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# BOYNE CITY

2015 PLACEPLAN: BOYNE ON THE WATER

MICHIGAN STATE  
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School of Planning, Design  
and Construction



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# ACKNOWLEDGMENTS

## Mlplace Partnership

PlacePlans is supported by Michigan State University and the Michigan State Housing Development Authority as a component of the Mlplace Partnership. The Mlplace Partnership is a statewide initiative with the purpose of keeping Michigan at the forefront of a national movement known as placemaking. It is based on the concept that people choose to live in places that offer the amenities, resources, social and professional networks, and opportunities to support thriving lifestyles. The partnership helps communities create and strengthen those places. Learn more at [mlplace.org](http://mlplace.org).



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# BOYNE ON THE WATER: Action Plan

The Michigan Municipal League and Michigan State University School of Planning, Design, and Construction present this PlacePlan to Boyne City as a vision for improving its waterfront public space and a placemaking strategy to improve on the success of the downtown. The report includes a conceptual design for four distinct properties and connections between them, recommendations for policy updates that can support the design, and a discussion of funding opportunities.

While the full vision is likely to take several years to achieve and the details may change as the community moves forward, the League and MSU recommend the following as a short-term strategy for Boyne City and its residents and business owners to pursue in 2016.



# ACTION AGENDA

## 1. Develop a Structure for Action

Collaboration and teamwork between community leaders through the Chamber, Main Street, Team Boyne, and other initiatives is a notable strength for Boyne City. While those existing groups are a great resource for some components of Boyne on the Water, and should continue to be part of the effort, they have very full plates already and should not be relied on to lead the way. The project steering committee members provided many benefits to the PlacePlan process and their involvement should continue after the grant term ends.

The steering committee should continue to meet and communicate, although the roster of participants may change, evolving into the body that leads prioritization and implementation of the project components described in this report.

There were a number of engaged interest groups in the Boyne on the Water project that took a collaborative approach to the process and worked to bring partners to the table. The champions for the project are well-represented on the steering committee and will be key in helping to push the Boyne on the Water concept forward. Before proceeding into the next phase, however, it is important to confirm that all the right parties are adequately represented. For example, the nearby neighborhood residents may desire to designate one or more representatives. It will also be important for city staff to ensure that the City Commission, Parks and Recreation Commission, Planning Commission, and Main Street committees have active liaisons established.

While shared responsibility is ideal, most volunteer committees fall apart without one or more participants stepping forward to do the crucial work of convening the group, taking meeting notes, and reminding committee members of their commitments. The first of order of business at the next committee meeting should be to solicit volunteers for these assignments. Committee members should also develop a consensus about the frequency and timing of subsequent meetings.



## 2. Keep the Public Conversation Going

Boyne on the Water was a great way to get the community talking about placemaking and the untapped potential of the waterfront. The city and steering committee should keep momentum going and continue community discussions. Project leaders should explore:

- Opportunities to educate the public on the importance of placemaking and related topics in a formal or informal setting. For example, community forums on how to support local businesses through local investing, educational placemaking presentations at public meetings or community events, or a low-key placemaking “happy hour” hosted by the community to get others into the conversation. League staff can provide examples and template content from other communities.
- Additional engagement activities on the PlacePlan or similar projects. The final design isn’t set in stone until the groundbreaking event. The city should strive to create a productive and easy feedback loop with residents and stakeholders to discuss the progress of Boyne on the Water at citywide meetings and events. By the time permanent improvements are made, the goal is to have all concerns out of the way.
- Providing updates and soliciting input at standing community events, business networking lunches, and other activities.

### 3. Use Community Events and Programs to Test Ideas

Boyne on the Water gave residents the opportunity to dream about how they want to rethink their public spaces on the waterfront. Before making expensive, long-term improvements, the city can use “pop-up” or tactical placemaking to test the viability of ideas that came up through MSU designs and community input.

Pop-up placemaking is a temporary transformation of a place to experiment with creative ideas and promote further engagement. For more detail on this approach, see:

- <http://placemaking.mml.org/how-to/berkeley-place-making-2/>
- <http://tacticalurbanismguide.com/>
- <http://www.communitymatters.org/blog/5-small-town-stories-lighter-quicker-cheaper-community-action>

### 4. Plan for Major Capital Investments

After testing and refining ideas, as suggested above, the city and steering committee should evaluate which project goals can be achieved with low-cost solutions and which require major fundraising and/or capital investments. The latter should be evaluated for inclusion in the city’s capital improvements plan, the downtown development plan, and the funding strategies of regional philanthropic organizations, such as the Charlevoix County Community Foundation. See the report section “Implementation Funding Opportunities” for additional funding suggestions.





# WHY PLAN FOR PLACE?

**B**oyne City is one of 22 cities participating in the PlacePlans pilot program, which began in 2012 as a collaboration between the Michigan Municipal League (League) and Michigan State University (MSU), with funding support from the Michigan State Housing Development Authority (MSHDA). PlacePlans assists communities with their efforts to carefully invest in key locations that will drive additional economic development and help them attract and retain residents and businesses.

The MIplace Partnership defines placemaking as the process of creating quality places where people want to live, work, play, and learn. Successful placemaking is a dynamic, strategic approach to community and economic development based on an individual community's strengths. PlacePlans is a joint effort between MSU and the League to demonstrate some elements of this process, working through and supporting the leadership of local governments, nonprofit organizations, and businesses.

The PlacePlan process is customized to each project and community, but each involves selection of a priority site in the community, an intensive community engagement strategy, and direct work with key community stakeholders along the way. Products of the PlacePlan projects include conceptual designs, market studies, analysis of community assets and opportunities, and better connections to state agency support tools. The goals are to positively impact each participating community's ability to leverage their place-based assets as economic drivers and to provide lessons large and small for other



communities across Michigan. For more information about placemaking in Michigan and the PlacePlans program, visit [placemaking.mml.org](http://placemaking.mml.org).

## Connection to Statewide Initiatives

The MIplace Partnership ([www.miplace.org](http://www.miplace.org)) is a statewide initiative to keep Michigan at the forefront of the national placemaking movement. The partnership helps communities create and bolster their places through education, technical assistance, and implementation tools. It is led at the state agency level by MSHDA, and coordinated through a public/private leadership collaborative known as the Sense of Place Council. MSU and the League, the partners in the PlacePlans program, are part of the Sense of Place Council.

In parallel to PlacePlans demonstration projects, the League developed a policy agenda, called Partnership for Place, which proposes to change the way local and state governments invest in and support quality places. It is built on the idea of a partnership between the state of Michigan and its municipalities that will support sustainable economic growth and investment in key places. The agenda focuses on four fundamental areas of action:

- **Funding for the Future**

Making sure that appropriate funds and tools are available to operate efficiently and work regionally in order to succeed globally.

- **Michigan in Motion**

Shifting from near-exclusive vehicular-based investment to alternative modes of transportation that will accommodate all users.

- **Place for Talent**

Partnering with the State to attract and retain talented workers in our communities through placemaking policies.

- **Strength in Structure**

Seeking out solutions to invest in infrastructure and development where it will produce the best results and target resources with maximum outcomes.

You can find more information about the Partnership for Place at [placemaking.mml.org](http://placemaking.mml.org)

## Project History

In 2014-2015, MSU and the League accepted applications to PlacePlans by invitation only. Boyne City was invited to apply due to its track record as an active participant in the Michigan Main Street and Redevelopment Ready Communities programs. In November 2014, the city proposed a waterfront design project with the stated goals of building “a vision for an under realized and disconnected waterfront area that will engage audiences and create unique, memorable, and welcoming experiences for residents and visitors alike.”

The League convened a review team consisting of MSU faculty and state agency staff to consider all project applications. The team consistently gave Boyne City’s proposal a high rating for a variety of reasons, including:

- The community’s track record of collaboration to meet common goals through efforts like Team Boyne
- Previous successes implementing state agency grants and programs
- Significant recent private-sector investments on the waterfront and throughout downtown

In January 2015, MSU and the League formally engaged Boyne City in the PlacePlans program. Early project steps included joint development of a memorandum of understanding between the League and the city, a project plan and scope of work, and creation of a project steering committee. The ultimate scope of work was established as: “...the City has requested technical assistance from the MSU School of Planning, Design, and Construction (MSU) and the Michigan Municipal League (League) through the PlacePlans program. This assistance will create an inclusive civic engagement process to develop a new vision and conceptual design for the public properties on Lake Charlevoix that enhances their role both as social gathering places for the region, and as generators of additional economic development activity in downtown Boyne City.”

The steering committee subsequently led the creation of the project brand, communications plan, and engagement process that are described in further detail in subsequent sections.



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# METHODOLOGY and Public Input

PlacePlans is centered on a public design process of establishing a shared vision for the future of Boyne City's public waterfront properties. To ensure that the process was grounded in local realities and reached enough community members to be an accurate representation of the needs and goals for the place, the League coordinated the design process with two additional input methods. A steering committee made up of community stakeholders and decision-makers assisted in defining the scope, planning public engagement, and developing the implementation strategy, while pop-up events used “lighter, quicker, cheaper” tactics to test out pieces of the concept on the ground.



Nearly 70 community members gathered at the initial visioning to discuss their hopes for the park.

## Steering Committee and Community Stakeholder Roles

To produce a plan that reflected the true public vision and had a number of champions to lead it to implementation, the city convened a group of community leaders to serve as a steering committee. Creating a local steering committee allowed the city to raise project awareness, guide the PlacePlans process, and improve capacity for implementation. These local leaders were invaluable in effectively engaging the community, and helped to build a broad base that would offer varying perspectives in decision-making.

At the start of the grant term, municipal partners convened a group of representatives from the City Council, Parks and Recreation Commission, the Downtown Development Authority, the Chamber of Commerce, the business community, the arts community, and others. The PlacePlans team also made contact with the local community foundation to ensure it was familiar with the project. The group met regularly to plan, market, and evaluate the project's public events. The city manager and steering committee chair

worked closely with League staff to facilitate meetings and manage tasks. Significant time was spent developing a unique brand for the project, “Boyne on the Water,” which was used extensively to support marketing efforts and build awareness, interest, and excitement in the community.

The group further developed the project's direction by:

- Educating the broader community on placemaking and the Boyne on the Water concept
- Planning and facilitating outreach and engagement activities
- Guiding and participating in public events related to the project
- Documenting and promoting events, activities, and the project's progress to the community



## Public Design Process

In order to provide carefully considered planning and design recommendations for implementation of a redevelopment project in Boyne City, the PlacePlans team carried out the following process for gathering the necessary information and input:

- Reviewed local/regional land use plans and relevant data
- Inventoried assets that fulfill the MPlace Partnership's Placemaking Audit Tool
- Conducted interviews with stakeholders
- Held four community meetings:
  - Phase One: Community Visioning
  - Phase Two: Design Workshop
  - Phase Three: Preliminary Draft Review
  - Phase Four: Final Report and Presentation
- Facilitated local steering committee meetings at critical stages in the process

## National Charrette Institute's Charrette System

The PlacePlans team and local steering committee follow many practices recommended by the National Charrette Institute's Charrette System. The Charrette System's objectives include creating a safe environment in which all members can participate in planning their community; planning for scenarios at the neighborhood scale; bringing an on-the-ground reality to community planning by creating demonstration projects that often turn into real catalytic development; and anchoring public involvement with realistic constraints.

## Placemaking Assessment Tool

The design team also used the short form of the Placemaking Assessment Tool developed by MSU's Land Policy Institute<sup>1</sup> to identify potential placemaking strengths and areas for improvement. This tool is focused on high-level plans and policies that can support or hinder placemaking, and can provide a starting point for discussions on additional actions that support and build from the Boyne on the Water vision.

## Community Input

The conceptual designs were developed and refined through the feedback of hundreds of in-person conversations over the course of the PlacePlans process, as well as additional online feedback and general awareness through traditional news and social media outlets.

<sup>1</sup> Available online at [http://landpolicy.msu.edu/uploads/files/Resources/Tools/MPlace\\_Partnership\\_Initiative/PlacemakingAssessmentTool\\_LPI\\_updated\\_041515.pdf](http://landpolicy.msu.edu/uploads/files/Resources/Tools/MPlace_Partnership_Initiative/PlacemakingAssessmentTool_LPI_updated_041515.pdf)

# PUBLIC MEETINGS

## Phase One: Community Visioning Kick-Off Workshop

At the onset of the Boyne City Waterfront PlacePlan Project, Boyne City High School hosted a kick-off community visioning meeting on May 19, 2015. During the meeting, attendees were challenged to think about opportunities, discuss with others, and document their thoughts. This included what about Boyne City makes them proud, what they are sorry about, and what they would like to see in Boyne City (especially along the waterfront area) in the future. To encourage creative ideas over the long-term, the MSU design team posed questions such as "you're in a hot air balloon over the site 15 years from now – what would you like to see?" Participants were provided with white sheets of drawing paper and markers to encourage not only written comments, but an opportunity to share visuals. A summary of feedback received at this meeting is provided on page 14.



## Phase Two: Design Workshop

In July 2015, the steering committee hosted a Design Workshop on the waterfront at Sunset Park to gauge stakeholders' feelings towards possible design concepts. While developing the design, designers followed several key themes taken from the kick-off meeting. These were:

### Design Workshop Themes

1. Respect the scale of the park/connecting spaces
2. Sustainable design practices
3. Connectivity to the surrounding area, especially the library and Arts District
4. Historical reflection
5. Setting for activities
6. Year-round opportunities
7. Family-oriented
8. Opportunities for all ages and abilities
9. Cohesive design
10. Public art
11. Multiple use facilities and areas
12. Beautification
13. Consider maintenance needs
14. Think Security
15. Think Green
16. Support facilities; ex. restrooms
17. Increase/maintain access to the water, both physical and visual
18. Naturalize the area, especially the water's edge
19. Ballfield and Veterans Memorial are important
20. Improve access from the lake side
21. Continuous pathway, as much along the water's edge as possible
22. Improve swimming and water-based activity
23. Add shade
24. Consider a stage or bandshell
25. Green energy
26. Areas for festivals and events
27. Expand public marina
28. Create a unique place
29. Better fishing opportunities
30. Re-think how parking is handled
31. Consider bicycle access and parking
32. Respect the current plans for the pavilion and new city hall

Based on this design feedback, the PlacePlans team shared two potential design concepts. These designs broke down into two types:

**1. Greenspace Preservation and Enhancement:** A design of each of the sites that encourages large amounts of grass and greenspace that takes advantage of the opportunity for natural development along the Boyne City Waterfront.

**2. Dense Development:** A waterfront concept that incorporates many large pedestrianized areas, boardwalks, walkways,

promenades, and additional opportunities for various facilities rather than open greenspace.

Workshop participants provided feedback on individual questionnaires and placed sticky notes on dozens of images to note what they liked, disliked, and what they thought could be improved. Nearly 440 notes were placed on images and each recorded individually to ensure that citizen feedback was included in the final planning process. Common feedback developed around the following areas:

1. Ensuring that community access to the waterfront is preserved. Community comments coalesced around the idea that both views of Lake Charlevoix and access to the water through features like beaches and kayak launches needed to be included in the plan.

2. Making sure that the scale and the development included in the project took into consideration Boyne City's character as a small community. The kinds of development that may make sense on a Chicago or Detroit riverfront may not work in Boyne. The comment "less is more" was repeated by several residents.

3. Creating an active waterfront that provides time and space for both large community events and leisurely activity. Comments expressed a desire to both create an environment that could attract visitors while simultaneously not creating an environment in the warmer months which becomes so chaotic that it drives permanent residents away.

## Phase Three: Preliminary Draft Review

On Sept. 15, 2015, at the high school, the PlacePlans team presented a single draft design predicated on the feedback from phase two. Members of the community joined the design team for interactive roundtable discussions after the presentation. After the event, the steering committee developed and distributed a web survey and informally collected feedback through personal conversations. The design team utilized this feedback to refine the designs and develop the recommendations in this report.

