner*: An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.
 - (F) *Seasonal Residence*: A legal residential structure that has been used as a residence by the owner for a period of at least three consecutive months within the previous nine months and the same owner intends to resume residing at the property. A non-owner occupied home does not qualify as a Seasonal Residence.
 - (G) *Vacation Home*: A secondary legal residential dwelling used by the owner or one or more immediate member of the owner’s family, such as a son or daughter, for a period less than three consecutive months out of the previous nine months but still has verifiable occupancy periods spread throughout the year. If the home is rented or leased it does not qualify as a Vacation Home.
 - (H) *Vacant*: A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis, unless the structure is legally being used for storage purposes. Such storage use must be a legally allowed principal use of the zoning district where the structure is located and the use must be in compliance with all appropriate provisions of city ordinances, building and fire codes pertaining to the storage use.
- (2) *Applicability*. The requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant for more than 90 consecutive days and to each owner of residential property consisting of one or more vacant dwellings that shall have been vacant for more than 90 consecutive days. Each such owner shall cause to be filed a registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the city. The registration fee(s) as required by subsection (b)(3) of this section shall be billed annually by the city and shall be paid within 30 days of the invoice-date. For purposes of this section, the following shall also be applicable:
- (A) If the owner is a corporation or a limited liability corporation, the

registration statement shall provide the names and residence addresses of all officers, directors and/or members and shall be accompanied by a copy of the most recent annual tax report filed with the State of Michigan;

- (B) If an estate, the name and business address of the executor of the estate;
 - (C) If a trust, the name and address of all trustees, grantors, and beneficiaries;
 - (D) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;
 - (E) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;
 - (F) If an individual person, the name and residence address of that individual person.
- (3) *Registration statement and fees; local agent.* If none of the persons listed, as above, is shown at an address within the state or the home is a qualified vacation home or seasonal residence, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required whenever any building has remained vacant for 90 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. The owner of the vacant property at the time of billing shall be responsible for the payment of the non-refundable registration fee. Said fee shall be billed annually by the city and based on the duration of the vacancy as determined by the master fee resolution.
- (4) *Appeal rights.* The owner shall have the right to appeal the imposition of the registration fees to a committee appointed by the City Manager, upon filing an application in writing with the applicable \$50 non-refundable filing fee to the City Manager's Office no later than 30 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy.
- (5) *One time waiver of registration fee.* A one-time waiver of the registration fee may be granted by the committee appointed by the City Manager upon application of the owner, if all taxes and fees, such as, but not limited to, property taxes, mowing charges, past vacant building registration fees, landlord registrations, business registrations, utilities

and any other applicable charges have been paid prior to application for the waiver. If the owner:

- (i.) Demonstrate with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and
- (ii.) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or
- (iii.) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.

(6) *Two-year waiver.*

- (i.) Upon application by the owner and satisfaction of subsection (b)(5) above, the committee appointed by the City Manager may grant a two-year waiver of the registration fee if the owner meets the criteria for non-profit organizations as defined by Section 501(c)(3) of the Internal Revenue Code; or
- (ii.) Upon application by the homeowner(s) who are temporarily residing in a medical care facility, or a legal representative of the homeowner(s), the committee may grant a renewable two-year waiver of the registration fee. To be eligible for a two-year waiver of fee, satisfactory proof that the structure will only be temporarily vacant and the property and structures must remain in good repair and free of any enforcement actions by city departments. Should the structure or property not be properly maintained or in violation of city code, the waiver may be revoked by the appeal committee.
- (iii.) Upon application by the homeowner(s) or a legal representative(s), the committee may grant a renewable two-year waiver of the registration fee. To be eligible for a two-year waiver of fee, satisfactory proof that the structure will only be temporarily vacant due to property being in probate court, being actively rehabbed to city code so it may become occupied or the structure is in good repair and has the presence that the structure is not vacant (per zoning code for allowable uses), and free of any enforcement actions by city departments. Should the structure or property not be properly maintained or in violation of city code, the waiver may be revoked by the appeal committee.

(7) *Delinquent registration fees as a lien.* After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to subsection (b)(4) above, and the owner fails to pay the amount due, said amount shall constitute a debt

due and owing to the city, and the city may commence a civil action to collect such the unpaid debt.

- (c) *Duty to amend registration statement.* If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Planning Department within 30 days of the occurrence of such change and advise the department in writing of those changes. Except that valid seasonal residence or vacation home, as defined by the ordinance, are not required to notify the city of changes in occupancy status.
- (d) *Exceptions.* The fees imposed by this section shall not apply to any legitimate vacation or seasonal residence, as defined by this ordinance, or any building owned by the United States, the state, the city, nor to any of their respective agencies or political subdivisions but registration of all structures outlined in this section is still required.
- (e) *Violations; penalties.* The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than \$100 nor more than \$500 for each failure or refusal to register, or for each failure or refusal to pay a required vacant building fee, as applicable. In such cases, whenever the minimum fine of \$100 is imposed, it shall not be subject to suspension or reduction for any reason.

(Ord. No. 2240, 1-8-2008; Ord. No. 2256, 12-9-2008; Ord. No. 2260, 7-14-2009; Ord. No. 2276, 4-27-2010; Ord. No. 2300, 11-7-2011)

Secs. 10-108 --10-130. Reserved.

ARTICLE IV. DEMOLITION OF BUILDINGS

Sec. 10-131. Violations.

Any person demolishing or causing the demolition of a structure in violation of the standards of this article shall be responsible for a civil infraction.

(Code 1975, § 4-115)

Sec. 10-132. Demolition to comply with existing codes.

All demolition of buildings in the city shall be accomplished using procedures and complying with the standards of all codes in force at the time of demolition.

(Code 1975, § 4-114)

Sec. 10-133. Protection of property and free passage.

Structures shall be demolished in such manner as to avoid hazards to persons and property, interference with the use of adjacent buildings, and interruption of free

passage to and from such buildings.

(Code 1975, § 4-114(1))

Sec. 10-134. Dust control.

During the demolition of any building or structure the work shall be kept thoroughly wetted down to prevent the spread of dust. The owner or contractor shall provide water and necessary connections therefor. The department of inspections may require in appropriate cases, a suitable fence to be constructed around the work site, where conditions indicate that the safety of the public requires such fence.

(Code 1975, § 4-114(2))

Sec. 10-135. Removal of materials.

- (a) All buildings and structures to be demolished shall be completely razed and all materials shall be removed from the site, and disposed of in accordance with all applicable laws and regulations. All materials, including, without limitation, every installation, part of a building or accessory building or other improvement on the premises, whether above or below grade, shall be completely removed from the site. No part of any basement or infrastructure below grade shall remain.
- (b) Under unusual and extraordinary circumstances and upon written request of the land owner, the City Manager may waive all or part of the above requirement regarding removal of below grade materials or infrastructure. Upon approval of the waiver, the landowner shall execute and record with the Muskegon County Register of Deeds a notice indicating to future owners of the property that underground materials or infrastructure remains on the property.

(Code 1975, § 4-114(3); Ord. No. 2213, 1-9-2007)

Sec. 10-136. Explosives prohibited; exception.

Explosives shall not be used for demolition except by prior written permission of the city and after the owner and contractor have obtained and exhibited all necessary permits therefor.

(Code 1975, § 4-114(4))

Sec. 10-137. Disposal of debris and materials.

All debris, combustible and noncombustible, hazardous materials of any kind and all other materials shall be disposed of in accordance with all applicable statutes, ordinances and regulations of the United States, the state, or any local ordinance, rule or regulation, including those of locations where the materials are deposited or transported for disposal.

(Code 1975, § 4-114(5))

Sec. 10-138. Fill of below grade spaces.

All below grade spaces, depressions or excavations, including without limitations

former basements, cellars, septic tanks, pits, wells and any other excavation, shall after removal of all installations and materials, be filled with clean sand, except for the top three inches, which shall be filled with black dirt, seeded with grass seed.

(Code 1975, § 4-114(6))

Sec. 10-139. Inspection and certification.

No excavation hole or depression shall be filled until an authorized representative of the city has inspected and certified that all existing material located below grade has been removed.

(Code 1975, § 4-114(7))

Sec. 10-140. Removal of sidewalk openings.

Sidewalk openings and the covers of all sidewalk openings such as coal holes, vaults or stairwells connected with buildings or premises in the demolition area shall be removed and the openings filled with approved material tamped level with the sidewalk. An approved installation of the resulting sidewalk surface shall be installed with city approval.

(Code 1975, § 4-114(8))

Sec. 10-141. Obstruction of traffic.

The contractor shall not close or obstruct any street, sidewalk, alley or passageway unless specifically authorized by the city. No material whatsoever shall be placed or stored in any such area. The owner or contractor shall not interfere with the use of roads, streets, alleys, driveways, passageways, sidewalks or other travel facilities.

(Code 1975, § 4-114(9))

Sec. 10-142. Cleanup.

The owner or contractor shall remove all debris and equipment and dispose of all material, as above required, and leave the ground clear of all materials, rubbish or debris.

(Code 1975, § 4-114(10))

Sec. 10-143. Burning prohibited.

No burning shall be permitted within the project area.

(Code 1975, § 4-114(11))

Sec. 10-144. Permits.

Demolition permits must be obtained from the department of inspections of the city. Fees for such permit shall be determined by resolution.

(Code 1975, § 4-114(12))

Secs. 10-145--10-220. Reserved.