## Phase Four: Final Presentation

On Nov. 17, 2015, the PlacePlans team presented the final design concept to the community at the St. Matthew's Parish Hall and introduced several recommendations for maintaining the momentum of the project and engaging the community. The final design and recommendations are detailed in the following sections.

## Additional Engagement Activities

The steering committee assisted in arranging stakeholder interviews in advance of the visioning session and in advance of the design workshop. These were important meetings to hear the unique perspectives of homeowners associations, Friends of the Boyne River, garden club, high school students, yacht club, disabilities network, senior center, business community, and several others.

In addition to identifying and arranging these small group meetings with stakeholders, the steering committee actively promoted public events and led engagement initiatives. They developed the unique brand “Boyne on the Water” for the project, with a local artist developing a logo. The group created a map handout with information about the project that also solicited input for the visioning session. These maps were distributed at local businesses, were available online, and were sent home with students through the schools.

The steering committee actively promoted events and provided an online alternative for input through members’ extensive social media networks, e-newsletters, email blasts, post cards, posters, and related promotional efforts. Events were also covered in the local press, with the design workshop and pop-up placemaking event drawing television coverage. Following the design workshop, additional feedback alternatives were also available online.

The project team undertook a pop-up placemaking demonstration simultaneously during the design workshop, which was held outdoors on-site at one of the parks within the project scope. The pop-up sought to activate the park space and draw attention to the design charrette. It was a great opportunity to help the community see how the space could be used, and to think openly about the potential of the lakefront. Activities included games, art, books, areas to relax, water table and children’s toys, and snacks and refreshments. The pop-up drew attention all day long and added interest and energy to the event. Importantly, it also served as a great backdrop for press and television to tell the story of how a great public space can be brought to life through placemaking.



# FIGURE 1: Community Visioning Summary Findings

This overview of community input is not an exhaustive list of comments received by the PlacePlans team, but rather provides a snapshot of the overall themes of comments provided by the nearly 70 community stakeholders in attendance at the kick-off. A more exhaustive listing of community input is included in the Appendix of this report.

## PROUD

- Scenic views and beauty of area
- View of lake
- Sunsets
- Greenery – trees, vegetation, grass, open space
- Well-maintained
- Events, festivals, and programming
- Farmers' market
- Sailboat races
- Mushroom Festival
- 4th of July fireworks
- Stroll the Street
- Open to the public - Free
- Multi-use functionality
- Fishing
- Walking
- Boating
- Baseball
- Swimming
- Open space recreation
- Downtown and commercial activity
- Shopper's dock
- Restaurants and stores
- Inviting, quaint downtown
- Existing features
- Baseball field
- Veterans' Park
- Sunset Beach
- Pavilion
- Boat launches
- Chamber of Commerce building
- Public marina

## SORRY

- Poor maintenance and cleanliness of lake and beaches
- Peninsula beach area is major area of concern
- Water quality is poor
- Pollution, debris, and glass on beach
- Not good for swimming
- Missing/lacking features and resources
- Marina is too small
- No entertainment space
- No fishing pier
- Current development
- Condos are an issue
- Building height obstructs view of lake
- "The Fence" around former industrial site
- Poor connectivity and accessibility
- Lack of continuous walkway along the entire length of the waterfront
- Poor access to water

## VISION

- Increased connectivity and accessibility
- Continuous pathway along waterfront
- A multi-use boardwalk
- More boat slips
- More accessible points to get to water
- Environmental stewardship
- Clean water
- Harmonious integration between man-made and natural
- Grass, trees, flowers, gardens, native plants
- More features and activities
- Expanded marina
- More benches and sitting areas
- Fishing
- Boating
- Walking and running
- Bicycling
- Baseball games
- Splash pad
- Band shell/amphitheater/permanent performance space
- Open space
- New pavilion
- People using the waterfront, families having fun



Boyne  
on the water

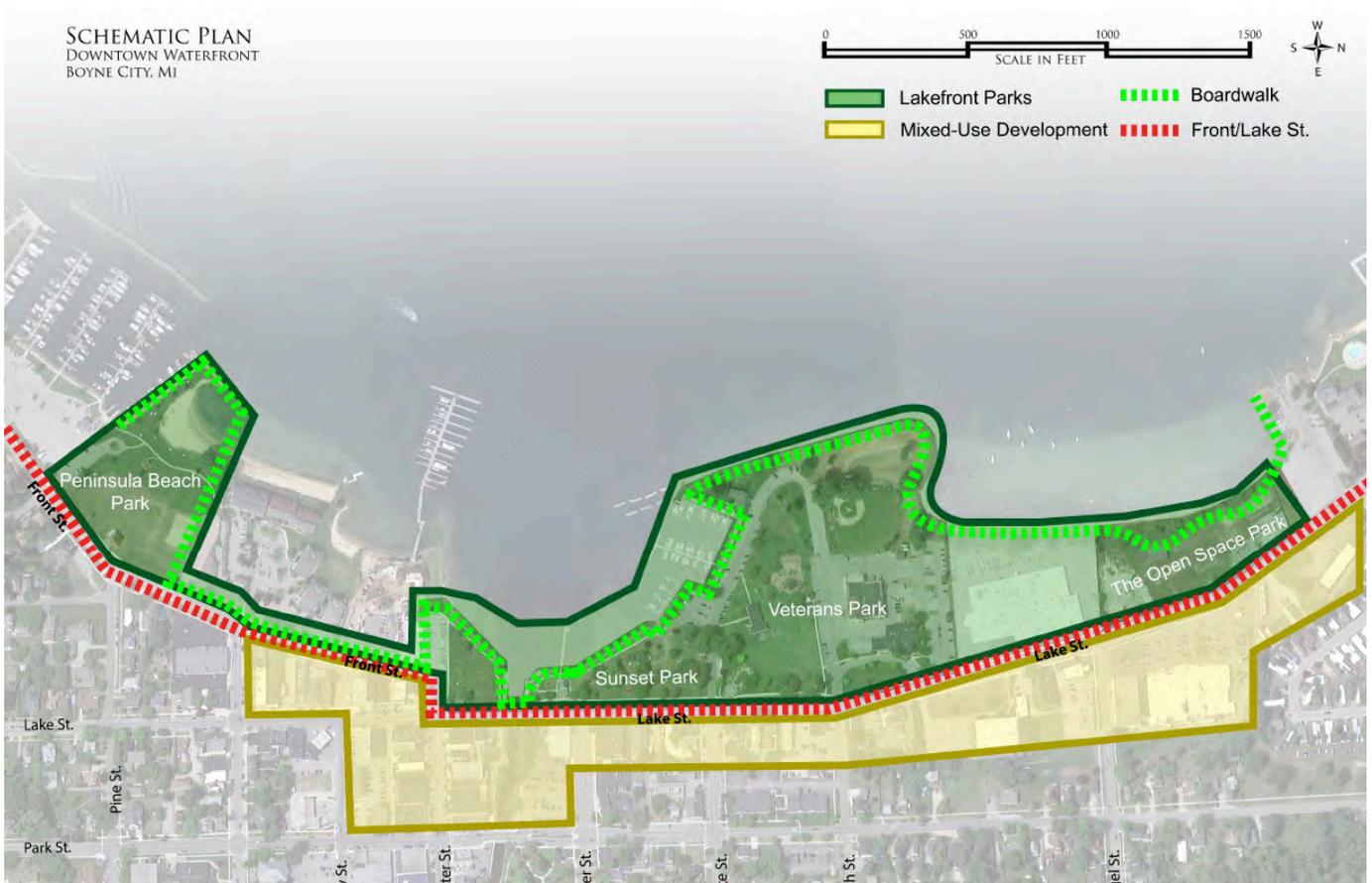


# DESIGN CONSIDERATIONS

Our recommendations are guided by several basic design characteristics. First, the parks directly along Lake Charlevoix are dedicated to public open space that retains views to the water while supporting a variety of recreational activities. Second, the areas east of Front Street and Lake Street include the downtown and mixed use of retail, businesses, and residential. Third, the streets themselves provide appropriate vehicular access while at the same time convey a small town pedestrian feel and character.

Finally, a boardwalk/walkway extends along the shore of Lake Charlevoix. Together, the waterfront is preserved for future generations to enjoy while also creating a place that is uniquely Boyne City.

The Boyne City waterfront consists of four parks, each with their own distinct character, facilities, and activities, although they all share physical and visual access to Lake Charlevoix.

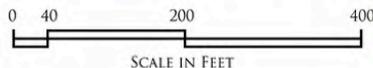


## Peninsula Beach Park

The dominant features of this park are the open green lawn area that provides for a wide range of free play, unobstructed views to the lake, a staging area for community wide events, and the continuation of the current swimming beach. The current beach would become more of a neighborhood facility to complement the proposed new community beach in The Open Space Park. A playground and shaded sitting areas have also been included. A basketball court would also be added and parking lots would be updated. The lakefront boardwalk/walkway would start here in Peninsula Beach Park, and a pedestrian promenade with a gazebo on the water's edge would connect the lakefront walkway to the city sidewalk system and the pedestrianized Front Street, where access to the waterfront is not available. Areas of public art, updated signage and wayfinding as well as additional low key landscaping would complement the design.



WATERFRONT IMPROVEMENT  
PENINSULA BEACH  
BOYNE CITY, MI



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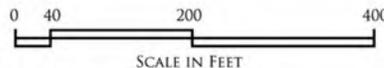
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## Sunset Park

The dominant features of this park are the unobstructed views to the lake as one walks or drives down Water Street, a proposed marina, and a proposed kayak launch. The lakefront boardwalk/walkway continues through the park with numerous sitting areas along the way, as well as naturalized shoreline treatments where feasible, and a small event stage. A sitting area and pier have been included adjacent to the new condominiums at the end of Water Street. A new pedestrian bridge and updated vehicular bridge design over the Boyne River add character to the park and Lake Street. Several small bumpouts have been included along the river for fishing access. The Chamber of Commerce building is proposed to be updated and a modest patio/sitting area with a fireplace added. Sitting areas have been added adjacent to the restroom building. A new kayak launch area is proposed that would also be accessible for physically challenged individuals. Implementation of the new marina is included in the design as are updated parking opportunities. Areas of public art, updated signage and wayfinding as well as additional low key landscaping would complement the design.



WATERFRONT IMPROVEMENT  
SUNSET PARK  
BOYNE CITY, MI



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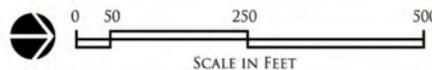
## Veterans Park

The dominant features of this park are the new pavilion, renovated playground, event stage, picnic area, splash pad, vast open green space with unobstructed views to the lake, a modest expansion to the Veterans Memorial, and the proposed new City Hall complex. The open lawn areas and adjacent parking support the Farmers Market and community wide functions. The existing ballfield has been left unchanged. Parking along the

lake west of the ballfield has been improved to support the ballfield and sunset viewing. The roadway and other parking areas are proposed to be updated. The lakefront boardwalk/walkway extends all through the park, and the shoreline is proposed to be naturalized where feasible. Areas of public art, updated signage and wayfinding as well as additional low key landscaping would complement the design.



WATERFRONT IMPROVEMENT  
VETERANS PARK  
BOYNE CITY, MI



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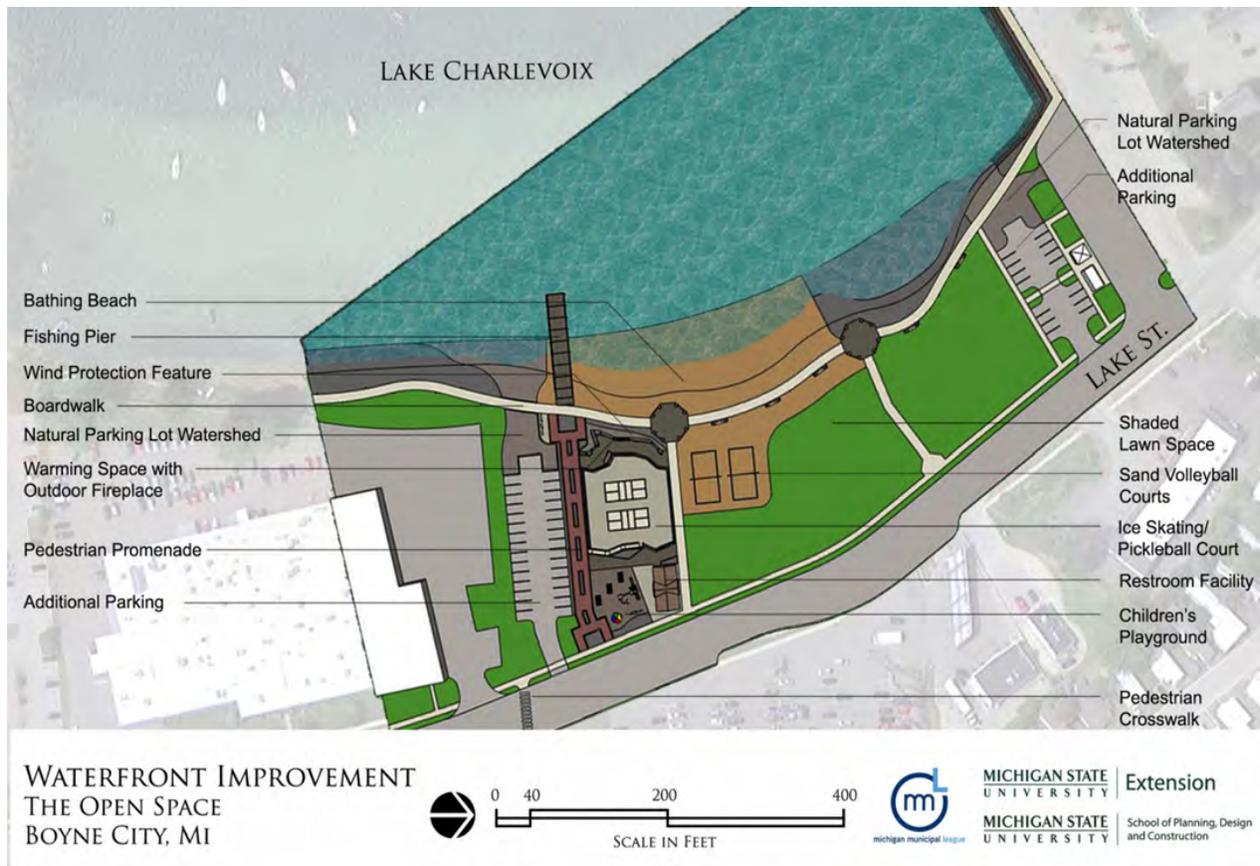
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## The Open Space Park

The dominant features of this proposed park are a major new beach and open lawn areas with unobstructed views to the lake. A modest amount of parking has been included on the extreme north and south edges of the park, with naturalized stormwater management elements between the parking and the lake. Several sand volleyball courts have also been included. Modest support facilities including restrooms, a children’s playground, and an ice skating area with a fireplace have been located adjacent to the south end of the park. The ice skating area doubles as several pickle-ball courts for summer and shoulder-season use. A fishing pier has been added that could also serve as temporary docking space for boaters to tie-up and utilize retail establishments, such as the supermarket. The boardwalk/walkway along the lake ends at this park and a pedestrian promenade connects it to the city sidewalk system with a crosswalk across Lake Street. The lakefront boardwalk/walkway should be connected to other existing and proposed trails in the area. It should also be designed to support both pedestrian and bicycle use. Areas of public art, updated signage and wayfinding as well as additional low key landscaping would complement the design.



Appendix B contains additional images of the final concept design.





# RECOMMENDATIONS

## for Design Implementation

The planning and design team developed five major themes based on the input received and conversations with the general public and various representative organizations of Boyne City. Recommendations were made based on comments and discussion during the community meetings, a review of the project area using the MPlace Partnership's Place-making Audit Tool, and the PlacePlans team's experience in other communities.

The major planning themes determined through this process, designed to make Boyne City a vibrant and active community in concert with the expressed desires of the community, are as follows:

As the city and its partners pursue the implementation of the design concept, keep in mind that physical design is only one aspect of place-making. The section of this report entitled "Making a Well-Rounded Place" describes eight asset areas that the League has identified as necessary for successful communities. Boyne City should use this framework as it moves forward to identify new opportunities that build on the physical design of the park.

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»» Preserving Public Access to the Waterfront

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»» Assess and Manage Parking Needs

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»» Encouraging Year-Round Activity on the Waterfront

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»» Adopt and Enforce Property Maintenance Standards

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# Making a Well-Rounded Place

While the bulk of this report is focused on proposed changes to the built environment in and around Boyne City's public waterfront properties, creating a quality place requires a focus on more than just physical design. The League has identified eight assets that each thriving community must build in today's global competition for residents, visitors and businesses. Physical design is only one of the eight. A brief summary of the other seven follows.

## ENVIRONMENTAL SUSTAINABILITY

Placemaking is strongly connected to environmental concerns because of the critical role that Michigan's waterways, parks, and green spaces play in defining our communities. Whether through access to healthy local food, recreational trails, streets that prioritize walking and biking, or clean air and water, the environment is a vital part of healthy vibrant communities. Young educated workers consistently express preferences for living and working in communities that value the environment and communicate those values.

## CULTURAL ECONOMIC DEVELOPMENT

Arts and culture are essential components of a thriving, knowledge-based economy. A healthy creative sector attracts and retains residents and businesses, and produces economic benefits including jobs, a stronger tax base, downtown and neighborhood revitalization, and tourism.

## WELCOMING TO ALL

Successful 21st century communities are inclusive and welcoming to all, embracing diversity and multiculturalism as a competitive advantage. These types of communities are most attractive to new businesses, and today's fluid, mobile, and global workforce seeks out places that embrace people of all ages, religions, ethnicities, national origins, and races.

## ENTREPRENEURSHIP

Growing jobs by ones and twos is key to creating strong local economies in the 21st century. Local communities are fueled by small start-ups and growth on main street and economic gardening strategies aimed at developing the talent and potential that already exists right at home. Also central to success are social entrepreneurs, who act as change agents within a community, seizing opportunities others miss to create social value rather than profits. This type of entrepreneurial activity resonates especially with students and Millennials looking to apply their optimism, energy, passion and skills for a positive, tangible impact, as well as Baby Boomers looking for new business opportunities.

## MESSAGING AND TECHNOLOGY

People communicate, connect, and engage differently today than they did ten years ago, or five years ago, or last year, or even last month! Rapidly evolving Internet and communication technologies are allowing people to share information in the virtual world in unprecedented ways. Communities that use cutting-edge strategies in their approach to branding, engagement, and communication with new demographics, businesses, cultural institutions, and philanthropic communities are ahead of the game.

## TRANSPORTATION OPTIONS

Thriving regions offer a range of transit options, from walking and biking to buses and other modes of transit. Developing effective transportation options is a necessary tool for all communities interested in attracting and retaining residents, workers, and businesses. Research shows that people across the nation are choosing communities that offer various modes of transportation, with easy access to the places they live, work, and play. Multimodal transit can be as complex as rail systems and as simple as trails and bike paths.

## EDUCATION

Education is critical to competing in a global, 21st century economy, and centers of education are vital anchor institutions within communities. From K-12 schools to community colleges, and technical schools to state universities, educational institutions bring innumerable benefits to a community. They are the hub not only for learning, but sports, entertainment, arts and culture, healthcare, and recreation, and serve as engines of economic development. Vibrant communities successfully collaborate with a full range of educational institutions to develop intellectual, human, and physical capital. Collaboration can be as simple as sharing physical facilities such as ballparks and swimming pools, or as complex as formal town-gown strategic plans.



# Preserving Public Access to the Waterfront

Throughout public input sessions, both at the kick-off meeting and the Design Workshop, Boyne City stakeholders expressed an overriding concern about a lack of access to the waterfront from both a recreational and leisure standpoint, and that development along the waterfront could block the iconic views of Lake Charlevoix. The disconnected nature of both public and private areas along the waterfront could be a reason for this shared concern. Access to the waterfront is intrinsic to the identity of Boyne City and this plan should seek to encourage waterfront development that improves these spaces for public access, not

development that creates isolation or blocks the community from their lakeshore. Two planning steps that could assist in furthering this vision are as follows:

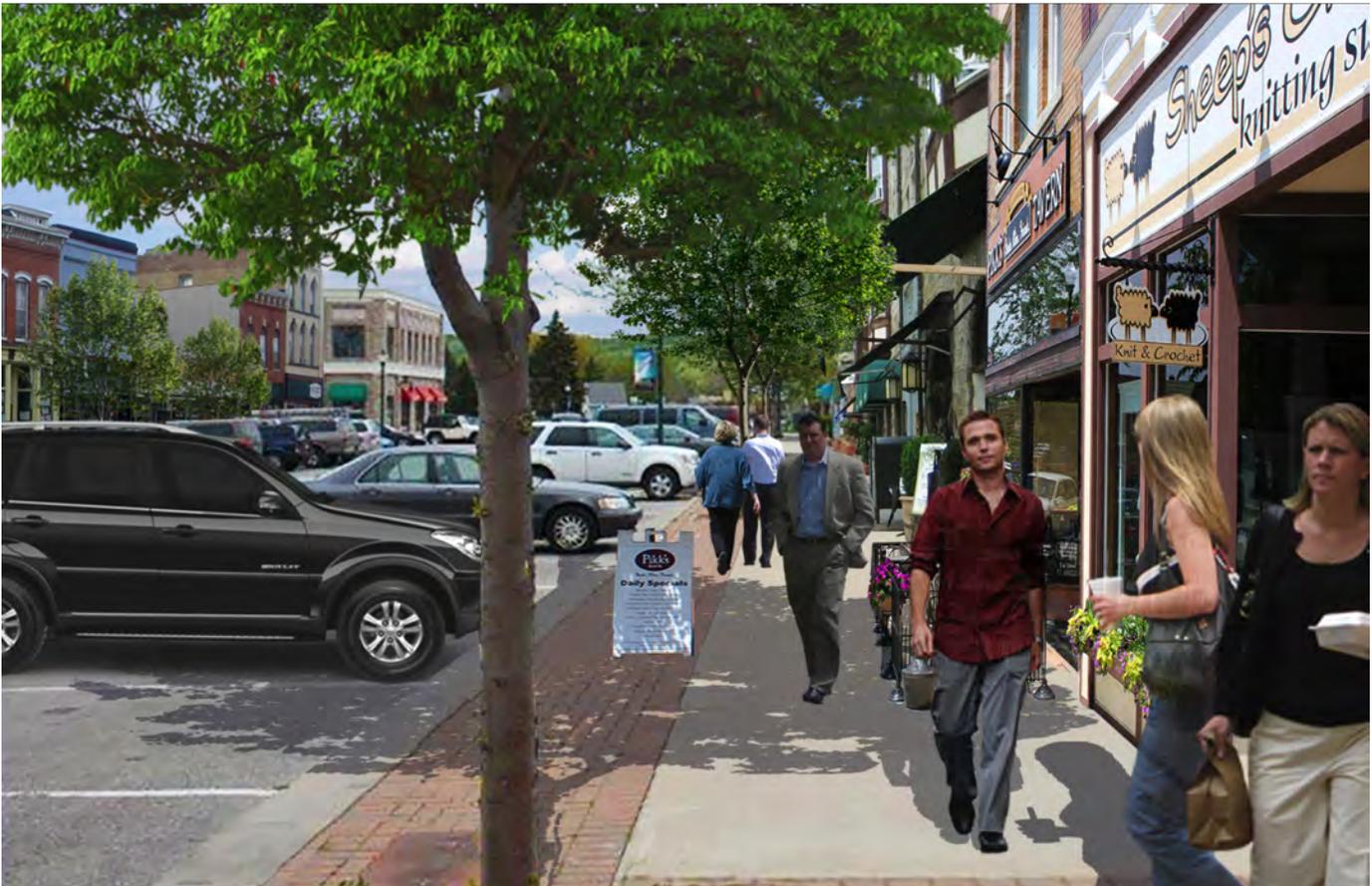
- Adopt a Complete Streets plan that makes the waterfront more accessible from all parts of the community for people walking, biking, and rolling, in addition to driving.
- Review city plans and ordinances for barriers to LEED-ND development and incorporate LEED-ND qualifications into local ordinances to encourage development that protects greenspace along the waterfront and encourages the development of environmentally sustainable projects that will enhance the community's connection to the lakeshore.



## Additional Information about LEED-ND

According to the U.S. Green Building Council, the certification organization for LEED developments, “LEED, or Leadership in Energy & Environmental Design, is a green building certification program that recognizes best-in-class building strategies and practices. To receive LEED certification, building projects satisfy prerequisites and earn points to achieve different levels of certification.” The LEED-ND program (which stands for “Leadership in Energy & Environmental Design – Neighborhood Development”) allows these very environmentally sensitive design measures to apply beyond one structure and into an entire neighborhood. Throughout public comment, Boyne City residents expressed a desire to maintain the natural features and lakeshore accessibility that they love while enhancing the ability for residents to enjoy parts of the lake that currently can be less attractive due to past polluting activities and access.

In concert with public feedback, ensuring that the local watershed and the lake are protected through site design for habitat or wetland and water body conservation would be an example of a key way to design a more environmentally friendly community throughout Boyne’s waterfront. Rather than focusing on one building or structure, LEED-ND’s neighborhood focus would give Boyne a rating structure to measure efforts throughout the waterfront and could allow for a more sustainable connection between developments Downtown and along the waterfront. Including features like pervious pavements, reducing overall space devoted to parking, enforcing a Green Building Ordinance, and enhanced stormwater management, Boyne can create a more sustainable and environmentally friendly waterfront. Boyne City residents value their access to the waterfront and the positive reputation that Lake Charlevoix has. By following the sustainable practices on a measurable, neighborhood-wide level such as LEED-ND lays out, these points of pride can be enhanced.





# Assess and Manage Parking Needs

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Another key topic that was discussed in several public input sessions was the desire to keep much of the waterfront green and unpaved while continuing to provide parking access. In the short term, the city should amend its zoning ordinance to minimize required parking along the waterfront and allow for shared parking agreements. This will allow for less space devoted to parking and asphalt along the waterfront and more space devoted to public greenspace.

In the longer term, as the public spaces are developed and become more significant attractions, a parking study would be in order, which should encapsulate the entire Main Street area. The study should include the following considerations:

## 1. Survey Stakeholders

The first step to conducting a successful parking study is to survey stakeholders with regard to their parking needs and perceived problems. The agency conducting the survey should ask questions that address whether or not parking demand

increases on weekends and/or are there periods of time during the day when a reduced supply of on-street parking meets parking demand. Following stakeholder interviews, the agency could inventory the number of on- and off-street parking spaces, whether spaces are publicly or privately owned, and counts of vehicles parked. These numbers will help show current demand and potential demand of parking in the future.

## 2. Research Land Uses in Study Area

The second step to carrying out a parking study is to research and record the types of land uses within the study area. For each single use on a single lot, the following necessary information should be gathered: the size of the lot in acres, the number of usable square feet in the building, and all uses supported by the building.

## 3. Analyze Results

Occupancy of current parking facilities (per defined area) will determine on average how much parking is available. The duration of a vehicle in a particular space will provide the agency a better understanding of the parking market (the need for short-term versus long-term parking). With regards to the turnover, this will help determine how many cars can use a space in a given period of time.

If conducted properly, the interviews, surveys, and research will provide an accurate outlook on the parking

needs within the downtown and waterfront areas. However, an effective placemaking effort should include strategies to reduce parking demand. This can be accomplished by coordinating waterfront and downtown parking by providing maps to the nearest parking lot throughout the area; advertising lots as community parking lots rather than lots explicitly associated with downtown or the waterfront; encouraging employers downtown to avoid using on-street facilities in order to leave such spaces available to visitors; and establishing shared parking agreements with adjacent businesses that might have different peak hours for employee parking needs.

By eliminating parking minimums, adopting shared parking agreements, exploring pricing on-street and off-street parking in a variable way, and reducing requirements for parking for individual developments, Boyne City can create a more vibrant, walkable, and dense core that will allow more space along the waterfront to be devoted to human-scale use rather than asphalt and parking spaces.



# Encouraging Year-Round Activity on the Waterfront

Many people associate Northern Michigan with four season opportunities, from boating and enjoying the beach in warmer weather to snowmobiling and skiing in the winter. Oftentimes, public parks become less active outside of summer, but as Boyne City has proven with its nearby winter attractions, public space need not be busy only in warmer months. For a community to have a truly vibrant and active public

space, activity should be thought of in this “four-season” perspective, focusing on both permanent installations and those which are more sensitive to the time of year. Both can complement each other and offer a waterfront that has both hallmarks that Boyne City residents can come to expect on a regular basis and seasonal events that draw in visitors to see all that Boyne has to offer.

When thinking of four-season activity, it’s important to understand what might fit well into each season. Events such as outdoor music festivals, food truck rallies and permanent food trucks, along with other themed events, work well in the spring and summertime and can help to activate the waterfront along with Boyne City’s long-running Little League baseball program with its key location on the waterfront. Many communities have enhanced activities in the fall with harvest festivals, expanded offerings at local farmers markets due to the harvesting season, and other similar events designed around this theme of the season.



Communities throughout Michigan have found ways to remain busy and active in the wintertime (see Walloon Lake case study). From pop-up marketplaces around the holidays which enhance commercial and pedestrian activity in December to permanent installations like ice rinks, winter can be a vibrant season in cold-weather communities. Some communities in the state hold annual festivals, like Detroit's "Winter Blast" which features snow-shoeing, free skating, chili cook-offs, and a large snow slide built in their main downtown park to draw residents from around the region outdoors to enjoy the season (Detroit Winter Blast: <http://www.winterblast.com/>). With the ongoing plans around building a permanent, year-round farmers market, these events that have been so successful in other communities relevant to their specific season stand to be enhanced by permanent community-based commercial activity right in the heart of Boyne City's waterfront.

## Case Study: Project for Public Spaces – How to Keep Cold Weather Cities Cool

Project for Public Spaces (PPS), a major supporter of placemaking efforts, chronicled why some communities that have cold weather a majority of the year remain vibrant while others do not. "A lack of vision—not freezing temperatures, cloudy skies, early sunsets or deep snow—is the biggest problem facing cold weather cities." By chronicling efforts in communities from as large as New York City to as small as Manchester, New Hampshire, PPS displays how efforts like winter markets, skating rinks, and cold-weather themed festivals can ensure that communities retain vibrant public spaces long after regular warm weather has disappeared.

Source: <http://www.pps.org/blog/how-to-keep-cold-weather-cities-cool/>

## Case Study: Walloon Lake Waterfront

Not far from Boyne City, the Village of Walloon Lake is an example of proactive year-round waterfront activity. Beyond the public marina, park space, outdoor seating, and other waterfront features that keep the Downtown and lakeshore of the Village active in the summer, the addition of features like an ice skating rink and a wintertime marketplace of popup shops in the colder months have helped ensure that the community is active year-round. The community's close proximity to Boyne City provides a real example of low-cost activation strategies that have assisted in keeping the waterfront a destination in all months. Features like pop-up shopping can have low overhead, provide a reason to visit waterfronts in colder months, and provide opportunities for small businesses to grow and develop in the community. The success of these features in a community such as Walloon Lake stand as a testament to their applicability in similar Northern Michigan Communities.