ARTICLE V. MOVING OF BUILDINGS*

***Cross reference(s)**--Streets, sidewalks and other public property, ch. 74.

State law reference(s)--Moving of buildings, MCL 247.188 et seq.

Sec. 10-221. Mover's license.

- (a) No person shall engage in the business of moving houses or other buildings within the city without first obtaining a license therefor.
- (b) Any person desiring to engage in the business of moving houses or other buildings shall make application for a license to the city clerk. The applicant shall show that all equipment is in good repair and capable of handling all loading of moving equipment. The applicant shall show that he has recently engaged in the moving of buildings or has extensive experience working for a licensed building mover. The license shall show proof that a comprehensive general liability and vehicle liability insurance in the amount of \$1,000,000.00 is in effect. Such policy shall insure the city as a named insured and shall not contain exclusions for liability arising out of explosions, excavation, collapse or other hazards.

(Code 1975, § 4-3)

Cross reference(s)--Licenses, ch. 50.

Sec. 10-222. Moving permit; application; traffic escort; bond; etc.

- (a) No person shall move any building within the city until a moving permit has been issued.
- (b) An application for such permit shall be made to the department of inspections. The application shall designate the streets, alleys or other public places along which the building is to be moved.
- (c) The applicant shall also make arrangements with the city police department's traffic division for any escort that may be necessary. Application for moving permit shall be approved by the fire chief, and the director of inspections. Further, the application shall be accompanied by an application for building permit in connection with the relocation of the building which must be issued at the same time as the approval by the director of inspections.
- (d) A cash bond, certified or cashier's check or cash deposit payable to the order of the city in the sum of \$1,000.00 shall accompany the application for moving permit, the funds to be applied in the sole judgement of the city toward all charges, expenses, administrative costs, services by the city or damage incurred by the city or by others whom the city reimburses in its sole discretion. The application of such funds to these costs, expenses or services shall not limit the city's right to charge the permittee for additional costs incurred.
- (e) Where buildings are to be moved or reset upon the same lot, applications shall

be made to the direction of inspections who shall determine the requirements to protect all utilities on or in the vicinity of the parcel. The permit fee for moving the building shall not be required in such cases.

- (f) When the moving of any building has been commenced it shall be diligently continued without interruption, so as not to become a hazard or unnecessarily impede or interfere with traffic upon any street, alley or public way.

(Code 1975, § 4-4)

Sec. 10-223. Compliance with applicable regulations.

No building shall be moved from one parcel to another unless such building complies with all applicable ordinances and codes after installation at the new site.

(Code 1975, § 4-5)

Sec. 10-224. Moving to be continued without interruption.

When the moving of any building has been commenced on any public street, alley or public place within the city, it shall be diligently continued without interruption, so as not to unnecessarily impede or interfere with traffic upon such street, alley or other public place.

(Code 1975, § 4-6)

Sec. 10-225. Penalty.

Any person violating any of the provisions of this article shall be responsible for a civil infraction.

(Code 1975, § 4-7)

Secs. 10-226--10-280. Reserved.

ARTICLE VI. PROPERTY MAINTENANCE CODE

DIVISION 1. GENERALLY

Sec. 10-281. Definitions.

All words and phrases used in this article shall be given their common and normal meanings unless defined in this section. The words and phrases defined in this section shall be given the meaning indicated in the interpretation and enforcement of this chapter:

Accessory building or structure means a subordinate building or structure, the use of which is clearly incidental to that of the main building or to the use of the land.

Abandoned dwelling means an unoccupied dwelling. Such dwelling is presumed to be abandoned if it is unoccupied for six months.

Administrator means the person appointed by the city manager charged with the

responsibility of administering the provisions of this article.

Animal means any living species other than a human, insect or plant.

Apartment means a dwelling unit located in a multifamily building.

Apartment house means a structure containing three or more dwelling units.

Basement means that portion of a building which is partially below and partially above grade and having at least one-half its height above grade.

Basic structural elements means the parts of a building or structure which provide the principal strength, stability, integrity, shape and safety, including but not limited to plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, foundation, masonry and all other essential components.

Building means any structure built for the support, shelter or enclosure of persons, chattels or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Building materials means, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing material, electrical wiring or equipment, heating equipment, including ducts, shingles, mortar, concrete or cement parts, screws, fence posts and fencing.

Cellar means that portion of a building which is partly or completely below grade, having at least one-half its height below grade.

Certificate of compliance means a certificate issued by the director of inspections stating that a structure or portion thereof complies with the requirements of the housing code and all other codes regulating the condition or use of property.

City means the municipal corporation that is the City of Muskegon, including all authorized agents when acting within the scope of their authority.

Deteriorate means to decay, decompose or degenerate.

Deterioration and *deteriorated* mean the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including but not limited to the advanced state of rot, rust, mold, insect infestation or destruction.

Dwelling means any building or structure occupied or intended to be occupied, in whole or in part, as a dwelling, residing place, living or sleeping space for one or more humans, whether permanently or transiently.

Dwelling unit means a building or structure or portion thereof designed for occupancy by one family for residential purposes as a single housekeeping unit.

Emergency means a condition of imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damage of real or personal property.

Family means a person living alone or two or more persons living together as a single housekeeping unit in a dwelling unit.

Finish surfaces means materials used for the final covering of basic structural elements. The term "finish surfaces" shall include but not be limited to ceilings, walls, wainscoting, kick boards, moulding stops and floor coverings.

Garbage means all rejected food wastes, refuse and animal or vegetable matter from any kitchen, market or store.

Good repair means to be properly installed, safe, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use.

Good workmanship means completing a task of construction, repair or replacement to acceptable industry standards using like materials so that the result is free of defects, operates as intended and creates no unsafe condition.

Guardrail means a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. It shall be constructed in such a manner that a sphere six inches in diameter cannot pass through.

Habitable room means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility rooms and similar areas are not considered habitable rooms.

Hardware means and shall include, but not be limited to, door handles, hinges, locks, shelving, cabinets and mirrors.

Hazardous means a condition which the administrator has determined to be likely to result in the death, injury or illness of a human or in severe damage to real or personal property.

Health officer means the director of the county health department or any of his authorized representatives.

Hot water means water heated to 120 degrees Fahrenheit temperature at the outlet.

Hotel dwelling means a dwelling containing hotel units. The term "hotel dwelling" shall include "motel."

Hotel unit means a room or group of rooms located within a dwelling which provides sleeping and bathroom accommodations for the exclusive use of a transient person or a transient family.

Housekeeping unit means a dwelling unit with common living quarters, including cooking, eating and sanitation facilities, under the control of a head of household who shall not receive compensation from other residents.

Inspector means a housing inspector or any other employee of the city whose responsibilities include the enforcement of the provisions of this article.

Interior fixtures means those interior items and hardware which provide customary finished amenities and protection within a dwelling. Interior fixtures shall include, but not be limited to, doors, doorknobs, latches, locks, hinges, handles, hooks, light fixtures, electric outlets or switch cover plates, vents or opening grates, railings, shelving, cabinetry and mirrors.

Junk means, but shall not be limited to, parts of machinery or motor vehicles,

unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff materials of any kind whatsoever whether or not such materials could be put to any reasonable use.

Kitchenette means a room or portion of a room used for the preparation of food containing facilities and equipment provided for in this article and containing less than 70 square feet of floor area.

Nuisance means any public nuisance commonly known as law or equity.

Occupancy and *occupy* mean the fact or act of a human living or sleeping in a dwelling unit within a dwelling whether the human is physically present or temporarily absent.

Occupant means a human who occupies a dwelling or dwelling unit within a building or structure.

Open window area means the resulting square footage of open space to the outdoors when a window has been opened to its maximum distance as measured clear of the sash frame.

Owner and *ownership* mean any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties in common or as a land-contract vendee. The term "owner" shall also mean any person who, in fact, has been empowered to act on behalf of or as an agent of the owner. The term "owner" shall also mean any person who has or exercises care, custody, dominion or control over any property.

Premises means any lot or parcel of land and the building located thereon.

Refuse means any waste product which is not water carried and which is composed wholly or partially of such material as garbage, rubbish, sweepings, industrial or domestic solid wastes, organic wastes or such other substances as may become a nuisance. The term "domestic refuse" shall mean refuse resulting from the usual routine of housekeeping and yard maintenance.

Rental dwelling means any dwelling building containing a dwelling unit, rooming unit or hotel unit which is not occupied by the owner.

Rented and *leased* mean to be legally occupied by a family.

Reside means to be domiciled.

Roomer means a person who is provided with living and sleeping quarters in a rooming dwelling or by a family within a dwelling unit occupied by a family but who is not provided with cooking facilities for the exclusive use of that person.

Rooming dwelling means a dwelling building, dormitory or institutional group quarter containing rooming units.

Rooming unit means a room or group of rooms located within a dwelling structure intended to accommodate roomers.

Rubbish means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, bedding, grocery, demolished building materials or litter of any kind that may be detrimental to public health or safety.

Secured building structure means any dwelling, building or structure with all of its exterior openings intact and locked and lockable, (but not by temporarily securing), so as to prevent entrance thereto by vandals or unauthorized persons.

Structural alterations means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location of the ground.

Temporarily secured building/structure means any dwelling, building or structure having its openings covered by boards of the materials, strength and appearance allowed by this section for a period not exceeding 180 consecutive days.

Tenant means any person or, other than a legal or equitable titleholder, occupying or possessing a dwelling or part thereof.

Unit means a collective term for any dwelling unit.

Unsafe means a condition which is reasonably likely to cause injury to people or property.