More Information: [http://www.planningmi.org/downloads/novdec\\_planner\\_final.pdf](http://www.planningmi.org/downloads/novdec_planner_final.pdf)



# Adopt and Enforce Property Maintenance Standards

While the primary study/design area contains only public space, those areas must operate in concert with the adjacent downtown commercial and housing uses. During the workshops and interviews residents and business owners expressed concern about the maintenance of some of those properties. To improve the aesthetics and attractiveness of the entire area, the city should adopt and enforce a property maintenance ordinance. It may do so in one of two ways:

## 1. Draft and Adopt a Property Maintenance Ordinance

- a. Draft a property maintenance ordinance which sets out standards important to the local municipality (sample ordinances from other Michigan communities are provided in the appendices).
- b. Adopt the property maintenance ordinance.
- c. Publish a summary of the property maintenance ordinance in the manner as provided by statute (and local ordinance, if applicable).

## 2. Adopt by reference the International Property Maintenance Code, with or without amendment, as the municipality's property maintenance ordinance

- a. Pursuant to the incorporation by reference provisions of the Home Rule City Act, adopt by reference the International Property Maintenance Code (IPMC).
- b. Secure permission from the International Code Council (ICC for publication of summary suitable for publication.
- c. Publish a summary of the IPMC in the manner as provided by statute (and local ordinance, if applicable).

To support steps beyond the basic ordinance, the League partnered with the Michigan Vacant Property Campaign to develop the Michigan Blight Elimination Planning Guidebook. City staff and other concerned stakeholders should review this online guidebook, available at <http://miblightguidebook.org/>, for suggestions about developing a strategy, setting goals, and accessing resources to assist in meeting those goals.







# FUNDING OPPORTUNITIES

The public waterfront spaces as envisioned will likely require phasing over time and the use of multiple funding sources. Boyne City should expect local dollars to be a part of this mix, such as from the DDA or the city's general fund. However, a number of state grant programs and other funding opportunities can also be tapped for this project. The following considerations have been compiled from conversations with city staff, state agency representatives, and other Michigan cities that have undertaken similar projects.

## Crowdfunding for Public Spaces

Crowdfunding is a method for funding both private and public developments that is growing in popularity in Michigan. It relies on relatively small investments by a large number of individuals, usually through a web portal. "Donation" or "reward" crowdfunding involves donations with no expectation of financial return by the donor, while "investment" crowdfunding positions donors as investors with an expectation of financial return. More information on both approaches is available at [crowdfundingmi.com](http://crowdfundingmi.com).

Boyne on the Water is well-positioned to take advantage of donation crowdfunding, given the project's focus on the public realm and the high level of public interest the project has generated. Making a donation to support a short-term physical transformation in part of the project area would be the logical next request to those who have participated in the visioning and design process. In particular, MEDC and MSHDA are supplying a state funding match to public space projects through the Public Spaces Community Places program. From MEDC's website, here are several types of projects eligible for funding under that program that would be a match for Boyne on the Water:

- Public Plaza Development
- Access to Public Amenities (Riverwalks, Canoe Livery, Pier Enhancements)
- Park Enhancements
- Bike Paths & Non-Motorized Infrastructure
- Bandshells & Amphitheaters
- Public Wi-Fi
- Place Branding & Event Implementation
- Any other project that activates public space or a community place

A crowdfunding campaign may be sponsored by a local unit of government (the city, DDA, or county) or by a 501(c)3 non-profit. In any case, the project proposed should have a realistic expectation of hitting crowdfunding goals.

While Patronicity will help project sponsors craft their outreach campaign, the sponsoring organization should select projects that local residents and businesses will rally behind and contribute to monetarily. Nearly 50 campaigns have been successfully completed through the program, providing good case studies of successful asks.





HARBORMASTER

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## Michigan Department of Natural Resources (MDNR) Recreation Grants

The Michigan Department of Natural Resources administers several annual grant programs for development of recreation facilities. The opportunity for the waterfront trail to connect to regional trails positions it to seek funding as a trail segment.

The city could apply to any of three DNR-administered programs for “development” funds for this purpose. All have annual application deadlines of April 1, with awards announced late in the calendar year. (e.g. April 1, 2016 application for funding that could be used for the 2017 construction season.)

- Michigan Natural Resources Trust Fund: maximum \$300,000 award for development projects, with separate category for applications under \$50,000; local match of at least 25 percent of total project cost
- Michigan Recreation Passport: maximum \$45,000 award; local match of at least 25 percent of total project cost
- Federal Land and Water Conservation Fund: maximum \$100,000 award; local match of at least 50 percent of total project cost

For all three programs, the city must have an up-to-date five-year recreation plan and include the proposed project in its capital improvements plan. The facilities funded must all be located on publicly-owned property and operate for recreational use in perpetuity.

## Transportation Alternatives Program

The federally-funded Transportation Alternatives Program, commonly known as TAP, supports a wide range of projects that are a fit within the Boyne on the Water vision. Some examples from MDOT’s list of “competitive projects” include:

- Pedestrian and bicycle facilities
- Streetscape improvements, especially those that are located in traditional downtowns and receive input and support from citizens, local businesses, etc.
- Projects that provide views of scenic areas
- Water quality projects that will have a positive effect on important watersheds or water bodies
- Projects receiving a high level of public input from multiple partners
- Projects that are part of a statewide initiative such as placemaking and/or part of an economic development or community improvement initiative

In order to maximize the competitiveness of a proposal for this grant, the city and steering committee must identify connections to one or more of the regional trail legs under development.



# APPENDIX

# APPENDIX A: Potential Activities in or near Public Waterfront Space

The concept of “a thousand nights” is that a vibrant and attractive community should offer one-thousand nights of fun in a ten year period. The “one thousand” is based on the idea that recent college graduates want to be out-and-about twice a week, 50 weeks of the year (they get two weeks to vacation!). This number assumes they have 10 carefree years during which they can get out two times a week, which calculates out to 1,000 nights.

Since repeating activities is acceptable, a community may want to start with 100 nights to fill a year. Activities can be big, planned events like an Oktoberfest; or very small, unplanned fun that just happens, like wandering by a fishing pier and watching joyful kids catching fish. Though it’s called “1,000 nights,” daytime counts, too. The activities should vary widely to appeal to a range of interests. Make sure to think “four-season” and include activities with a wide range of costs, including numerous free options.

Ideas generated in other communities, many of which may already be happening in your community, include:

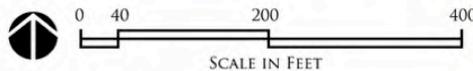
1. Ice skating
2. Interactive fountain/splash/water feature that can be played in, even temporary
3. Outdoor fireplace to sit and snuggle
4. Marshmallow roasting
5. Hot chocolate stand (expansion opportunity for an adjacent business?)
6. Local restaurants’ food carts that offer a few of their menu items
7. Cross country ski rental
8. Hands-on educational programs, demonstrations, exhibits by environmental organizations, museums, the library, etc.
9. Bird watching club
10. Bike rentals and racks
11. Kayak rentals
12. Scuba diving lessons, expeditions
13. Chili cook-off
14. Community block party, barbeque battles
15. Local “Top Chef” contest
16. Fall Harvestfest, pumpkin carving, Oktoberfest
17. “Taste of” event featuring local restaurants
18. Outdoor cooking classes
19. Buy-and-decorate cupcakes, cookies
20. Library book club meetings
21. Kids story time, maybe even with dress-up props
22. Author book signing event
23. Poetry slams
24. “Little Free Library” or book cart with magazines, books, puzzles, board games for loan or for sale
25. Outdoor eating with moveable furniture
26. Music performances, planned and unplanned (buskers)
27. Artists in action, painting, sculpting
28. Art classes/demonstrations
29. Strolling history tour
30. Art walk, sculpture/public art/murals; perhaps pursue Detroit Institute of Art “Inside Out” program and have art viewing/discussion groups
31. Hands-on art for kids, sidewalk chalk out for kids
32. Yoga classes
33. Fencing
34. Karate
35. Family fitness classes
36. Walking club start/finish
37. Turkey trot, 5k start/finish
38. Mom’s club, mom-to-mom sales
39. Parade start/end
40. Honor system fruit/veggie stand in association with Farmer’s market (city of Brighton model)
41. Watering station for pets
42. Juggling and stilt lessons, clubs, demonstrations
43. Music classes, guitar lessons
44. Impromptu music jams
45. Battle of the Bands
46. Recycling program for special items (Rx, batteries, etc.) maybe in conjunction with Farmer’s Market
47. Central place for community drives/drop-off (i.e. canned goods collection at the holidays, toys for tots)
48. Outdoor games (chess, ping pong, etc.)
49. Swing or ballroom dancing club
50. Dance lessons (swing to hip-hop)
51. Flashmobs by local dance troupes
52. Outdoor movies
53. Wi-fi access
54. Meeting space for community groups
55. “Adopt the Park” program; groups/schools, etc. assigned to clean up the plaza for a week at a time
56. Major defining feature that could be a “photo-op”
57. Quiet spot, meditation garden
58. Knitting/quilting club
59. Student photography exhibition featuring waterfront and community
60. Designated graffiti space where space is intended for younger people (i.e. basketball courts...)
61. School/church choir practice
62. School band practice
63. Cheer practice
64. Holiday carolers
65. Santa visits
66. Live reindeer pen
67. Pep rallies
68. Formal posting site for hunting counts
69. Formal posting site for biggest catches
70. Christmas tree lighting (have an ornament decorating station at local stores for a few weeks before so people can put their own art on the tree)
71. New Year’s Eve ball drop
72. Egg hunt
73. Memorial Day service

- 74. Veteran's Day service
- 75. St. Patrick's Day parade
- 76. Valentines' Day sweets stroll
- 77. Labor Day barbeque/community pot-luck
- 78. Martin Luther King Day service; diversity programming
- 79. Halloween parade
- 80. Puppy parade/pet adoption drive
- 81. Garden club perennial exchange
- 82. Annual "clean sweep" program, volunteers meet there then do seasonal clean-up/beautification projects in the area
- 83. Fishing derby, fly fishing lessons, demonstrations
- 84. Build-and-race model boats, cars, planes, etc.
- 85. Civil war reenactment, other live fantasy games
- 86. Model train village and demonstration
- 87. Ladies night downtown, babysitting available, shops stay open late, performance/entertainment in the plaza
- 88. Water balloon fight on last day of school
- 89. Blessing the backpacks before school starts
- 90. Multi-denominational services, rotate a daily message
- 91. Community garage sale
- 92. Face painting
- 93. Lego building club
- 94. Robot club, build them and drive them around the park
- 95. Snow fort contest
- 96. Snow ball fight
- 97. Outdoor toy chest for kids with all-season toys
- 98. "Soup" style micro-funding program (monthly pot-luck where people pitch ideas and winner takes home the \$\$\$)
- 99. Chair massages
- 100. Rowing club

# APPENDIX B: Boyne City PlacePlan Design Images



**WATERFRONT IMPROVEMENT  
PENINSULA BEACH  
BOYNE CITY, MI**



**MICHIGAN STATE UNIVERSITY**  
**MICHIGAN STATE UNIVERSITY**

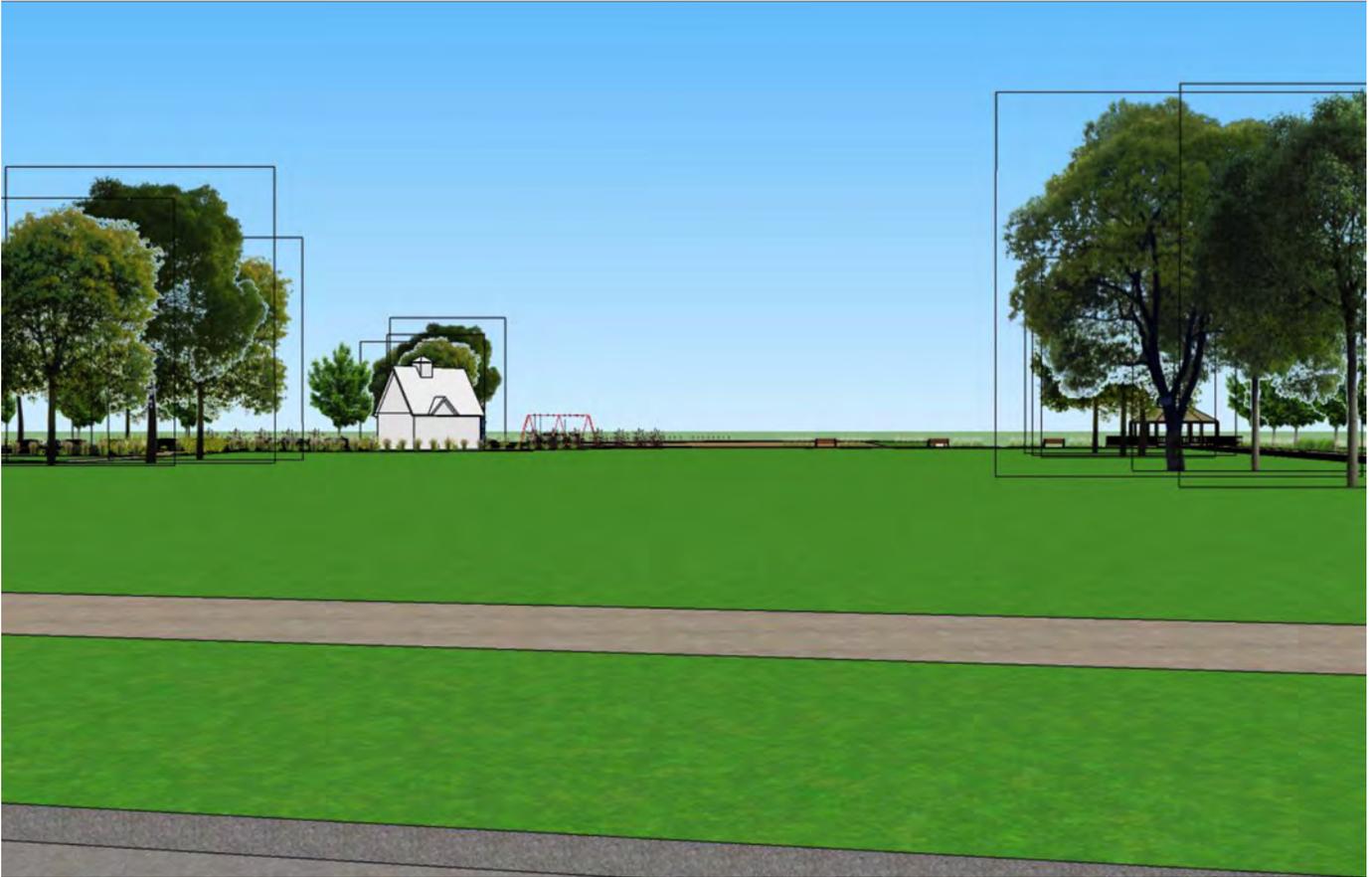
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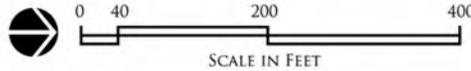








**WATERFRONT IMPROVEMENT**  
**SUNSET PARK**  
**BOYNE CITY, MI**

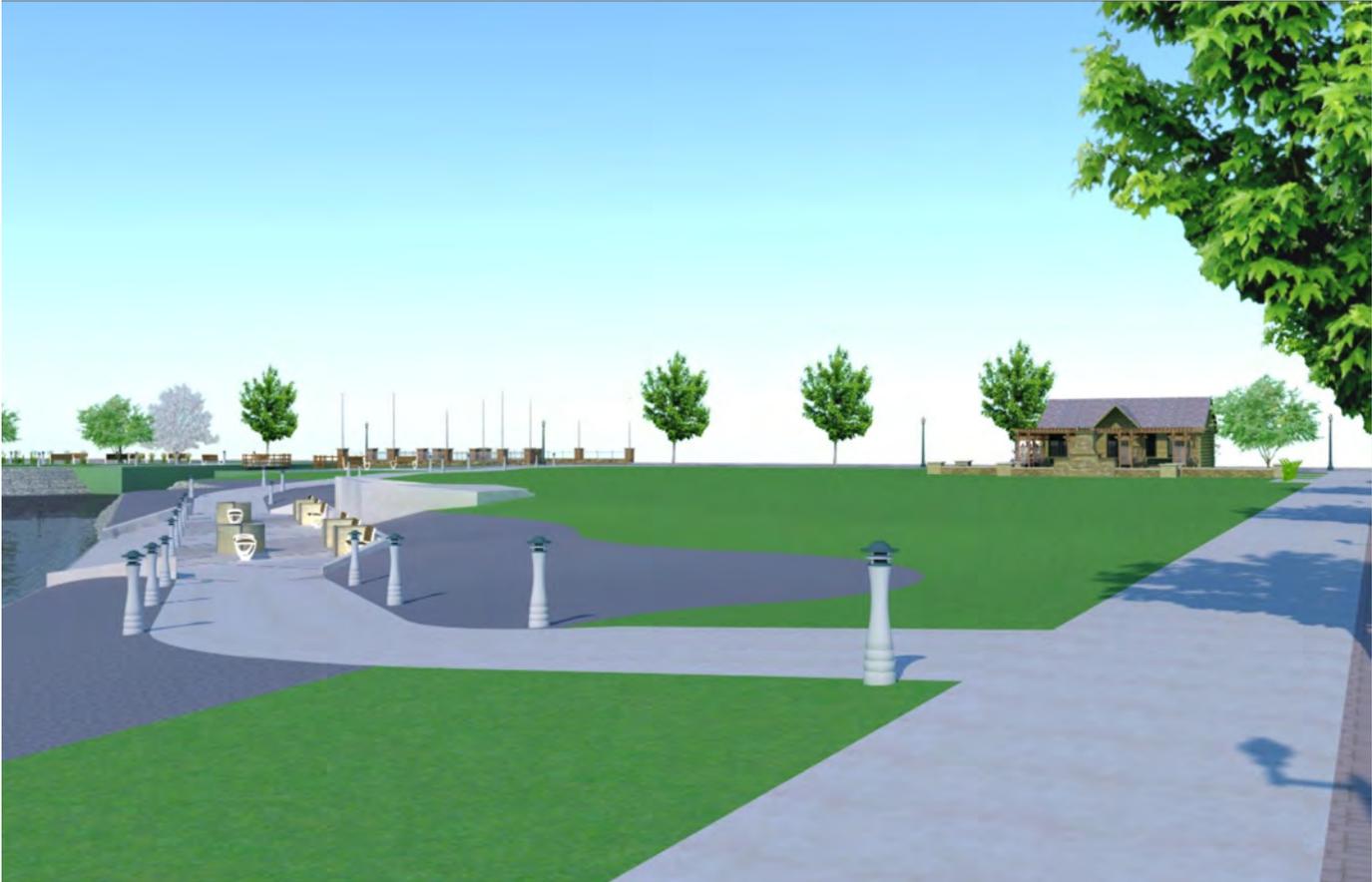


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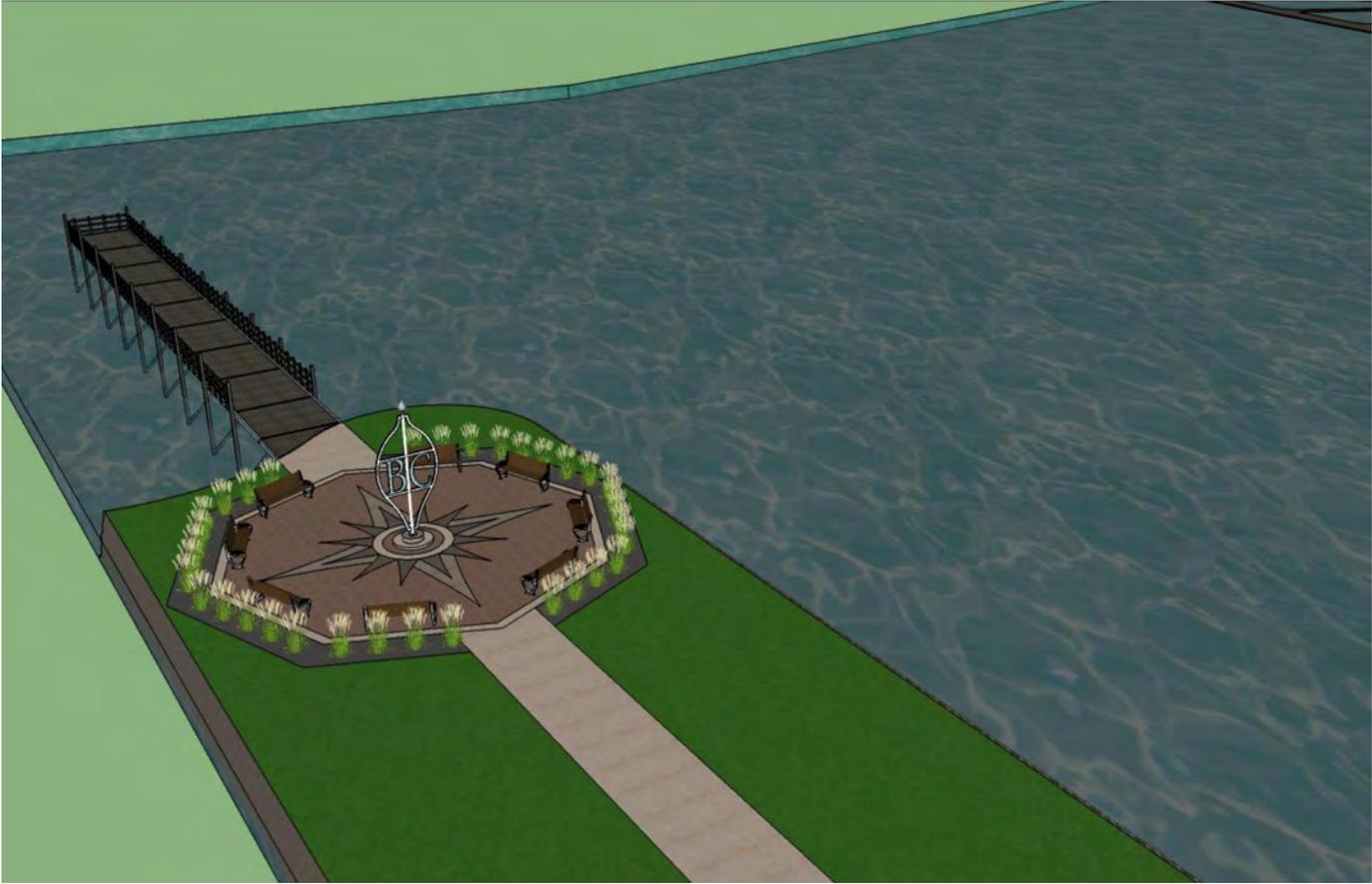
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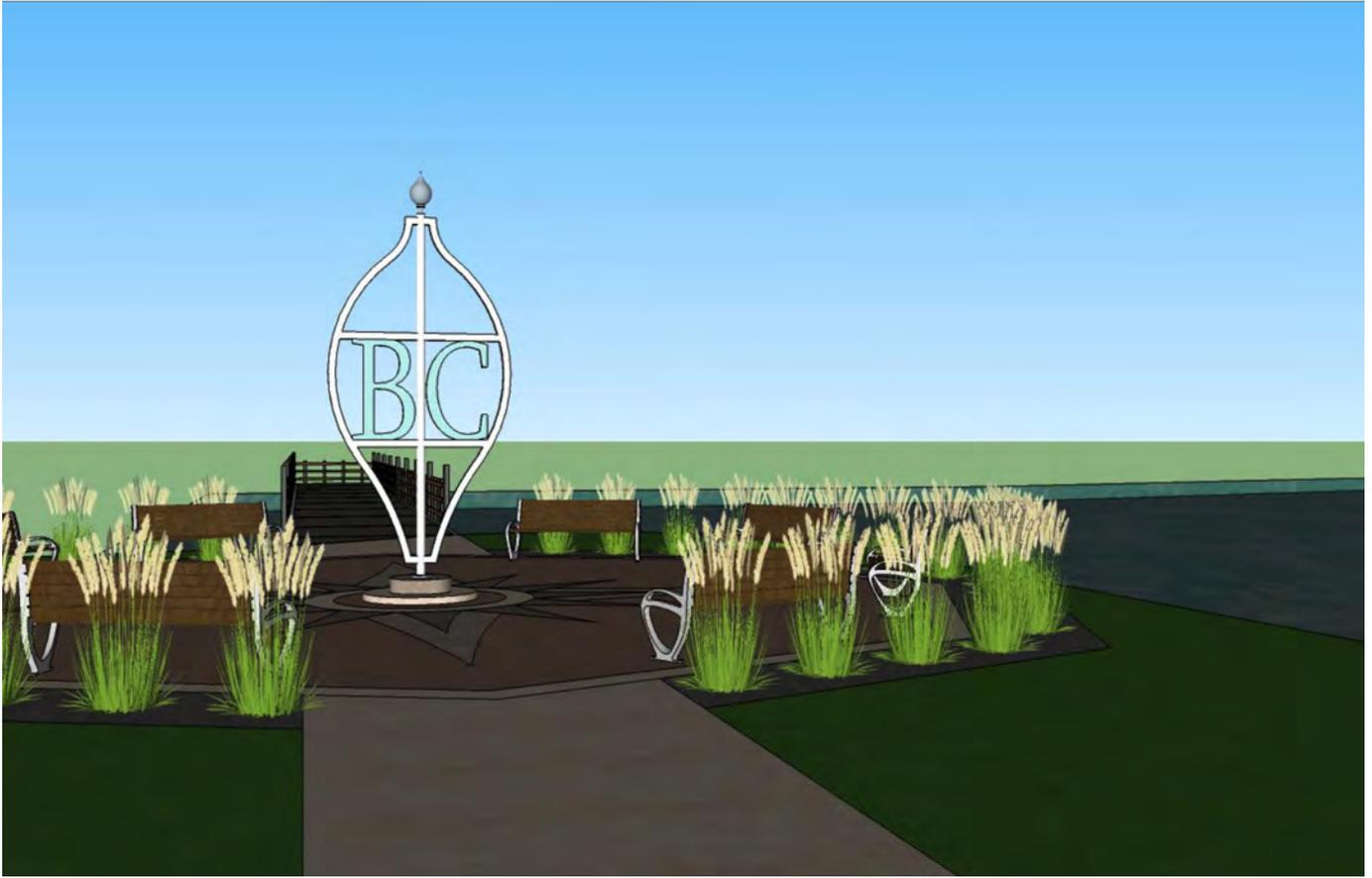






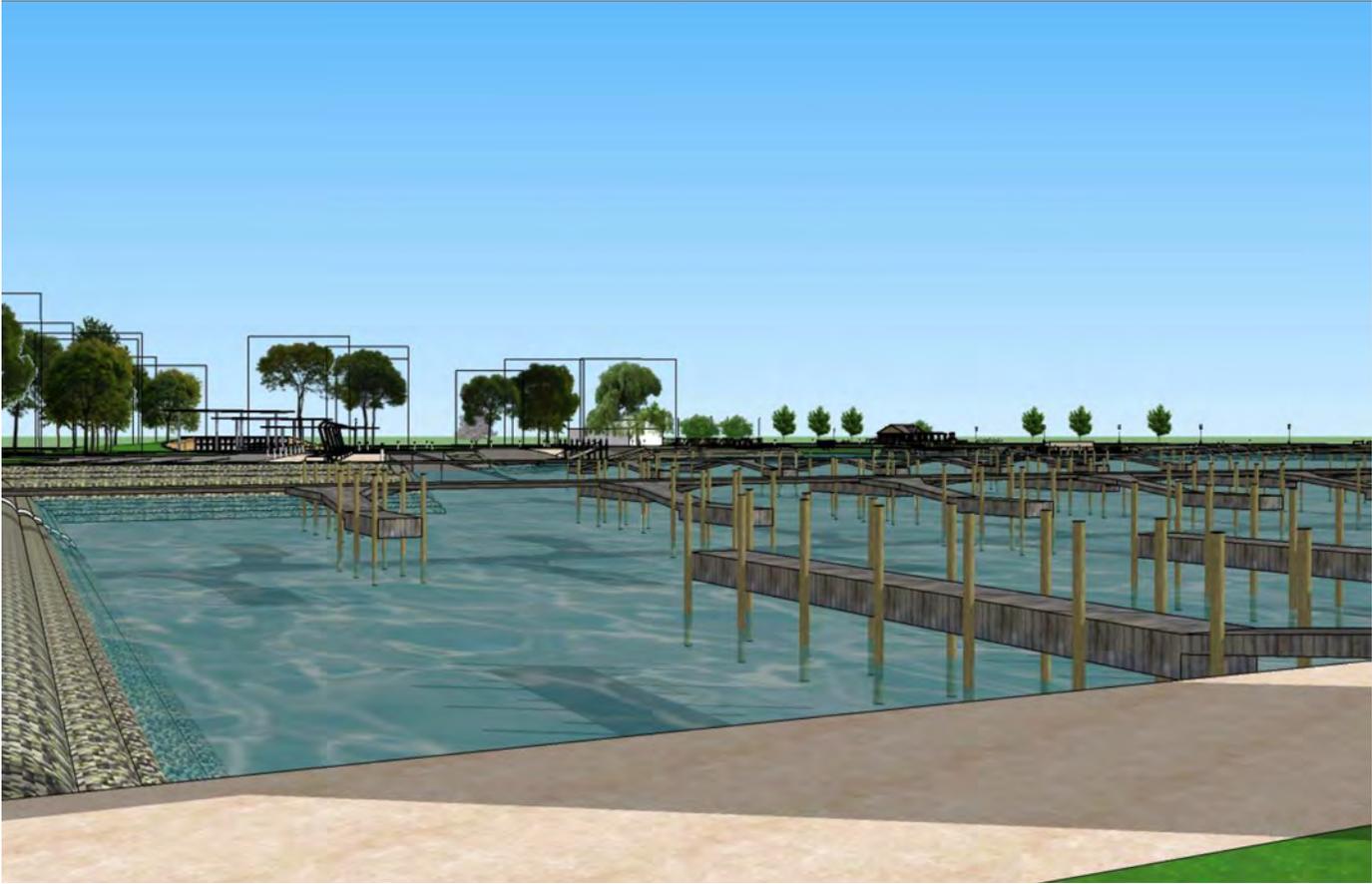










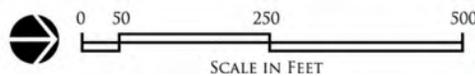








**WATERFRONT IMPROVEMENT  
VETERANS PARK  
BOYNE CITY, MI**



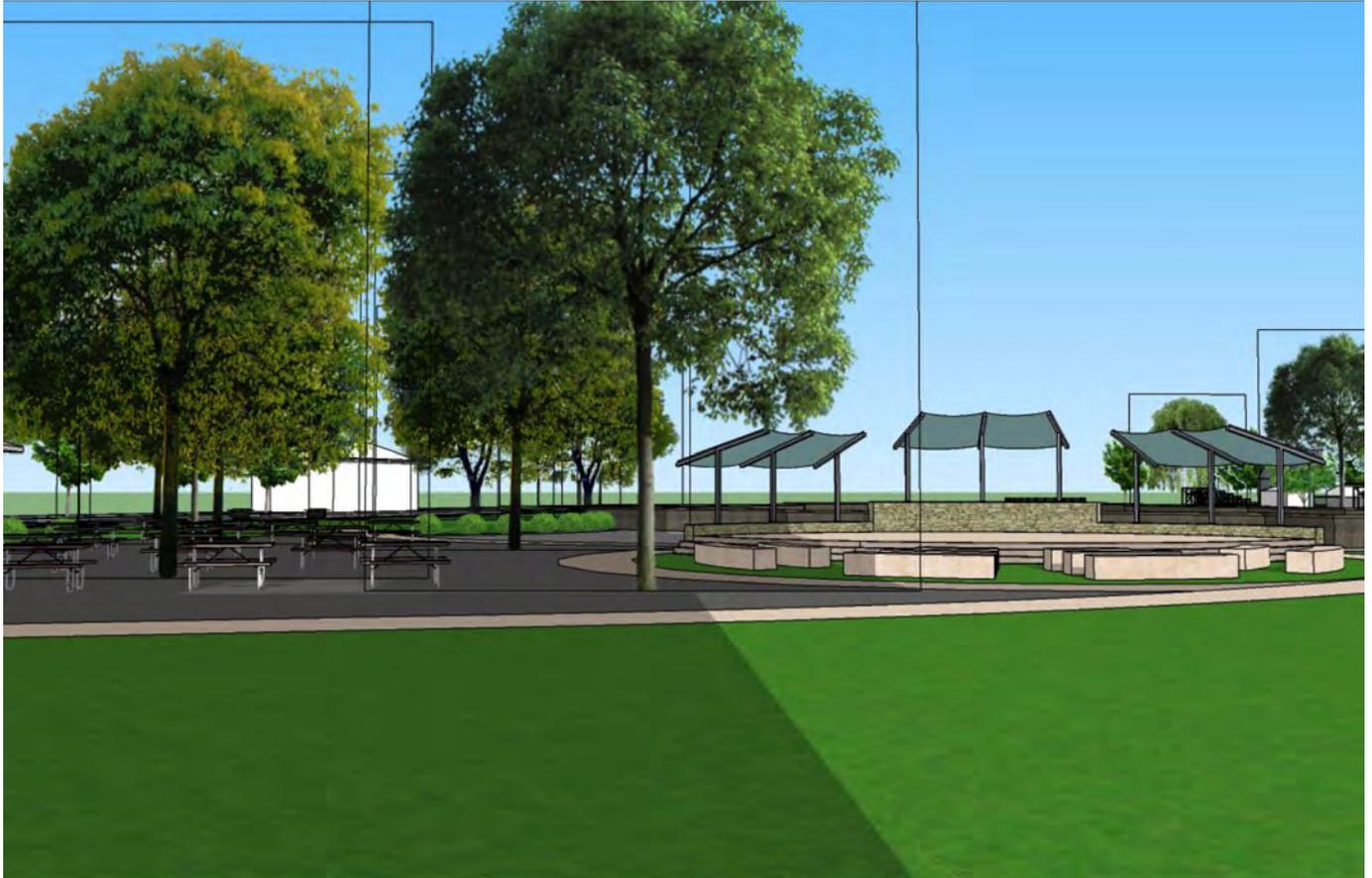
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School of Planning, Design and Construction