Vermin means rodents, birds and insects which are destructive of real or personal property or injurious to health.

Window area means the area of glazing of a window, including the area taken up by window-pane dividers.

Yard means the open spaces on the same lot as a building, unoccupied and unobstructed from the ground upward.

(Code 1975, § 4-62)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 10-282. Violations and penalties.

Any person who violates any provision of this article shall be responsible for a civil infraction. Each day that a violation continues to exist may be charged as a separate civil infraction which shall subject the violator to a separate civil fine and other penalties.

(Code 1975, § 4-79)

Sec. 10-283. Civil remedies for violation.

- (a) In case any dwelling is maintained in violation of any provision of this article or of any order or notice given under this article, or in case a nuisance exists in any dwelling or upon the lot on which it is situated or within an accessory structure, the city, by and through the administrator, may institute an action in circuit court to prevent such unlawful maintenance; to restrain, correct or abate such violation or nuisance; to prevent the occupation of such dwelling, building or structure or to prevent any illegal act or conduct in such dwelling or lot. The procedure for such action shall be the same as for an injunction or abatement of a nuisance.
- (b) The judgment of the court in such cause may direct the correction, repair or rehabilitation of the dwelling or building or the abatement of the nuisance, may

authorize a reasonable time within which the defendant may make such correction or abatement and may authorize the city to execute and carry out the provisions of the judgment in case of default of the defendant. The judgment of the court may order the vacation of the premises until the corrections, rehabilitations or abatements are completed. Whenever the city has incurred any expense in the enforcement of this article or in obtaining a judgment of the court or if inspection fees are due, such expenses and fees may be recovered.

- (c) The city shall have a lien upon the premises for all fees due and amounts expended to correct, repair, rehabilitate or abate a condition or nuisance thereon and for expenses necessarily incurred in the obtaining and executing of a judgment, which lien shall have priority over all other liens or encumbrances except taxes, assessments or mortgages recorded previous to the existence of such lien. Such lien may be enforced by levy as in the case of real property taxes, by personal action or judicial foreclosure. The lien shall be effective on the date billed by the city.
- (d) In any action instituted by the city under this section, the city attorney may file in the office of the register of deeds of the county a notice of the pendency of the actions or proceedings. A notice may be filed at the time of the commencement of the action or proceeding or at any time thereafter before final judgment or order or at any time after the service of any notice or order issued by the city. The notice shall have the same force and effect as a lis pendens. Such notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending or by consent in writing of the city or the city attorney.

(Code 1975, § 4-78(16))

Sec. 10-284. Prosecution not delayed.

Nothing in this article shall delay or be a cause of terminating the prosecution of a defendant for failure to correct violations of this article noted in a final notice to repair or an emergency.

(Code 1975, § 4-78(17))

Sec. 10-285. Purpose; application of article.

- (a) The purpose of this article is to protect the public health, safety and welfare in buildings intended for human habitation and accessory structures as hereafter provided by:
 - (1) Establishing minimum standards for exterior property areas, exterior structure, interior structure, basic facilities, light and ventilation, occupancy requirements and fire safety. These standards are designed to be reasonably high but, at the same time, practical and attainable and should not be interpreted as a guarantee to the purchaser.
 - (2) Fixing the responsibilities of owners, operators and occupants of every building or structure used or intended for commercial or residential use or occupancy, in whole or in part.
 - (3) Providing for administration, enforcement and penalties.

- (b) The provisions of this article shall apply to all existing structures. Any new building construction or additions to existing structures in the city must comply with the requirements of the building code as amended. The minimum standards required under this article are designed to prevent fire hazard, structural deterioration, inadequate light, air and heat and unsanitary and overcrowded conditions which constitute a menace to the safety, health and welfare of the occupants or to the surrounding area.

(Code 1975, § 4-61(b))

Secs. 10-286--10-300. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

*Cross reference(s)--Administration, ch. 2.

Subdivision I. In General

Sec. 10-301. Fees.

Fees for inspections, certifications, appeals and any activity of the city in administering or enforcing this article shall be determined by resolution of the city commission. Any fee which is unpaid shall be a lien against the premises and collected as in the case of real property taxes or by foreclosure or by personal action.

(Code 1975, § 4-85)

Sec. 10-302. Enforcement; inspection.

- (a) The standards of this article are to be enforced by the inspection of buildings, dwellings, the units within buildings, dwellings, accessory structures and yards.
- (b) Inspections will be made to obtain and maintain compliance with the standards of this article based upon one or more of the following:
- (1) A complaint received by the city indicating that there is a violation of the standards of this article.
 - (2) An observation by the city of a violation of the standards of this article.
 - (3) A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire-damaged.
 - (4) The registration and certification of a rental dwelling as required by section 10-351.
 - (5) The need to determine compliance with a notice or an order issued by the city.
 - (6) Designation by the city commission of an area where all buildings, dwellings, accessory buildings or yards are to be inspected uniformly or intensively or for specific violations.

- (7) An emergency observed or reasonably believed to exist.
 - (8) A request for an inspection by an owner, occupant or responsible agent.
 - (9) Requirements of law where a dwelling is to be demolished by the city or where ownership is to be transferred to the city.
 - (10) Inspection prior to sales or transfers of dwelling units or residential properties having neighborhood enterprise zone certificates.
- (c) When an emergency is reasonably believed to exist or is known to exist within a unit, dwelling or accessory structure, the city shall have the right to enter immediately and at any time without a warrant or without requesting permission. Entry must be for the sole purpose of determining that an emergency exists or to abate an emergency condition known to exist.

(Code 1975, § 4-78(1), (11))

Sec. 10-303. Inspection prior to sales and certificate of compliance for properties with neighborhood enterprise zone certificates issued.

- (a) *Requirement for inspections.* Prior to the sale, assignment or transfer by the owner of his interest in any dwelling unit or residential property in the city which is a new or rehabilitated facility for which a neighborhood enterprise zone certificate is in effect pursuant to Public Act No. 147 of 1972 (MCL 207.771 et seq.), the owner shall have the residential property inspected by the city. The city, after making the inspection, shall prepare a written report thereof and furnish the owner two copies thereof within ten business days after receiving the request for inspection. The inspection report shall be valid for 90 days unless extended by the director of inspections.
- (b) *Copy of the report given to buyer.* Prior to the closing of a sale, assignment or transfer of interest in a dwelling unit or residential property subject to a neighborhood enterprise zone certificate, the owner shall furnish a copy of the inspection report to the buyer, assignee or transferee.
- (c) *Certificate of compliance required for sale.* No such dwelling unit or residential property subject to a neighborhood enterprise zone certificate shall be sold, including sales by land contract or the full purchase price, and further including leases with option, until the inspection has occurred and a certificate of compliance is issued showing compliance with all local construction and safety codes.
- (d) *Fees.* No inspection shall be made without the payment of the fee established by the city.

(Code 1975, § 4-80)

Sec. 10-304. Service of notices or orders.

Except as otherwise provided for in this article, a person shall be deemed to be served with an official notice or order on the date of personal service thereof or on the date the notice or order is mailed to the last-known address or usual place of residence. All notices and orders of the city may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

(Code 1975, § 4-78(14))

Sec. 10-305. Removal of posted sign or notices.

It shall be a violation of this article to remove, damage, deface, interfere with, move or conceal any notice or sign posted in accordance with the provisions of this article without first obtaining the permission of the city. Any sign or notice posted pursuant to this article shall include a statement of this provision.

(Code 1975, § 4-78(14)(a))

Sec. 10-306. Failure to use procedures.

Failure of the city to notify the owner, occupant or responsible local agent through the utilization of any informal step of the enforcement process shall not invalidate a final notice to repair which has been properly issued.

(Code 1975, § 4-78(15))

Secs. 10-307--10-325. Reserved.

Subdivision II. Violations

Sec. 10-326. Enforcement process.

- (a) Except for emergency or hazardous situations, the enforcement of the standards of this article will normally consist of the following four steps:
- (1) An informal notice of complaint.
 - (2) An informal notice of repair.
 - (3) An official violation notice entitled as a final notice to repair.
 - (4) Prosecution or other appropriate legal action.
- (b) Failure of the city to reach the owner, occupant or responsible local agent through the utilization of any informal step of the enforcement process shall not invalidate any required step of the process, nor shall such failure be used as a ground for appeal to the housing board of appeals or as a defense to any legal action brought for violation of this article.

(Code 1975, § 4-78(2))

Sec. 10-327. Notice of complaint.

- (a) When an alleged violation of the standards of this article is reported, and the owner has a valid certificate of compliance, the city shall send a notice of complaint to the owner, occupant or responsible local agent. A copy of the notice of complaint may be mailed to the complainant when appropriate. The notice shall state:
- (1) That a complaint has been made.

- (2) The nature of the alleged violation.
 - (3) The provision of this article indicated as being violated.
 - (4) That the owner is to look into the matter and if the problems exists, correct them and give a time period of when they are to be corrected.
- (b) When an alleged violation of the standards of this article is reported, and the owner does not have a valid certificate of compliance, the city shall send a notice of complaint to the owner, occupant or responsible local agent. A copy of the notice of complaint may be mailed to the complainant when appropriate. The notice shall state:
- (1) That a complaint has been made.
 - (2) That an inspection will be made and will give a date and time of the inspection.

(Code 1975, § 4-78(3))

Sec. 10-328. Notice to repair.