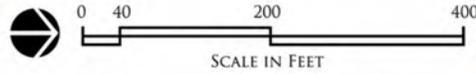








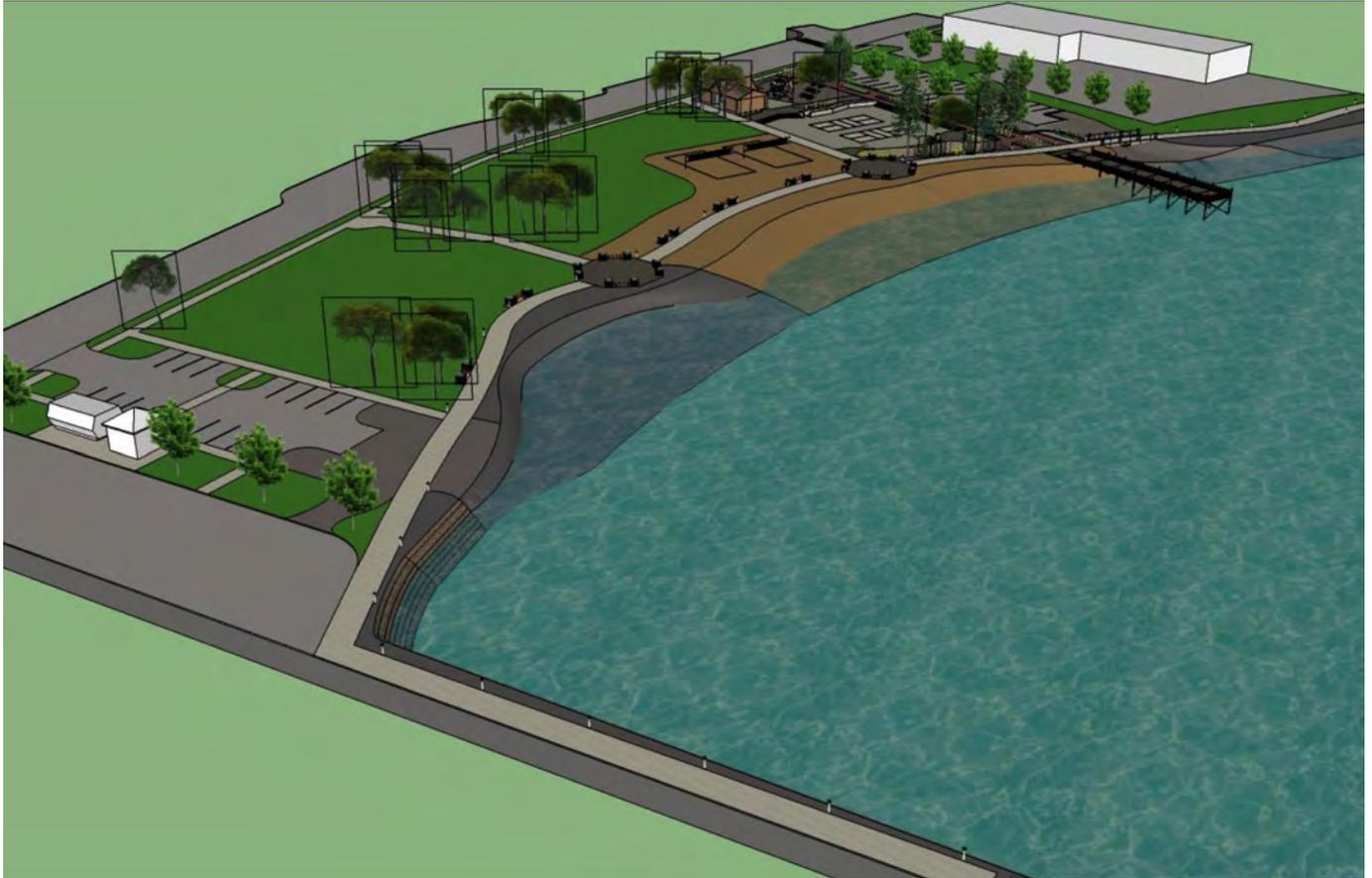
WATERFRONT IMPROVEMENT  
THE OPEN SPACE  
BOYNE CITY, MI



MICHIGAN STATE UNIVERSITY  
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Extension  
School of Planning, Design and Construction

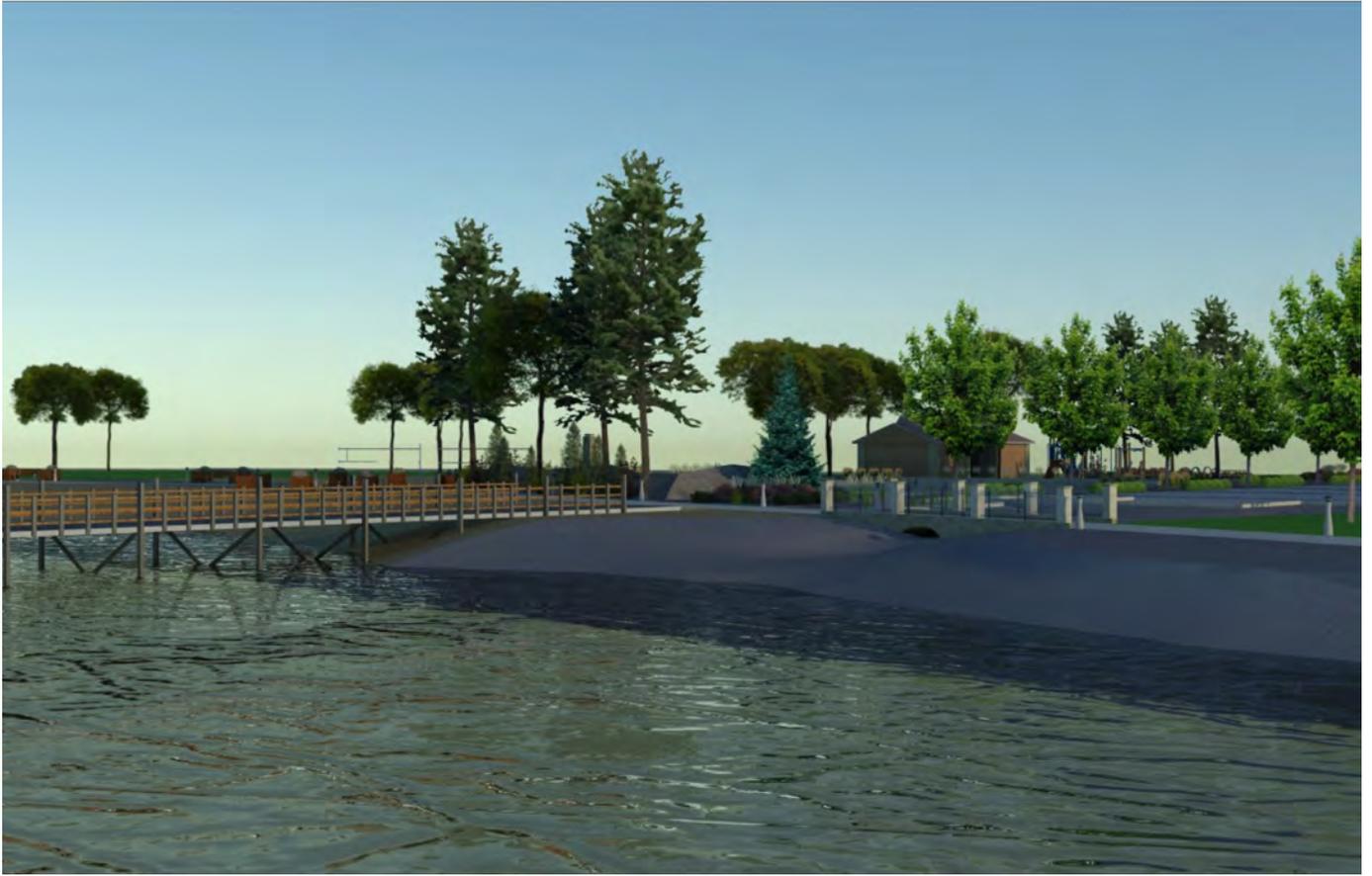




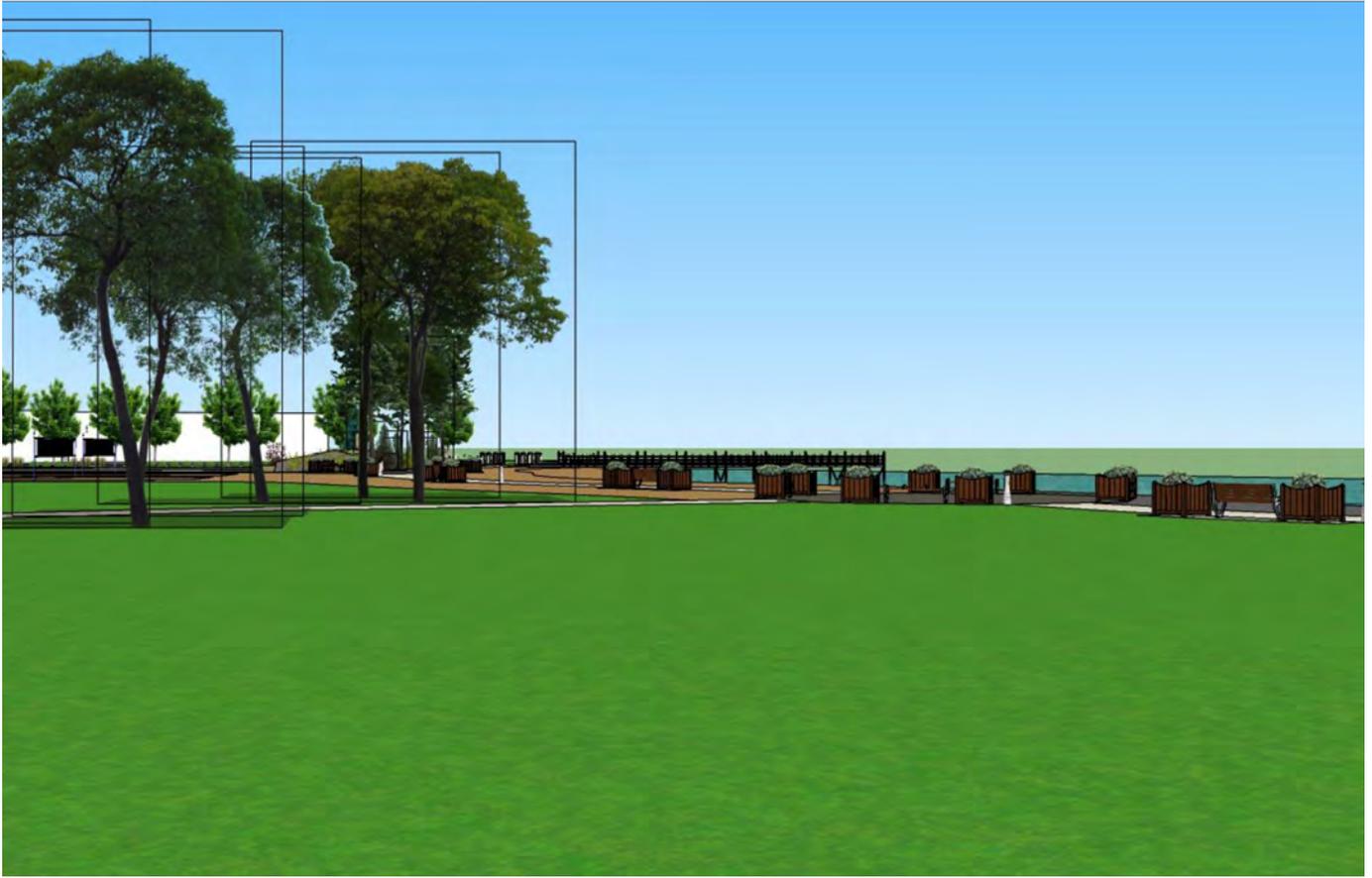
























## ARTICLE II. HOUSING-PROPERTY MAINTENANCE CODE\*

\*Cross references: Buildings generally, Ch. 6.

### DIVISION 1. ADMINISTRATION AND ENFORCEMENT

#### Sec. 14-2. Short title; purpose; scope.

(a) *Short title.* This article shall be known as the "Minimum Properties Standards Code of the City of Holland" for all structures and properties and is herein referred to as "the Housing-Property Maintenance Code" or "this article."

(b) *Purpose.* The purpose of this article is to protect the public health, safety and welfare in buildings and on the premises as hereinafter provided by:

(1) Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; and for cooking equipment in all structures now in existence;

(2) Fixing the responsibilities of owners, operators and occupants of all structures; and

(3) Providing for administration, enforcement and penalties.

(c) *Scope generally.* The provisions of this article shall apply to all structures and premises which are now, or may become in the future, substandard with respect to structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, overcrowding or welfare of their occupants. The existence of such conditions, factors or characteristics adversely affects public safety, health and welfare and leads to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.

(d) *Applicability to travel trailers and mobile homes.* All moveable units used for human occupancy, and the areas, grounds or parcels on which they are located, insofar as they are applicable thereto shall comply with the requirements of this article.

(Ord. No. 1341, 7-17-02)

#### Sec. 14-3. Applicability of article to related ordinances and existing buildings.

(a) *Generally.* Every portion of a building or premise used or intended to be used shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter provided.

(b) *Construction codes.* Any alterations to buildings, or changes of use therein, which may be caused, directly or indirectly, by the enforcement of this article shall be done in accordance with applicable sections of the construction codes of the city.

(c) *Zoning law.* Nothing in this article shall permit the establishment or conversion of a multifamily dwelling in any zone district except where permitted by the zoning law, or the continuation of such nonconforming use in any zone except as provided therein.