Upon observing the existence of a violation of the standards of this article, the city shall send a notice to repair to the owner, occupant or responsible local agent. The notice to repair shall:

- (1) Specify the date of inspection.
- (2) Specify the address where the violation was found.
- (3) Include the description and the location of each violation observed by the inspector.
- (4) State that each violation is a separate punishable offense.
- (5) Order the owner, occupant or responsible local agent to correct all listed violations by a specific date.
- (6) State that a reinspection will be made to determine whether all violations have been corrected by the date specified, and to set a date and time for the next inspection.
- (7) Notify the owner, occupant or responsible local agent of the right of appeal before the housing board of appeals.

(Code 1975, § 4-78(4))

Sec. 10-329. Time to correct violation.

All notices to repair or to correct violations of this article shall provide a specified time for achieving compliance in relation to the seriousness of the violation. In determining the compliance time, the following shall be taken into consideration:

- (1) The complexity of the corrections required.
- (2) Whether or not there is an immediate threat to life, health or safety.
- (3) Repair orders issued between October 31 and April 1 for exterior painting,

or for any other exterior work adversely affected by cold or snow, shall provide additional time for the completion of such work, but in no case longer than June 30.

- (4) The administrator may approve an increase of the time by a written notice when there are extenuating circumstances where the owner, occupant or responsible local agent has made a substantial documented and timely effort to correct violations.
- (5) No other extensions or further extensions shall be permitted, except by orders of the housing board of appeals for good cause shown.

(Code 1975, § 4-78(5))

Sec. 10-330. Final notice to repair.

Upon observing the continued existence of a violation of the standards of this article as stated in a final notice to repair, the city shall send a final notice to repair to the owner, occupant or responsible local agent. The final notice to repair shall be sent by mail to the last-known address of the residence or business of the owner, occupant or to the responsible local agent. The notice shall:

- (1) Specify the date of the inspection.
- (2) Specify the address where the violation was found.
- (3) Include the description and the location of each violation observed by the inspector.
- (4) State that each violation is a separate punishable offense.
- (5) Order the owner, occupant or responsible local agent to correct all listed violations by a specified date.
- (6) State that a reinspection will be made to determine whether all violations have been corrected by the specified date.
- (7) State that failure to comply with the notice will result in prosecution.
- (8) Inform the owner, occupant or responsible local agent of the right of appeal before the housing board of appeals.

(Code 1975, § 4-78(6))

Sec. 10-331. Emergency orders.

If the city determines that a condition exists or is likely to exist which is an emergency, the city shall immediately attempt to verbally inform the owner, occupant or responsible local agent and all occupants of the dwelling of the nature of the condition. The city shall immediately attempt to verbally order the owner, occupant or responsible local agent to correct the condition. Any such verbal order shall be effective immediately. Written notice called for by this article shall be prepared and mailed to the owner, occupant or responsible local agent as soon as practicable after verbal notice herein referred to has been attempted. Failure to comply with an emergency order is a violation of this article.

(Code 1975, § 4-78(8))

Sec. 10-332. Abatement of emergency.

If the owner, occupant or responsible local agent cannot be contacted or fails to correct an emergency condition within the time ordered, the city manager or his authorized representative may authorize corrective actions to abate the emergency.

(Code 1975, § 4-78(9))

Sec. 10-333. Inspection entry authorized.

Authorized inspections inside a dwelling, dwelling unit or accessory structure shall be made during reasonable hours. Entry without the consent of an owner, an occupant or a responsible local agent shall require an order of the court as provided by state law.

(Code 1975, § 4-78(10))

Sec. 10-334. Change in ownership.

An owner or responsible person of a property cited as being in violation of a provision of this article shall notify the city in writing within ten days of transferring ownership of the cited property to another person. The notice to the city shall include the name, address and phone number of the new owner and the effective date of the transfer of ownership. The city shall immediately issue a new final notice to repair to any new person assuming the ownership or the status of responsible person for any dwelling which has been cited in a final notice to repair. An owner or responsible person who has failed to comply with a final notice to repair shall not be relieved of the responsibility of having violated any provision of this article by transferring ownership or responsible person status.

(Code 1975, § 4-78(12))

Sec. 10-335. Recurrent violation.

The occupant, owner or responsible local agent who violates a specific provision or standard of this article in or about the same building three times in any 12-month period or who does not correct a cited violation after being notified with a notice to repair and a final notice to repair or after being convicted for the violation shall be considered to be willfully violating the provisions of this article and to be causing undue cost to the city in administering this article. In these cases, the city shall:

- (1) Issue a final notice to repair after determining that a violation still or again exists.
- (2) Use the shortest time period permitted for correction of the violation.

(Code 1975, § 4-78(13))

Sec. 10-336. Graffiti removal – Nuisance abatement.

(a) As defined in this section, graffiti is hereby declared to be a public nuisance. The owner of record, or the person in charge, possession or control of any

building or structure upon which graffiti is placed or affixed shall, upon the appearance of the graffiti: (i) cause such graffiti to be removed or concealed or (ii) place on file a written statement authorizing the presence of the graffiti at the Department of Leisure Services. Whenever any nuisance in the form of graffiti shall be found on any building or other structure, the department of Leisure Services, or its agent or contractor shall attempt to obtain consent from the owner for the city's graffiti removal services. If such attempt to contact the owner is not successful, the department shall post a notice in a prominent place upon the building or structure where the graffiti is found shall state that, if the graffiti is not removed or concealed or if a written statement authorizing the presence of the graffiti is not filed with the department within five days after the notice is posted, excluding Saturdays, Sundays and legal holidays, the department or its agent or contractor shall have authority to enter or access the property and abate the nuisance by removing or concealing the graffiti.

(b) Nothing in this section shall prevent the city from taking any other enforcement action authorized by law.

(c) "Graffiti" means an inscription, drawing, mark or design that is painted, sprayed or drawn directly upon the exterior of any building or other structure and is visible from the public way; provided that, graffiti shall not include any sign permitted by the Zoning Code or any decoration that is part of the architectural design of the building or structure.

(Ord. No. 2131, 5-11-04)

Secs. 10-337--10-350. Reserved.

Subdivision III. Rental Property

Sec. 10-351. Registration of rental dwellings.

- (a) *Required.* All rental dwellings shall be registered with the city. If the owner does not reside within 30 miles of the city, he shall designate a responsible local agent who shall be responsible for operating such dwelling in compliance with the law, including this article. All official notices may be served on the responsible agent, and any notice so served shall be deemed to have been served upon the owner of record. Each owner or responsible local agent shall maintain a current list of the number of occupants of each rental dwelling for which he is responsible. A rental unit certificate of compliance shall not be issued if the registration provisions of this article are not complied with.
- (b) *Deadline for registration; failure to comply.* All rental dwellings existing as of the effective date of the ordinance from which this article is derived shall be registered no later than six months after the effective date of this article. The city shall order registration prior to that date for any dwelling cited in a notice required by this article. Failure to comply with such an order is a violation of this article.
- (c) *Registry of new rental dwellings.* The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental units.
- (d) *Change in register information.* The owner of rental dwellings already registered

with the city or his responsible local agent shall register within 60 days after any change occurs in register information. A new owner of a registered dwelling shall register the dwelling within 60 days of assuming ownership.

- (e) *Application; contents.* Application for registration shall be made in such form and in accordance with such instructions as may be provided by the administrator and shall include:
 - (1) The address of the rental dwelling.
 - (2) The number of dwelling units, the number of rooming units and the number of hotel units in the dwelling.
 - (3) The name, residence address, business address, business phone number and personal phone number of the owner.
 - (4) The name, residence address, business address, business phone number and personal phone number of the manager and responsible local agent designated by the owner.
 - (5) The address where the owner or responsible local agent will accept notices or orders from the city.
- (f) *Inaccurate or incomplete register information.* It shall be a violation of this article for an owner or a responsible local agent to provide inaccurate information for the register of rental dwellings or to fail to provide information required by the city under subsection (e) of this section. In those cases in which the owner or responsible local agent is not a natural person, the information required for the register shall be provided for the organization owning the rental dwelling and for the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

(Code 1975, § 4-82)

Sec. 10-352. Certificate of compliance for rental dwellings.

- (a) *Required.* Rental dwellings shall not be occupied without a certificate of compliance or a temporary certificate of compliance.
- (b) *Issuance.* The city shall issue a certificate of compliance for a rental dwelling when the city finds that the rental dwelling, its units and accessory structures and yards comply with the standards set forth in this article. However, no certificate of compliance shall be issued until all of the following fees and debts to the city have been paid in full:
 - (1) All previously billed property taxes;
 - (2) All current or past due special assessment installments;
 - (3) Water or sewer bills outstanding;
 - (4) All charges against the property for mowing, cleanup, weed or debris removal and similar charges by the city;
 - (5) Any fees, fines, penalties or debts of any sort arising from the provisions or enforcement of this article.

- (c) *Temporary certificates.*
- (1) Where a certificate of compliance is required, the city may issue a temporary certificate of compliance for the following reasons only:
- a. For a newly registered rental dwelling until such time as the city is able to make a compliance inspection;
 - b. To enable the city to balance compliance inspection work loads;
 - c. To coincide with compliance time periods set forth in a notice citing violations of this article if such periods extend beyond the expiration date of a certificate.
 - d. A temporary certificate of compliance may be issued if an appeal contesting the obligation to pay the charges set forth in subsections (b)(2)--(b)(5) of this section is pending, and the appeal is bona fide and pursued to a timely conclusion. Thereafter, the property must qualify for a permanent certificate of occupancy, and the temporary certificate shall be revoked. No temporary certificate may be issued if amounts due under subsection (b)(1) of this section are unpaid.
- (2) No temporary certificate of compliance shall be issued if any of the amounts set forth in subsections (b)(2)--(b)(5) of this section are unpaid and are not the subject of a bona fide timely appeal, or if there are significant health and safety defects present on the premises constituting an imminent danger to life, health or property.
- (d) *Validity.* A certificate of compliance shall be valid for four years for all rental units, unless suspended as set forth below. The administrator may authorize up to eight additional months on the certificate of a dwelling for the sole purpose of balancing inspection workloads for the city.
- (e) *Expiration.* Certificates of compliance and temporary certificates of compliance may not be extended beyond their expiration dates except as may be permitted in subsections (c) or (d) of this section to enable the department of inspections to balance inspection workloads.
- (f) *Length of time certificate of compliance is valid.* Any new certificate of compliance issued to an owner for a dwelling shall have an expiration date four years from the date of issuance, except that if a temporary certificate has been previously issued, the certificate shall expire four years from the date the temporary certificate was issued.
- (g) *Suspension.* The director of inspections shall suspend a certificate of compliance if the owner or responsible local agent has not complied with a complaint notice. The administrator shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible local agent:
- (1) That the certificate of compliance has been suspended as of the date of the notice.
 - (2) Of the reason for the suspension.

- (3) That it is unlawful for any rental unit to continue to be occupied for more than 60 days after the date of suspension of the certificate of compliance, or, if substantial and immediate danger to life, health or safety exists, that no occupancy may occur after the suspension and the property shall be immediately vacated.
- (4) That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the certificate of compliance is reinstated or a new certificate of compliance is issued.

Failure to comply with the terms of suspension as set out in this subsection shall be a violation of this article.

- (h) *Reinstatement of suspended certificate of compliance.* A suspended certificate of compliance shall be reinstated if the city determines that a rental dwelling has been brought into compliance with the standards of this article and that the charges made under subsection (b) of this section have been paid. The city shall notify the owner or responsible agent by regular mail, noting the reinstatement of the certificate of compliance of the rental dwelling. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. A reinstatement fee and all inspection fees and amounts to be determined by the city commission shall be paid by the owner prior to reinstatement of the certificate.
- (i) *Appeal.* Suspension of a certificate of compliance may be appealed to the housing board of appeals as provided for in this article.
- (j) *Notifying tenants of suspended certificate.* The city shall send a copy of a notice of suspended certificate to each dwelling unit within a certified rental dwelling. The copy shall be addressed to "occupant" and shall be sent by regular mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this article.
- (k) *Certification fees.* The director of inspections, subject to approval by the city commission, shall establish and charge a uniform and reasonable fee for certification from time to time.

(Code 1975, § 4-83; Ord. No. 2052, 8-28-2001)

Secs. 10-353--10-370. Reserved.

Subdivision IV. Appeals

Sec. 10-371. Housing board of appeals.

- (a) *Creation and purpose.* A housing board of appeals is created for the purpose of hearing and deciding appeals concerning the application or interpretation of the provisions of the standards of this article as provided in this subdivision.
- (b) *Membership, appointments and terms of members.* The housing board of appeals for the city shall have the general duties and powers conferred upon it by law and this article. The housing board of appeals shall consist of seven

members appointed by the mayor and confirmed by the city commission. The director of inspections shall act as secretary to the housing board of appeals. Each member of the housing board of appeals shall be a resident of the city during his entire terms. Terms of members shall be for three years, which terms have been staggered from the time of the original creation of the board by law.

- (c) *Board officers.* Housing board of appeals members will annually elect a president, vice president and such other officers as are deemed desirable by the housing board of appeals.
- (d) *Meetings.* Meetings of the housing board of appeals shall be scheduled at least once a month. All meetings and notices of meetings of the housing board of appeals and its committee shall comply with the Open Meetings Act (MCL 15.261 et seq.).
- (e) *Interest conflicts.* No member of the housing board of appeals shall speak or vote on any appeal in which the member has any direct personal or financial interest, nor shall any member participate in any matter where participation is prohibited by the city Charter or state law.
- (f) *Board rules of procedure.* The housing board of appeals may adopt rules of procedure as required to carry out the responsibilities and the provisions of this article.
- (g) *Summary of rulings.* The housing board of appeals shall report a summary of its findings and rulings to the city commission annually. The report shall include a summary of recurrent appeals or recurrent problems along with resultant recommendations for modifications of this article.

(Code 1975, § 4-84(a), (g), (l)--(p))

Cross reference(s)--Boards and commissions, § 2-281 et seq.

Sec. 10-372. Appeal authorized.

Except as otherwise provided in this article, any person issued an order by the city in the course of enforcement of the provisions of this article or any other person affected by a city order or ruling issued pursuant to authority granted by this article, has the right to appear before the housing board of appeals to appeal the decision or interpretation made by the city. All appeals shall be filed, heard and decided in accordance with the provisions of this article.

(Code 1975, § 4-84(b))

Sec. 10-373. Time period for filing an appeal.

An appeal must be filed within 20 days of the date of any order or ruling being appealed. However, if an order required the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period. The housing board of appeals shall not have the power to extend the time limits provided for in this section.

(Code 1975, § 4-84(c))

Sec. 10-374. Effect of appeal on correction time limits.

An owner, occupant or responsible local agent who has been ordered to correct a violation within a specified period of time shall not be held accountable for any time which elapses between the time of filing an appeal and the time a decision is made by the housing board of appeals.

(Code 1975, § 4-84(d))

Sec. 10-375. Procedure for filing an appeal.

Any person wishing to make an appeal must fill out a claim of appeal form setting forth the order or ruling being appealed. The appellant must file the form with the city at a place to be designated by the housing board of appeals and which shall be noted on the claim of appeals form. The city will send a notice to the appellant regarding the date the appeal will be heard by the housing board of appeals. Notices of the hearing date will be by regular mail sent to the address stated on the claim of appeal. Failure of any owner, occupant or responsible local agent to receive notice will not cause the hearing or the decision of the housing board of appeals to be defective. The city shall notify the occupants of the affected premises of the hearing by regular mail or by placing a notice in the entryway of the dwelling unit. Any person requesting a claim of appeal form shall be notified of the standards for housing board of appeals decisions set out in section 10-377.

(Code 1975, § 4-84(e))

Sec. 10-376. Appeal fee.

An appeal fee established by resolution of the city commission shall be submitted with any claim of appeal. The appeal fee shall be waived for an applicant whose annual income is below the poverty level as established and modified from time to time in the Annual Poverty Income Level established by the Department of Housing and Urban Development of the United States. The housing appeal board may also authorize the return of a fee to an appellant if the board determines that an error by the city caused an unnecessary appeal to be submitted.

(Code 1975, § 4-84(f))

Sec. 10-377. Hearing procedures.

At any hearing of the housing board of appeals, the following procedures shall be followed:

- (1) Testimony of the appellant, the city and any witnesses shall be recorded.
- (2) The appellant or authorized agent of the appellant and the city employee who issued the order, notices or ruling shall be present.
- (3) A quorum of the housing board of appeals shall be present.
- (4) Minutes shall be prepared which identify all parties present, accurately summarize all pertinent statements made, include all evidence and records submitted and show all motions and actions and records of the vote of each member of the housing board of appeals.

(Code 1975, § 4-84(h))

Sec. 10-378. Decision by the appeals board.

After all evidence and testimony has been presented, the housing board of appeals shall affirm, modify or reverse the order or ruling being appealed. Any decision of the housing board of appeals modifying or reversing an order or ruling by the city shall require the concurring vote of a quorum.

(Code 1975, § 4-84(i))

Sec. 10-379. Standard for appeals board decisions.

A decision by the housing board of appeals shall include the reasons for the decision in the language of the decision. Any decision of the housing board of appeals not complying with this section shall be void. Any decision to reverse or modify any order or ruling to the city shall:

- (1) Include any necessary special conditions to carry out the intent of the provisions being appealed.
- (2) Determine that the decision is necessary to avoid causing undue hardship to the appellant which is not applicable to others to whom the same provision is applied.
- (3) Determine that the order or ruling was an incorrect interpretation of a standard of this article.
- (4) Determine that an alternative proposed by an appellant meets the minimum standards for housing as expressed in this article.

(Code 1975, § 4-84(j))

Sec. 10-380. Abatement.

An appeal shall not stay any enforcement action necessary to abate a condition posing a threat of imminent danger to the life, safety or health of any person or of the public.

(Code 1975, § 4-84(k))

Sec. 10-381. Compliance with decisions.

It shall be a violation of this article for an owner, occupant or responsible local agent to fail to comply with special conditions which are a part of a housing board of appeals decision modifying or reversing an order or ruling of the city.

(Code 1975, § 4-84(q))

Sec. 10-382. Permanent waiver.

The housing board of appeals may grant a structure a permanent waiver from a specified provision of this article provided the housing board of appeals:

- (1) Has determined there is undue hardship as set forth in section 10-379;

- (2) Finds there is an original structural arrangement which cannot be brought to compliance without unreasonable reconstruction; and
- (3) Determines that the continuation of the existing condition will not constitute a threat to the health of the occupants.

(Code 1975, § 4-84(r))

Secs. 10-383--10-400. Reserved.

DIVISION 3. STANDARDS AND REQUIREMENTS

Sec. 10-401. Structural maintenance standards.