(d) *Conflict with other ordinances.* In any case where a provision of this code conflicts with the provision of any zoning, building, fire, safety, or health ordinance or Code of the City of Holland, the provision which establishes the higher standard for the promotion and protection of safety and health of the people shall prevail. In any case where a provision of this code conflicts with a provision of any other ordinance or code of the City of Holland and the other ordinance or code establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this code shall prevail. In any case where a provision of this code conflicts with the provision of any other ordinance or code of the City of Holland and the provisions of this code and the provisions of the other ordinance or code establish comparable standards for the safety and health of the people, the enforcing officer shall allow compliance with either code or ordinance.

(e) *Existing buildings.* This article establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this section.

(f) *Existing remedies.* Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4. Enforcement authority.**

(a) *Enforcing officer.* It shall be the duty and responsibility of environmental health and inspections to enforce the provisions of this article as herein provided. The term "enforcing officer" shall mean the director of environmental health and inspections or his duly authorized representative.

(b) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith under the provisions of this article shall be the exclusive responsibility of the enforcing officer. Wherever, in the opinion of the enforcing officer, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders, to the extent reasonably practicable under the circumstances. No order for correction of any violation under this article shall be issued without the approval of the enforcing officer.

(c) *Administrative liability.* Except as may otherwise be provided by the state statute, local law or ordinance, an officer, agent or employee of the city charged with the enforcement of this article shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this article. A person who institutes or assists in the prosecution of a criminal proceeding under this article shall not be liable for damages hereunder, as long as the person who institutes or assists in the prosecution has reasonable cause to believe that the party accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent or employee of the jurisdiction, as a result of any act required or permitted in the discharge of his or her duties under this article, shall be defended by the legal representative of the jurisdiction until the final determination of the proceedings.

(d) *Inspections.* The enforcing officer may make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare

of the public under the provisions of this article.

(e) *Right of entry.* When an inspection shall be made, the enforcing officer may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this article. Permission to access the premises may be granted by the owner of the premises, his or her agent, and a tenant occupying the premises or any other occupant of the premises. If there is an emergency, then the enforcing officer shall have the right to enter at any time.

(f) *Warrants for nonemergency situations.* In a nonemergency situation where the owner, his or her agent, a tenant or other occupant of the premises demands a warrant for the inspection of the premises, the enforcing officer shall obtain a warrant from a court of competent jurisdiction. The enforcing officer shall prepare the warrant, stating the address of the structure to be inspected, the nature of the inspection as defined in this article or other applicable acts, and the reason(s) for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, compliance, etc.) established in this article and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this subsection, and that it is for the purposes set forth in this article and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this subsection, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.

(g) *Access by owner.* Every tenant or other occupant of a property in the city shall give the owner thereof, or his or her agent or employee, access to any part of the premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this article.

(h) *Rules and regulations.* Environmental health and inspections shall adopt rules to govern the procedures under this division and interpretation thereof. The rules shall set forth the procedures for inspections, registration of rental units, issuance of rental certificates of compliance and temporary rental certificates of compliance, proceedings affecting the status of a certificate and appeals. Copies of such rules shall be placed on file in the office of the city clerk for inspection by the public.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.1. Condemnation of dangerous or unsafe structures.**

(a) *Generally.* Structures shall be condemned as dangerous structures or unsafe for human occupancy as herein provided.

(b) *Dangerous structures.* If all or part of any building or structure (including, among others, a fence, billboard or sign) or the equipment for the operation thereof (including, among others, the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the enforcing officer, to be in an unsafe condition or dangerous to life, limb or property, the enforcing officer shall proceed to have the same condemned pursuant to the applicable provisions of codes of the city or the state pertaining to unsafe structures including but not limited to the procedures under chapter 19 for dangerous structures.

(c) *Structures unfit for human occupancy.* Whenever the enforcing officer finds that any structure constitutes a hazard to the safety, health or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary or vermin-infested; or lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this article, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such structure as unfit for human occupancy and order it to be vacated.

(d) *Unlawful structures.* If any structure, or any part thereof, is occupied by more occupants than permitted under this article, or was erected, altered or occupied contrary to law, such structure shall be deemed an unlawful structure, and the enforcing officer may cause such structure to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

(e) *Notice--Generally.* Notice of the declaration of any building under this article as unfit for human occupancy and the order to vacate it shall be served as provided in this article or such other codes or ordinances of the municipality pertaining to unsafe buildings.

(f) *Same--Posting.* Any structure declared as unfit for human occupancy shall be posted with a placard by the building official. The placard shall include the following:

- (1) The name of the city;
- (2) The name of the authorized department having jurisdiction;
- (3) The chapter and section of the code under which it is issued;
- (4) An order that the structure, when vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
- (5) The date that the placard is posted; and
- (6) A statement of the penalty for defacing or removing the placard.

(g) *Same--Form.* Whenever the enforcing officer has declared a structure as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the structure as unfit for human occupancy. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reasons why it is being issued;
- (4) State the time to correct the conditions; and
- (5) State the time the occupants must vacate the structure.

(h) *Same--Service.* Service of notice to vacate shall be as follows:

- (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- (2) By certified or registered mail addressed to the owner at his last known address, with postage prepaid thereon; or

(i) *Same--Unauthorized removal of placard or notice.* A person shall not deface or remove the placard from any structure which has been declared or placarded as unfit for human habitation, except by authority in writing from the enforcing officer. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(j) *Vacating of placarded building.* Any structure which has been declared and placarded as unfit for human occupancy by the enforcing officer shall be vacated within a reasonable time as required by the enforcing officer, and it shall be unlawful for any owner or operator to let any person continue to occupy or reside in structure, and a person shall not occupy any structure which has been declared or placarded by the enforcing officer as unfit for human occupancy after the date set forth in the placard. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(k) *Written approval for occupancy of building.* A structure which has been declared or

placarded as unfit for human occupancy shall not again be used for human occupancy until written approval is secured from the enforcing officer. The enforcing officer shall remove such placard whenever the defects upon which the declaration and placarding action were based have been eliminated.

(l) *Furnishing copies of notice to other city departments or officials.* The enforcing officer may furnish a copy of each notice to vacate a building to the police department, fire department and any other designated official of the city concerned therewith.

(Ord. No. 1341, 7-17-02)

### **Sec. 14-4.2. Violations.**

(a) *Notice--Service.* Notice of violation shall be served upon the owner of record; provided, that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if he is not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place or on or about the structure affected by the notice.

(b) *Same--Contents.* Whenever the enforcing officer determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation, of any provision of this article he shall give notice of such violation or alleged violation to the person responsible therefor. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Specify the violation which exists and the remedial action required; and
- (4) Allow a reasonable time for the performance of any act it requires.

(c) *Same--Noncompliance; legal action or proceeding.* In case any notice of violation is not complied with within the time set forth in the notice, the enforcing officer may request the city attorney to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:

- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain or correct the erection, installation or alteration of such building;
- (3) To require the removal or work in violation;
- (4) To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this article, or in violation of a plan or specification under which an approval, permit or certificate was issued;
- (5) To comply with the penalty provisions of this article; or
- (6) To pay the attorney fees and costs incurred by the city with respect to the action or proceeding at law or in equity and the administrative expense incurred by the city in efforts to enforce the notice of violation.

(d) *Change in ownership; sale or transfer of premises.* A person shall not sell or transfer premises which are subject to an outstanding housing order unless a copy of the order issued by the enforcing officer is provided to the person acquiring the premises at the time of sale or transfer of the premises.

(e) *Seller's notice to city upon sale or transfer of premises.* The person selling or transferring the premises shall notify the city of same in writing within ten (10) days of transferring ownership of the premises subject to the outstanding housing order. The notice to the city shall include the name, address and telephone number of the person acquiring the premises and the effective date of the transfer of ownership. The city shall immediately issue a new housing order to the person acquiring the premises. The person selling or transferring the premises who has failed to comply with an outstanding housing order shall not be relieved of the responsibility of having violated any provision of this article by selling or transferring the premises.

(Ord. No. 1341, 7-17-02)

### **Sec. 14-4.3. Appeals and administrative variances.**

(a) *Housing board of appeals established.* The city shall appoint and establish a housing board of appeals pursuant to section 14-4.3. The housing board of appeals shall be known as the housing board of appeals. In addition to the five (5) regular members, the city may appoint two (2) persons to the housing board of appeals as alternate members, to serve in the absence of regular members, pursuant to rules and regulations adopted by environmental health and inspections, as approved by resolution of the city council.

(b) *Board duties.* The housing board of appeals shall hear appeals from decisions of the enforcing officer and shall act upon questions relating to the administration, enforcement and interpretation of this article, including variances from the requirements of this article. The housing board of appeals shall conduct its hearings in accordance with this section and such other sections of this Code.

(c) *Appeal of enforcing officer order; public hearing.* Any aggrieved party, including an occupant, may appeal an order issued by the enforcing officer to the housing board of appeals. The housing board of appeals shall hold a public hearing to review the decision of the enforcing officer and shall allow the enforcing officer and the aggrieved party and any other person to be heard and present evidence.

(d) *Staying of an order.* An appeal shall stay an order denying or suspending a rental certificate of compliance, unless such suspension is for a major violation. In such cases, an appeal shall not stay the suspension of the rental certificate of compliance, unless the director of environmental health and inspections orders that it be stayed.

(e) *Administrative variances.*

(1) *Ceiling height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing ceiling height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to ceiling height) including light and ventilation requirements and floor area to height ratio requirements;
- b. Any ceiling light fixtures in the rooms covered by the variance request are recessed;
- c. The applicant does not request a variance greater than three (3) inches from the ceiling height requirements under this Code.

(2) *Guardrail height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing guardrail height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to guardrail height);
- b. The surface area below and/or immediately adjacent to the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not hard surfaced; that is, it shall not be a surface created out of asphalt, concrete, gravel, wood, or other hard surface material;
- c. The guardrail for which the variance is sought is at least twenty-four (24) inches in height or more;
- d. The general pattern of traffic on the balcony, deck, landing, porch, stair or walking surface is not right along the portion of the balcony, deck, landing, porch, stair or walking surface where the guardrail for which the variance is sought is located;
- e. The surface area of the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not more than six (6) feet directly above the floor, grade, ground or surface area below, measured perpendicularly; and
- f. Spindle spacing and handrail height comply with this Code.

(3) *Room width requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing room width requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. The room is an existing room, not a proposed room;
- b. An inspection of the property reveals that it fully complies with this Code (except as to room width) including, but not limited to, light and ventilation requirements and ceiling height, and the room in question has a minimum of seventy (70) square feet of qualifying floor area;
- c. The room has a window which is either an approved egress window, or is as large as any other bedroom windows in the structure;
- d. The room cannot be made wider without substantial reconstruction, including but not limited to: relocation of exterior or bearing walls, relocation of a stairway, or relocation of plumbing or mechanical equipment. Substantial construction does not include the removal of a closet or the relocation of a non-bearing partition wall;
- e. The room is equipped with a hardwired, interconnected smoke detector inside the room in addition to other smoke detectors required by this Code;
- f. The room does not require, and has not been granted, an administrative ceiling height variance;
- g. The door and the required window in the room are not, and shall not be, obstructed by furniture or other materials; and
- h. The room, at any point in the room, is not less than six (6) feet nine (9) inches in width.

(f) *Appeals.* Any owner or person who is aggrieved by the ruling or decision of the enforcing officer in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the housing-property maintenance code may appeal the decision or interpretation to the housing board of appeals.

(g) *Filing.* Such appeal must be filed with the city clerk in writing, within thirty (30) days of the

date of the issuance of the decision or interpretation. an appeal shall not be received if the city has commenced prosecution proceedings pursuant to section 14-2(c).

(h) *Decision; housing board of appeals.* The appeal shall be decided by the following procedure:

(1) The housing board of appeals shall hold a public hearing to hear evidence of violations from the enforcing officer and the appellant. The appellant shall attend in person or may be represented by legal counsel.

(2) The housing board of appeals shall render its decision not more than sixty (60) days after the conclusion of the hearing. The failure to decide an appeal within sixty (60) days shall be deemed a denial. The decision of the housing board of appeals shall include findings of fact and conclusions of law based upon the evidence presented by the enforcing officer and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before housing board of appeals.

(3) The housing board of appeals shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the enforcing officer. The housing board of appeals shall also have the authority and jurisdiction to grant a variance from this article for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The housing board of appeals shall not have the authority to grant a variance from any of the requirements of this article unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The housing board of appeals may not grant a variance from or waive any fees or late charges.

(Ord. No. 1341, 7-17-02; Ord. No. 1480, 9-5-07)

#### **Sec. 14-4.4. Severability; saving clause.**

(a) *Severability.* If any section, subsection, paragraph, sentence, clause or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall continue in full force and effect, and to this end the provisions of this article are hereby declared to be severable.

(b) *Saving clause.* This article shall not affect violations of any other ordinance, code or regulation of the city existing prior to March 13, 1985, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 1341, 7-17-02)

## **DIVISION 2. DEFINITIONS**

#### **Sec. 14-4.5. Generally.**

(a) *Scope.* Unless otherwise expressly stated, the terms listed in this division shall, for the purposes of this article, have the meanings indicated.

(b) *Tense; gender; number.* Words used in the present tense include the future; words in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.

(c) *Terms defined in other codes.* Where terms are not defined in this article and are defined in the Michigan Construction Codes, they shall have the same meanings ascribed to them in those codes.

(d) *Terms not defined.* Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings, such as the context may imply.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.6. Words and phrases defined.**

For the purposes of this article, and in accordance with section 14-4.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Approved.* As applied to a material, device or method of construction, approved by the code official under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

*Basement.* That portion of a building, which is partly or completely below grade.

*Bathing room.* A room with a bathtub or shower and with a latching door so as to give privacy to a person in the room.

*Bathroom.* A room with a bathtub or shower, toilet, sink and with a latching door so as to give privacy to a person in the room.

*Construction codes.* The Michigan Building Code, Michigan Residential Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code are enforced by the City of Holland as resolved in Chapters 6 and 9 for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

*Building official.* The director of environmental health and inspections, or his duly authorized representative.

*Central heating.* The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

*Condemn.* To adjudge unfit for use or occupancy.

*Condemnation.* The act of judicially condemning.

*Dwellings.*

(a) *Boardinghouse.* A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.

(b) *Dormitory.* A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one (1) room or in a series of closely associated rooms.

(c) *Hotel.* Any building containing six (6) or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests.

(d) *Motel.* A hotel as defined in this section.

(e) *Multifamily apartment house.* A building or portion thereof containing more than two (2) dwelling units.

(f) *One-family dwelling.* A building containing one (1) dwelling unit with not more than five (5) lodgers or boarders.

(g) *Two-family dwelling.* A building containing two (2) dwelling units with not more than five (5) lodgers or boarders per family.

(h) *Rooming house.* Any one- or two-family residential building, or any part thereof, containing one (1) or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of a family (see "Dwellings, boardinghouse").

(i) *Rooming unit.* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Dwelling unit.* A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Enforcing officer.* The director of environmental health and inspections of the city, or his duly authorized representative.

*Environmental health and inspections.* The department of environmental health and inspections of the city, formerly known as the department of environmental health.

*Exterior property areas.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination.* The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.

*Family.* An individual or married couple and the children thereof, with not more than two (2) other persons related directly to the individual or married couple by blood or marriage, or a group of not more than five (5) unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

*Garbage.* The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

*Infestation.* The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

*Inventory checklist.* Such written itemization of the condition of a dwelling unit as required by the Michigan Security Deposit Act.

*Let for occupancy or let.* To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person, who shall be the legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.

*Major violation.* A major violation means any violation of the provisions of this article or any code adopted by the city, which poses a hazard or risk to the health and safety of the occupants of a dwelling unit, including any violation that substantially affects the habitability of the dwelling unit.