Buildings and structures shall be maintained in good repair and shall be free of safety and health hazards. All buildings and accessory structures, whether occupied or unoccupied, shall meet or exceed the standards of this section:

- (1) *Exterior standards.* Maintenance of the exterior of a structure shall be as follows:
 - a. *Foundations.* A foundation shall be maintained in good repair and shall have proper mortar joints. It shall be reasonably weathertight, watertight and rodentproof and shall be capable of withstanding applied loads.
 - b. *Walls.* Walls shall be capable of supporting normal applied loads and shall be maintained in good repair. They shall be kept free of rot. All surfaces which deteriorate from exposure to weather shall be protected by paint or other weatherizing material. Siding on any one wall shall be complete. Repairs to the exterior portions of walls shall be made with materials that blend with the balance of the structure.
 - c. *Exterior attachments.* Exterior attachments to structures, including but not limited to gutters, downspouts, chimneys, vents, antennas, awnings and utility connections, shall be maintained in good repair.
 - d. *Exterior openings.* Windows, storm doors, exterior doors, including basement hatchways, shall be reasonably weathertight and rodentproof. They shall be maintained in good repair and sound working condition. Visquene or other temporary window covering may be used on the exterior of windows during the winter months provided, however, that it shall be free of tears and shall be removed by April 30 and not applied before September 15, the exception being that visquene of over ten-mil thick may be applied to windows less than 100 square inches.
 - e. *House numbers.* All houses shall have legible house numbers with a minimum size of two inches in height.
 - f. *Exterior stairways and porches.* Exterior porches and stairways shall be constructed so as to be safe and capable of supporting

normal loads and shall be maintained in good repair.

1. *Residential.* All steps except bottom and top steps shall be consistent in height.

Stairways having more than four risers shall be equipped with handrails which shall be 30 to 38 inches above the nose of the tread and installed on the open side of the steps. Handrails projected from walls shall have a space of not less than 1¹/₂ inches between the wall and the handrail. An intermediate member shall be required if the stairway is open for more than eight risers.

Guardrails shall be installed on all porches, stoops, landings, and elevated patios more than 30 inches above average grade and shall be maintained in good repair. The top of any guardrail shall be at least 30 inches in height above the floor except that as of November 1, 1995, existing guardrails on such structures where the floor is less than six feet above grade may be 24 inches high.

2. *Commercial.* All required stairs shall have a minimum run of nine inches and a maximum rise of eight inches and shall have a minimum width of 30 inches exclusive of handrails. Every stairway shall have at least one handrail. A landing having a minimum 30-inch run in the direction of travel shall be provided at each point of access to the stairway. Exceptions to this requirement shall be as provided for in the current building code in effect in the city.

Exterior stairs shall be of noncombustible construction except that, for Types III, IV and V buildings as determined by the current building code in effect in the city, wood not less than two inches in nominal thickness may be used.

Guardrails, minimum 36 inches in height, shall be installed on all porches, stoops, landings, and elevated patios having floors more than 30 inches above the average grade.

- g. *Roof.* Roof structure must be capable of supporting all loading. The roof deck must be free of rot and shall be covered with material in good condition. There shall not be more than one reroof, if loading causes bowing or structural deterioration. Where repairs to an existing roof are made, the material and color shall blend with the balance of the roof.
- h. *Grounds.* All driveways, steps, service walks, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free from debris.

- (2) *Interior structural standards.* No person shall use or occupy as owner-occupant, or shall let to another for use or occupancy, any dwelling unit or rooming unit which does not comply with the following requirements:

- a. *Walls and ceilings.* All interior walls and ceilings shall have a finished surface. They shall be maintained in good repair and shall be reasonably clean. Plaster shall not be loose or missing. Walls finished of other than plaster shall be properly secured. All walls in a shower or shower alcove shall be constructed of waterproof material or shall be covered by a waterproof covering maintained in good condition. Walls on which a water faucet is located shall be covered with waterproof covering or paint and be maintained in good condition.
- b. *Interior doors.* All doors and hardware shall be maintained in good condition. All bedrooms and bathrooms shall have privacy doors. Double-keyed deadbolts are prohibited from interior doors.
- c. *Floors.* Floors shall be capable of supporting normal loads and shall be maintained in good condition. Floors in rooms where a water supply is present shall be protected by a waterproof barrier, such as tile, carpet, paint or linoleum, unless the floor is of concrete. All flooring shall be complete and easily cleanable. The covering may be of paint, tile, linoleum or carpet.
- d. *Structure security.* All exterior doors shall be equipped with a properly installed locking device. Such locking device shall require a key from the outside. Hasp and padlock are prohibited. An exterior key operated deadbolt lock shall be installed on any door not so equipped whenever the door or lock is replaced. The owner of a dwelling unit shall, upon the request of a legal occupant of the unit, equip the main entry door with a peephole door view provided no other visual opportunity to identify visitors is readily available. All basement and first-floor windows shall have window locks.
- e. *Trim.* Window and door trim and basement board shall be complete and in good repair.
- f. *Handrails and stairways.* Stairways shall be constructed and maintained so as to be safe and capable of supporting normal loads.
 - 1. All steps except bottom and top steps shall be consistent in height.
 - 2. Stairways having more than four risers shall be equipped with handrails which shall be 30 to 38 inches above the nose of the tread and installed on the open side of the steps.
 - 3. Steps leading to a Michigan cellar or attic are exempt from the height and the rise and run requirements.
 - 4. An intermediate member shall be required if the stairway is open for more than eight risers. Handrails projected from walls shall have a space of not less than 1¹/₂ inches between the wall and the handrail.

5. Guardrails shall be installed and maintained in good repair on all porches, stoops, landings and elevated patios, having floors more than 30 inches above grade. The top of any guardrail installed before January 1, 1990, shall be at least 30 inches in height above the floor except that such previously installed guardrails on such structures where the floor is less than six feet above grade may be 24 inches high. Any guardrail installed on or after January 1, 1990, shall meet current building codes.
 6. Steps leading to a basement that do not meet the rise and run requirements may remain provided there is a handrail installed on both sides of the steps and there are no rooms in the basement used for living space.
- (3) *Accessory structures.* Garages, storage buildings, fences and other accessory structures shall be maintained in good repair and sound structural condition and shall not be allowed to deteriorate to an unsound or unsightly appearance. Fence repairs shall be made with materials that match the balance of the fence.

(Code 1975, § 4-63)

Sec. 10-402. Plumbing standards.

All dwelling units shall be served by water and sewer facilities adequate to provide sanitary facilities. Any system previously installed, even though not in conformance with current standards, shall be deemed to meet the requirements of this article if the conditions do not create a health and safety hazard. Modification of the plumbing waste and supply systems shall not be required if the systems are in good condition and do not endanger health and safety. All new repair work shall conform to the plumbing code:

- (1) *Water system required.* All dwelling structures and each dwelling unit shall be connected to the public water supply system if available or to a private water system approved by the city and county health department.
 - a. *Hot and cold water.* All plumbing fixtures shall be connected to hot and cold water except that water closets shall be provided with cold water. Hot water shall be at least 120 degrees Fahrenheit.
 - b. *Backflow prevention.* Water service and distribution piping shall be protected from backflow contamination from heating boilers, water closets, underground sprinkler systems or other equipment. Backflow devices are not required for existing sinks, lavatories and hose bibbs if overflow drains are located below the water inlet.
 - c. *Fixtures required.* All plumbing fixtures shall be properly supported and installed, be in good condition and reasonably easy to clean, and be maintained in a state of good working order.
 1. At least one complete bath facility shall be located in each dwelling unit. It shall be equipped with a flush water closet,

a lavatory and bathtub or shower.

2. Every dwelling unit shall contain a kitchen sink. Such sink does not have to be compartmentalized.
- d. *Stop valve.* A stop valve shall be installed on the service side of the water meter.
- e. *Leaks prohibited.* All pipes and fixtures shall be free of leaks. Leaky faucets or hose bibbs shall not be considered as leaking unless the faucets leak through the stem.
- f. *Water supply.* Water shall be supplied to all fixtures at a rate of at least one gallon per minute when all facilities are being used at the same time.
- g. *Waste line leaks.* Waste lines shall be free of leaks, obstructions, secondary traps and sagging lines. On existing systems, revents shall not be required for multifixtured branch lines or extension of trap arms in excess of that allowed by the plumbing code unless it is shown to be an immediate health hazard.
- h. *Connection to drain system.* All fixtures shall be properly connected to the building drain system.
- i. *Laundry facilities.* Laundry facilities shall be arranged so that clothes washers shall dispose of wastewater into a properly installed and trapped waste line or into a stationary tub which may drain into a trapped fixture as an indirect waste. Floor drains may be used to drain existing stationary tubs if the floor drain capacity is sufficient to prevent flooding.
- j. *Hose bibb or sprinkler system.* Each dwelling structure shall have a hose bibb or working underground sprinkler system on the front or capable of service to the front yard of the dwelling.
- k. *Hot water heaters.* Hot water heaters shall be installed in accordance with the plumbing code.
- l. *Capping of unused pipes.* All unused pipes shall be capped.

(Code 1975, § 4-64)

Sec. 10-403. Electrical standards.

All dwelling structures shall be supplied with electrical power. All supplied electrical equipment, including wiring and applications, shall be installed in a safe condition. All existing wiring systems, though not complying totally with current standards, shall be deemed to meet the requirements of this article if the conditions do not create a safety or fire hazard and otherwise meet the requirements of this section. All permanent equipment shall be properly installed and operative:

- (1) *Electrical service required.* All residential buildings shall have a minimum 60-amp service.
 - a. Multifamily dwellings shall be provided with additional service so

as to provide adequate power to all dwellings.

- b. All electrical service systems shall be properly grounded.
- c. Circuits are not to be doubled up except when a breaker is used.

(2) *Overcurrent protection devices required.*

- a. All circuits shall be protected by overcurrent protection devices rated for the ampacity of the branch circuit conductors. All overloaded circuits, including overfused circuits, shall be deemed to be safety hazards.
- b. Occupants of each dwelling unit in a dwelling structure shall have access to the overprotection devices for his dwelling unit.

(3) *Fuses.* All fuses shall be of the S-type.

(4) *Lighting and power requirements.*

- a. Every habitable room shall contain at least two supplied electrical convenience outlets or one such outlet and one electrical light fixture. Such outlet and fixture shall be adequate to serve appliances without the use of unsafe wiring methods. Whenever the distance traveled within the room is such that a physical hazard is created, the light shall be controlled by a switch located at the entrance to the room.
- b. Bathrooms shall be provided with a light fixture controlled by a wall switch when the supplied switch has a direct contact with the body of the fixture; except when the fixture is protected by a ground-fault interrupter, such switch shall not be required. A duplex receptacle shall be provided for each bathroom except that a receptacle which is part of a light fixture shall be acceptable if the circuit is protected by a ground fault interrupter.
- c. Kitchens shall have at least one 20-amp circuit available for major appliances. At least one such circuit shall be separate from the remainder of the dwelling unit.
- d. A separate 20-amp electrical circuit shall be provided to all laundry areas. This circuit may be used for lighting the laundry area. Existing 15-amp laundry circuits shall be deemed to meet the requirements.
- e. A separate electrical circuit shall be provided for each furnace. A switch shall be located in close proximity to the furnace. The switch shall be identified.
- f. All nonhabitable rooms and basements shall be provided with light sufficient to illuminate the room so as not to create a hazard. This requirement shall apply to laundry rooms, basements, cellars, attached garages and attics accessible by stairways.
- g. Each entrance shall be provided with a suitable lighting fixture on the outside and shall be operable by a switch conveniently located. When an automatic yard light illuminates, an additional

light is not required.

- h. Each stairway shall be provided with a switched light. Stairways to the second or higher floors shall be illuminated by a light controlled by a three-way switch at the top and bottom of the stairways.

(5) *Unsafe electrical systems.*

- a. Defective fixtures shall be considered unsafe. Defective fixtures shall include but not be limited to loose, missing, broken or rusty parts but shall not include fixtures with missing globes except those which must be protected from dampness or mechanical damage.
- b. Wiring not protected from weather or mechanical damage.
- c. Open splices and wiring which has rotted or damaged insulation.
- d. Overfused circuits, including those not protected by S-type fuses.

(6) *Extension cords.*

- a. The electrical wiring shall be wired so as to minimize the use of extension cords.
- b. No electric extension cords shall be fastened or run through any doorway, partitions, walls, floors, baseboards or casing, run across any doorway or walking area; and no extension cord shall be placed under any rug or be coiled so as to cross over itself. Extension cords are not acceptable on major kitchen appliances and heating equipment.

(Code 1975, § 4-65)

Sec. 10-404. Mechanical, heating and ventilation.

All residential heating equipment, hot and cold duct, fan motor, electric components and gas piping to all appliances shall be maintained in good condition. All residential heating equipment, hot and cold duct, fan motor, electric components and gas piping to all appliances shall be installed so as not to create a fire, explosion or safety hazard. It shall be free of gas leaks. Proper clearances of heating equipment and vents shall be maintained. Sufficient venting capacity and combustion air shall be provided, and all heating devices shall be properly vented with proper material and be properly sealed at the chimney. When the inspector has reasonable grounds to suspect that deficiencies in any of the conditions cited above exist, the inspector may require that the unit be inspected by a licensed heating contractor.

- (1) *Heating.* Every dwelling unit and guestroom shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees Fahrenheit at a point three feet above the floor in all habitable rooms and in bathrooms. All heating devices where heat-regulating devices are not in the control of the occupant of a dwelling unit shall be locked, or setback controls shall be set so as to provide required heat in all dwelling units.

- a. Unused holes in any chimney will be sealed.
 - b. All wood-burning equipment shall be approved and installed per manufacturer specifications.
 - c. Gas and oil space heaters will not be installed on carpet unless allowed by the manufacturer. If specs are not available, a stove board will be required.
 - d. Gas piping shall be installed in accordance with the mechanical code.
- (2) *Ventilation.* All guestrooms, dormitories and habitable rooms, bathrooms and water closet compartments and laundry rooms shall be provided with natural ventilation by means of openable exterior windows with an area not less than one-twentieth of the floor area of such rooms and a minimum opening of 1¹/₂ square feet. Such required opening shall open onto a street, alley or yard located on the same lot. In lieu of required openings, a mechanical ventilation system supplying two air changes per hour shall be installed in all rooms except bathrooms. Bathrooms shall be provided with five air changes per hour.

(Code 1975, § 4-66)

Sec. 10-405. Health and sanitation.

All dwelling units, buildings and yards shall be maintained in a clean manner. All waste, trash, rubbish and garbage shall be placed and disposed of as provided for in chapter 70 of this Code. Keeping of animals shall be limited as provided in this section.

- (1) *Sanitation.* All rooms, surfaces, systems, fixtures, facilities equipment, appliances and furnishings shall be kept in a sanitary condition. Refuse storage, removal and disposal shall be in accordance with all other ordinances.
- (2) *Infestation.* Every dwelling shall be kept free of uncaged rodents, uncaged birds, cockroaches, fleas, lice, bedbugs or vermin.
- (3) *Insect screens.*
 - a. *Windows.* During the months of May through October, insect screens maintained in good condition shall be provided by the owner for each openable window in a habitable room as provided as follows:
 - 1. Openable windows will include the windows that are needed to meet the ventilation requirements of section 10-404.
 - 2. Habitable rooms that do not meet the ventilation requirements may use exterior door openings to meet the requirements provided the room has a self-closing screen door and has at least one openable window.
 - 3. Provided screens shall fit the full opening or must be sealed half-screen or self-storing storm and screen.

Portable expanding screens shall not be deemed to comply.

b. *Doors:*

1. Exterior entry doors accessing common halls or stairways to individual living units shall be equipped with self-closing devices unless the entrance has a self-closing screen door.
2. Exterior doors shall be closed except when entry is gained. If the entrance door is required to be open for ventilation, a self-closing screen door will be required.

- (4) *Animals.* Animals kept or allowed within a dwelling shall not be permitted by the occupant to create any unsafe, odorous or unsanitary condition or to cause any damage. Animals kept or allowed in a yard or in an accessory structure shall not be permitted to create any unsafe, odorous or unsanitary condition. Dog pens and dog runs shall not be placed in front yards and shall be located not less than eight feet from adjacent properties, unless an obscuring fence is constructed to separate the pen or run from the adjacent property. All offal shall be removed so as not to create the conditions described in this subsection. Keeping of animals shall be limited and restricted as provided for in this Code.

(Code 1975, § 4-67)

Sec. 10-406. Kitchen facilities.

Every dwelling unit shall have a kitchen or a kitchenette. Such kitchen or kitchenette shall have a sink, cabinet or storage shelves and a counter which shall be impervious to water and free of defects which could trap liquid or food.

- (1) *Kitchen appliances required.* Every occupied dwelling unit shall contain a stove, oven and refrigerator maintained in good condition by the owner of the appliance.
- (2) *Cooking.* Food prepared or cooked indoors shall be in a kitchen so provided; no food cooking or preparation shall be done in a room designed for sleeping.

(Code 1975, § 4-68)

Sec. 10-407. Utility services and equipment to be maintained.

- (a) No person, except as provided in this section, shall cause any of the following utilities, services or equipment to be shut off, disconnected, removed or otherwise terminated or interrupted when the utility, service or equipment is being furnished to or used by another person:
- (1) Water service.
 - (2) Sewage service.
 - (3) Fuel supply.

- (4) Heating equipment.
 - (5) Ventilation equipment.
 - (6) Hot water equipment.
 - (7) Electrical equipment.
- (b) This section shall not apply to a necessary temporary interruption of service required for maintenance, repair or replacement nor to any such interruption needed to act upon an emergency or hazardous condition. Any termination or interruption of water, sewer, gas or electric utility service by the utility providing the service for nonpayment of bills shall be deemed to be caused by the person who contracted with the utility for the service.

(Code 1975, § 4-69)

Sec. 10-408. Exits.

- (a) Every dwelling unit or guestroom shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the building code currently in effect.
- (b) Every sleeping room below the third story shall have at least one operable window or exterior door approved for emergency egress or rescue. The windows shall be operable from the inside to provide a full, clear opening without the use of separate tools.
- (c) All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 18 by 18 inches. Where windows are provided as a means of egress or rescue, they shall have a finished sill height not more than 44 inches above the floor. Sleeping rooms without a complying window in all respects may remain provided either:
 - (1) Hard wired smoke detectors with battery powered backup power are installed and maintained in the area of such sleeping room, and connected with detectors on each floor of the dwelling unit, including the basement, so that if one alarm is activated, all alarms will sound; or
 - (2) Battery-powered smoke detectors are installed and maintained in the hallway or other entry to each sleeping room and inside each sleeping room.
- (d) All egress or rescue windows from sleeping rooms in the basement shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches and 20 inches in width. Where windows are provided as a means of egress or rescue, they shall have a finished sill height of not more than 44 inches above the floor in the basement.
- (e) Dwelling units on the third floor or higher floor shall have at least two means of egress.

(Code 1975, § 4-70)

Sec. 10-409. Exits unblocked.

- (a) No exit or other required means of egress shall be totally or partially blocked nor require a key to be opened from the inside. All exits shall comply with the building and fire codes.
- (b) All exterior doors shall be provided with a properly installed locking device in good repair. All doors which provide entry to dwelling units from a common hall shall be provided with a properly installed locking device in good repair without an interior keyed lock.

(Code 1975, § 4-71)

Sec. 10-410. Space and area occupancy requirements.

- (a) *Floor area.* Every dwelling unit shall have at least one room which shall have not less than 144 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. When more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.
- (b) *Exception.* Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:
 - (1) The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
 - (2) The unit shall be provided with a separate closet.
 - (3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this article shall be provided.
 - (4) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (c) *Width.* No habitable room other than a kitchen shall be less than seven feet in any dimension.
- (d) *Ceiling heights.* A dwelling or addition to a dwelling erected after January 1, 1990, shall have ceiling heights in all rooms as required by the appropriate building code. In dwellings or portions thereof existing before January 1, 1990, habitable rooms shall have a ceiling height of not less than seven feet except as otherwise permitted in this section.
 - (1) Bedrooms may have a ceiling height of six feet or more in dwellings where at least one bedroom has a ceiling height of seven feet or more.
 - (2) Other rooms or areas may have ceiling height of not less than seven feet measured to the lowest projection from the ceiling.
 - (3) If any room in a dwelling has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the floor area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum floor area referred to.

- (4) If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds of the floor area thereof, but in no case shall the height of the furred ceiling be less than seven feet.

(Code 1975, § 4-72)

Sec. 10-411. Use of basement or cellar as habitable room.

- (a) No basement or cellar shall be used as a habitable room unless:
 - (1) The floors and walls are impervious to the leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The total window area in each room is equal to at least the minimum window area size as required elsewhere in this article.
 - (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
 - (4) The total operable window area in each room is equal to 45 percent of the minimum required window area except where there is supplied an approved mechanical ventilation system capable of providing one air change every 30 minutes.
- (b) No habitable room located in the basement shall be used as a sleeping or bedroom if it does not meet emergency escape requirements as required in section 10-408.

(Code 1975, § 4-73)

Sec. 10-412. Fire protection.

- (a) All buildings used as dwellings or portions thereof shall be provided with the degree of fire-resistant construction for the appropriate occupancy and type of construction. All buildings used as dwellings or portions thereof shall be provided with fire-extinguishing systems and/or equipment required by the state construction code.
- (b) All equipment, devices or apparatus required shall be maintained in good condition.
- (c) All buildings shall be kept clean of equipment, combustible waste or vegetation which is, in the opinion of the fire chief, in a condition so as to cause a fire or explosion or ready fuel for an existing fire.
- (d) Smoke detectors shall be maintained near all entrances to bedrooms so that the alarm may be heard by those occupying the sleeping room. All basements shall have a smoke detector installed within the basement.
- (e) A separation wall of normal construction and having a one-half-inch drywall covering the entire wall surface inside the garage shall be installed on any wall separating the garage from any dwelling area where the garage is attached to the dwelling, or unattached but closer than six feet to the dwelling area at any point. No opening in the wall shall be permitted except one door.
- (f) Abandoned fuel tanks located in the basement shall be capped.

- (g) All walls and ceilings that separate units shall have completed plaster or drywall. If a drop ceiling is installed, holes in plaster ceiling may be patched by applying five-eighth-inch fire code drywall over the hole without a finish.
- (h) All buildings that are balloon construction shall be sealed at the bottom of the wall cavity.

(Code 1975, § 4-74)

Sec. 10-413. Security.

Windows and exterior doors shall have locks. Locks on doors shall comply with section 10-409.

(Code 1975, § 4-75)

Sec. 10-414. Prohibited uses.

- (a) *Uninhabitable or useless structures.* No person shall maintain or permit to be maintained any structure or part of a structure which, because of fire, flooding, wind damage, natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
- (b) *Securing buildings.* No person shall maintain or permit to be maintained any vacant, unsecured or, subject to the time limits herein, temporarily secured, dwelling, building or structure. A dwelling, building or structure will be deemed secured only when all its exterior openings, including windows, doors and any other openings are intact and locked, (not by temporarily securing), so as to prevent entrance thereto by vandals or unauthorized persons. A dwelling, building or structure will be considered temporarily secured when boards are used to cover the open windows, doors or any other openings. Temporary securing shall be accomplished using a minimum of one-half-inch exterior plywood, suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building so as to be as inconspicuous as possible. No dwelling building or structure shall remain temporarily secured for a period exceeding 180 consecutive days. Upon receipt of a notice to repair pursuant to this article, the owner of a vacant, unsecured or temporarily secured dwelling, building or structure has the following time limits to cure the violation:
 - (1) Seven days to temporarily secure a dwelling, building or structure. Temporarily securing a building will not constitute compliance with this section;
 - (2) Ten days to secure a building permit through the city pursuant to the building code;
 - (3) Thirty days to begin repairs on the dwelling, building or structure; and
 - (4) One hundred eighty days to complete repairs, and secure the dwelling, building or structure in compliance with this article.

Any person failing to repair or otherwise secure a vacant, unsecured or temporarily unsecured dwelling, building or structure within the time limits described in this subsection will be found in violation of this article and subject to the penalties described in this Code. Nothing in this section shall prevent the city from enforcing or electing to

enforce the dangerous building code.

(c) *Partially completed structures.* No person shall maintain or allow to be maintained any partially completed structure unless such structure is in the course of construction in accordance with an existing building permit issued by the city.

(d) *Dangerous building.* No person shall maintain a dangerous building.

(Code 1975, § 4-76)

Sec. 10-415. Maintenance requirements.

(a) *Generally.* Every building and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the building or every part thereof or in the yards, courts, passages, areas or alleys connected therewith or belonging to such building, including the lot upon which the building is located and adjacent lots owned by the owner of the building.

(b) *Recreation equipment and furniture.* Recreation equipment, including furniture and toys, shall not be placed or located in any front yard for a period longer than 24 consecutive hours. Household furniture that has been designed for interior use shall not be placed in front yards for a period exceeding 12 consecutive hours.

(c) *Storage of rubbish, garbage, and other materials.* Storage of rubbish, garbage, waste materials, household furniture that has been designed for interior use and appliances shall be prohibited on open porches.

(d) *Responsibilities of owners of dwellings as to maintenance.* The responsibilities of owners of dwellings as to maintenance shall be as follows:

(1) It shall be the responsibility of the owner to keep and maintain each dwelling unit so as to meet the minimum basic requirements of this article and all other provisions of this housing maintenance code.

(2) Every owner of a two-family or multiple dwelling or residential collective shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(3) Whenever infestation of insects, rodents or other pests exists in two or more of the dwelling units in any building or in the shared or public parts of any dwelling containing two or more dwelling units or is caused by the failure of the owner to maintain the dwelling in a reasonable rodentproof and insectproof condition, extermination thereof shall be the responsibility of the owner.

(e) *Responsibilities of occupants of dwellings as to maintenance.* The responsibilities of occupants of dwellings as to maintenance shall be as follows:

(1) Every occupant shall operate with and assist the owner to keep and maintain the dwelling in a safe and sanitary condition and shall notify the owner of any damages that occur to the premises.

(2) Every occupant of a single-unit private dwelling shall exterminate any

insects, rodents or other pests infesting that portion of the premises which they occupy and control. Every occupant of every dwelling unit shall immediately report to the owner of such dwelling the occurrence of infestation of the dwelling or premises by insects, rodents or other pests. Every occupant shall aid the owner in preventing the occurrence of infestation of the dwelling or the premises.

- (3) No occupant of any dwelling unit shall allow any filth, rubbish, garbage or other debris to accumulate in his dwelling unit or any other area over which it can be shown that such occupant had exclusive use and possession. Occupants shall make proper use of receptacles as required in chapter 70 of this Code.

(Code 1975, § 4-77)

Secs. 10-416--10-499. Reserved.

Sec. 10-500. Adoption.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Muskegon, being marked and designated as the *Michigan Building Code*, 2006 edition, as published by the International Code Council is hereby adopted as the Building Code of the City of Muskegon, in the State of Michigan.

(Ord. No. 2254, 12-9-2008)

Sec. 10-501. Exclusion.

Chapter 1 "Administration" of the Michigan Building Code is hereby excluded in its entirety from adoption.

(Ord. No. 2254, 12-9-2008)

Sec. 10-502. Inconsistencies repealed.

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

(Ord. No. 2254, 12-9-2008)

Sec. 10-503. Effect of finding of unconstitutionality.

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. The City Commission of the City of Muskegon 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.

(Ord. No. 2254, 12-9-2008)

Sec. 10-504. Effect on existing rights and liabilities.

That nothing in this ordinance or in the Michigan Building 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 10-502 of the ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(Ord. No. 2254, 12-9-2008)

Sec. 10-505. Effective date.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect ten (10) days from and after the date of its final passage.

(Ord. No. 2254, 12-9-2008)

Sec. 10-506. Prevailing code.

If any conflict exists between any provision in the International Fire Code and a provision in the Michigan Building Code, the Michigan Building Code shall prevail.

(Ord. No. 2254, 12-9-2008)