*Maintenance.* Acts of repair and other acts to prevent a decline in the condition of grounds, structures and equipment such that the condition does not fall below the standards established by this article and other applicable statutes, codes and ordinances.

*Minor violation.* A minor violation means any violation of this article, which is not deemed a major violation.

*Occupant.* Any person having the right of possession or use of any premises, building or structure.

*Openable area.* That part of a window or door, which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner/ownership.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. For the purposes of this article, ownership shall be presumed to be by the designated person or entity listed on the tax rolls maintained by the city for a structure or building, unless the enforcing officer is otherwise notified in writing.

*Person.* A person or other entity capable of owning a dwelling pursuant to the laws of the state.

*Plumbing.* The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the Michigan Plumbing Code.

*Plumbing fixture.* A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water there from, or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises.

*Premises.* A lot, plot or parcel of land, including the buildings or structures thereon.

*Public nuisance.* "Public nuisance" includes but is not limited to the following:

- (a) The physical condition or use of any premises regarded as a public nuisance at common law; or
- (b) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- (c) Any premises which has unsanitary sewerage or plumbing facilities; or
- (d) Any premises designated as unsafe for human habitation or use; or
- (e) Any premises which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb or property; or
- (f) Any premises from which the plumbing, heating and/or other facilities required by this article have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or where the required precautions against trespassers have not been provided; or
- (g) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (h) Any structure or building that is in a state of dilapidation, deterioration or decay or contains faulty construction; is overcrowded; is open, vacant or abandoned; is damaged by fire to the extent as not to provide shelter; or is in danger of collapse or failure and dangerous to anyone on or near the premises.

*Renovation.* The act of making a building and its facilities conform to present day minimum standards of sanitation, fire and life safety.

*Residential building.* A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided, except when classified as an institution

under the construction code.

*Responsible person.* The person who is responsible for correcting all major or minor violation (s), or both, pursuant to the provisions of section 14-4.25.

*Rubbish.* Combustible and noncombustible waste materials, except garbage, and including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Rules.* The rules as adopted by environmental health and inspections as approved by city council resolution.

*Structure.* That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy of use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

*Supplied.* Installed, furnished or provided by the owner or operator.

*Toilet room.* A room with a toilet/water closet and with a latching door so as to give privacy to a person in the room. A toilet room must either contain within the room a sink supplied with hot and cold running water or such a sink must be located in close proximity to the exterior of the room.

*Ventilation.* The process of supplying and removing air by natural or mechanical means to or from any space.

(a) *Mechanical.* Ventilation by power-driven devices.

(b) *Natural.* Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

*Washroom.* A room with a toilet, sink and with a latching door so as to give privacy to a person in the room.

*Yard.* An open, unoccupied space on the same lot with a building extending along the entire length of street or rear or interior lot line.

(Ord. No. 1341, 7-17-02)

## **DIVISION 3. ENVIRONMENTAL REQUIREMENTS**

### **Sec. 14-4.7. Generally.**

All properties covered by this article, whether or not occupied, shall be maintained in a clean, safe, secure and sanitary condition, so as not to cause a blighting problem or to adversely affect the public health or safety. Violations of this article causing a blighting problem or adversely affecting the public health or safety shall be violations of one (1) or more of the sections of this division.

(Ord. No. 1341, 7-17-02)

### **Sec. 14-4.8. Exterior premises.**

(a) *Sanitation.* All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from the accumulation of rubbish and garbage.

(b) *Containers.* Occupants shall store all garbage, vegetable wastes or other organic materials, which can rot and produce odors in leak-proof, approved containers in accordance with section 27-5 of this Code.

(c) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. "Stagnant water" is defined as any accumulation that has not dispersed within seven (7) days of the last recorded rainfall. Water retention areas and/or reservoirs approved by the code official are exceptions to this subsection.

(d) *Pest control.* All exterior property and premises shall be kept free of circumstances, which are harboring infestations of rodents or insects.

(e) *Accessory structures.* All accessory structures shall be maintained structurally sound and in good repair, so as to avoid a risk to public safety.

(f) *Fences and retaining walls.* All fences and retaining walls shall be maintained structurally sound and in good repair, so as to avoid an imminent risk to public safety.

(g) *Open fires.* Open fires shall be prohibited, except as specifically approved by the fire official.

(h) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.9. Exterior structure.**

(a) *Generally.* The exterior of all structures shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.

(b) *Street numbers.* Each structure to which a street number has been assigned shall have the number so displayed in a position easily observed and readable from the public right-of-way. All assigned street numbers shall be shown in accordance with Chapter 32-23.

(c) *Structural members.* All supporting structural members shall be maintained in a sound condition, free of deterioration and capable of safely bearing the dead and live loads imposed upon them.

(d) *Exterior surfaces.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a reasonable state of maintenance and repair and shall be kept in such condition as to exclude rodents.

(e) *Foundation walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

(f) *Exterior walls.* Every exterior surface including but not limited to walls, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition and shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.

(g) *Roofs and drainage.* The roof shall be structurally sound and not have defects, which

might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

(h) *Decorative features and accessories.* All decorative features and accessories shall be maintained in good repair with proper anchorage and in a safe condition.

(i) *Chimneys.* All chimneys and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weatherproofing materials.

(j) *Stairs and porches.* Every stair, porch, fire escape, balcony and railings and other appurtenances attached thereto shall be so constructed and maintained to be safe to use and capable of supporting the anticipated loads.

(k) *Handrails.* All stairways consisting of five (5) or more risers shall have a handrail that measures thirty (30) inches to thirty-eight (38) inches in height above the nosing of the stair tread. Handrails that form part of a guardrail system shall be located thirty (30) inches to forty-two (42) inches in height. All new and replacement handrails shall be installed as required by the Michigan Building Codes.

(l) *Guardrails.* Every porch, balcony, walking surface and open portion of a stairway located thirty (30) inches or more above the adjacent floor or grade below must have a guardrail. Existing guardrails shall be at least thirty (30) inches high with no opening that would allow the passage of a six-inch sphere. All new and replacement guardrails shall be installed as required by the Michigan Construction Codes.

(m) *Common areas.* Common stairs, porches, fire escapes and railings shared by three (3) or more units shall be maintained free of hazardous conditions such as snow, ice, mud and other debris.

(n) *Window frames and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight.

(o) *Openable windows.* At least one (1) window in each habitable room shall be capable of being easily opened. All openable windows shall be provided with window hardware capable of tightly securing the window.

(p) *Insect screens.* During that period of time from May 15 to October 15, at least one (1) openable window in each habitable room shall be supplied with approved tight fitting screens of not less than sixteen-mesh per inch. Screen doors where provided, or if required to meet minimum standards of ventilation, shall also be supplied with tight fitting screens of not less than sixteen-mesh per inch.

(q) *Door hardware.* Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.

(r) *Basement hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

(s) *Basement windows.* Every basement window, which is openable, shall be supplied with shields, storm windows or other material affording protection against the entry of rodents.

(t) *Exterior structure of vacant premises.* All exterior portions of a vacant premises must be securely fastened or boarded so as not to allow the entry of unauthorized persons or animals into the structure.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.10. Interior structure.**

(a) *Generally.* The interior of a structure shall be maintained in good repair, structurally sound and in a sanitary condition, so as not to pose a threat to the health, safety or welfare of the occupants and to protect the occupants from the environment.

(b) *Structural members.* The supporting structural members of every building shall be maintained structurally sound; not showing any evidence of deterioration which would render them incapable of carrying the imposed loads. For the purposes of this section, a structural member means any part of a building which provides the principal strength, stability, integrity, shape and safety to the building including, but not limited to, plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other components essential to the strength, stability, integrity, shape and safety of the building.

(c) *Interior surfaces.* Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition. Excessively peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be repaired.

(d) *Bathrooms, etc.* Every bathing room, bathroom, toilet room and washroom surface shall be constructed and maintained to prevent the retention of moisture and to avoid the penetration of water to lower levels of the structure, and so as to permit such floor to be easily kept in a clean, sanitary condition. Every toilet shall be enclosed in a bathroom, toilet room or washroom as those terms are defined in section 14-4.6.

(e) *Dampness.* In every building, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

(f) *Sanitation.* The interior of every structure and common area shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage.

(g) *Pest control.* The interior of all structures shall be kept free of circumstances which may harbor an infestation of insects or rodents. Infestations, when found, shall be promptly treated for the elimination thereof by a treatment program approved by the enforcing officer. Regular treatments shall continue until the infestation is eliminated. If the treatment program proves ineffective within a reasonable period of time, the enforcing officer may require the use of a more effective treatment program. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

(h) *Handrails.* All stairways consisting of five (5) or more risers shall have a handrail that measures thirty (30) inches to thirty-eight (38) inches in height above the nosing of the stair tread. Handrails that form part of a guardrail system shall be located thirty (30) inches to forty-two (42) inches in height. All new and replacement handrails shall be installed as required by the Michigan Building Codes.

(i) *Guardrails.* Every porch, balcony, walking surface and open portion of a stairway located thirty (30) inches or more above the surface below must have a guardrail. Existing guardrails shall be at least thirty (30) inches high with no opening that would allow the passage of a six-inch sphere. All new and replacement guardrails shall be installed as required by the Michigan Construction Codes.

(Ord. No. 1341, 7-17-02)

## **DIVISION 4. LIGHT, VENTILATION AND SPACE REQUIREMENTS**

### **Sec. 14-4.11. Generally.**

(a) *Scope.* All properties covered by this article shall meet minimum standards for the light, ventilation and space for the occupancy of a structure.

(b) *Evidence.* Evidence of a violation of minimum standards for the light, ventilation and space requirements of structures shall be a violation of one (1) or more of the sections of this division.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.12. Light.**

(a) *Habitable rooms.* Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room, except when artificial light may be provided in accordance with the provisions of the construction code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. For the purposes of determining minimum lighting requirements, skylight areas shall be considered equivalent to window areas.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.13. Ventilation.**

(a) *Habitable rooms.* Every habitable room shall have at least one (1) window, which can be easily opened, or such other device as may be permitted under the construction code, as will adequately ventilate the room. The total openable window area in every room shall be equal to at least four (4) percent of the floor area.

(b) *Bathrooms.* Every bathroom and water closet compartment shall comply with the ventilation requirements for habitable spaces as required by this article; except, that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or water closet compartment must be exhausted to the exterior and may not be recirculated to any space, including the space from which it is withdrawn.

(c) *Cooking appliances.* Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking appliance shall not be permitted to be present in a sleeping room or dormitory unit.

(d) *Mechanical ventilation.* Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilation system shall be maintained in operation during the occupancy of any structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different residential space or occupancy of dissimilar use from which it is withdrawn.

(e) *Clothes dryer exhaust.* Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations. All clothes dryer vent ducts must be constructed of a metallic duct material.

(Ord. No. 1341, 7-17-02)

**Sec. 14-4.14. Dwelling units.**

(a) *Separation of units.* Dwelling units shall be separate and apart from each other and other adjoining spaces. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

(b) *Common access.* A habitable space, bathroom or water closet compartment, which is accessory to a dwelling unit, shall not open directly into or be used in conjunction with a room used for public purposes.

(c) *Below grade rooms.* Rooms partially or completely below grade shall not be used as sleeping space, unless the following requirements are met:

- (1) Floors and walls are watertight, so as to prevent entry of moisture;
- (2) Light and ventilation requirements are met in accordance with sections 14-4.12 and 14-4.13 of this Code;
- (3) A window or exterior door has a minimum net clear opening of five and seven-tenths (5.7) square feet, the sill is no more than forty-four (44) inches above the floor and does not require tools or keys to open;
- (4) The window or exterior door is above grade or an approved window well is provided.

(Ord. No. 1341, 7-17-02)

**Sec. 14-4.15. Space requirements generally.**

(a) *Prohibited use for sleeping purposes.* It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.

(b) *Minimum area for sleeping purposes.* Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant.

(c) *Overcrowding.* The maximum number of persons occupying a dwelling or a dwelling unit shall be calculated using the following table:

Minimum Occupancy Area  
(in square feet)

TABLE INSET:

Space	1--2 Occupants	3--5 Occupants	6 or More Occupants
Living room	None req.	120	150
Dining room	None req.	80	100
Kitchen	50	50	60
Bedrooms	50 per occupant, with minimum of 70 for one occupant		

(d) *Combined spaces.* Combined living room/dining room/kitchen spaces will be construed as meeting the requirements of the above table if the total area is equal to that required for separate rooms and if the space is so located that it may practically function as a combination of the two (2) or three (3) rooms.

(e) *Minimum ceiling heights.* Habitable (spaces) rooms, hallways, corridors and habitable basements shall have a ceiling height of not less than seven (7) feet (2,134 mm) measured to

the lowest projection from the ceiling, except that in attics or top half stories the ceiling height shall be not less than seven (7) feet over not less than one-third ( 1/3) of the minimum area required by this Code when used for sleeping, studying, or similar activity. In calculating the floor area of attics or top half stories, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

(f) *Minimum room widths.* Every habitable space shall have a clear room width of not less than seven (7) feet; provided that kitchens shall require a clear passageway of not less than three (3) feet between counters, appliances and/or walls.

(Ord. No. 1341, 7-17-02)

## DIVISION 5. PLUMBING REQUIREMENTS

### Sec. 14-4.16. Fixtures and facilities.

(a) *Scope.* This section covers the basic plumbing facilities and fixtures requirements for properties covered by this division.

(b) *Evidence of inadequate plumbing.* Evidence of inadequate plumbing facilities or fixtures shall be a violation of one (1) or more of the subsections of this section.

(c) *Requirement for dwelling units.* Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste, and which shall be supplied and maintained in a sanitary, safe working condition.

(d) *Water closet and lavatory.* Every dwelling unit shall contain within its walls a room separate from habitable spaces, which affords privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room in close proximity to the door leading directly into the room in which such water closet is located. The lavatory shall be supplied with hot and cold running water.

(e) *Bathtub and shower.* Every dwelling unit shall contain a room which affords privacy and that is equipped with a bathtub or shower supplied with hot and cold running water.

(f) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory required under this article, and such sink shall be supplied with hot and cold running water.

(g) *Requirement for rooming houses.* In every rooming house, at least one (1) closet, lavatory basin and bathtub or shower properly connected to an approved water sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house, wherever such facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times, in every rooming house.

(h) *Privacy.* Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

(i) *Accessibility in rooming houses, etc.* Toilet rooms and bathrooms serving rooming houses or dormitory units, unless located with such respective units or directly connected thereto, shall be provided on the same story with such units and be accessible only from a common hallway or passageway.

(j) *Maintenance and construction of fixtures.* All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of approved nonabsorbent material.

(k) *Connecting generally.* Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstruction, leaks and defects and capable of performing the function for which they are

designed. All installations shall be in accordance with the provisions of the Michigan building code or plumbing code.

(l) *Sanitary maintenance.* All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant, so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(m) *Access for cleaning.* Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area about it.

(n) *Connections to water system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

(o) *Protection of water supply from contamination.* The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture. Protection against back-siphonage must be provided for the water system.

(p) *Adequate water supply.* The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(q) *Water heating facilities.* Where hot water is provided, water-heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water and be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar unit, at a temperature of not less than one hundred (100) degrees Fahrenheit.

(r) *Connections to sewage system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(s) *Maintenance of plumbing stacks and waste and sewer lines.* Every plumbing stack and waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All installations shall be made in accordance with the provisions of the Michigan Construction Codes.

(Ord. No. 1341, 7-17-02)

## **DIVISION 6. MECHANICAL REQUIREMENTS**

### **Sec. 14-4.17. Generally.**

(a) *Scope.* This section covers the basic mechanical facilities and fixtures requirements for properties covered by this division.

(b) *Evidence of inadequate mechanical facilities.* Evidence of inadequate mechanical facilities shall be a violation of one (1) or more of the subsections of this section.

(c) *Heating system.* Every structure used as a dwelling shall be provided with a heating system capable of providing sufficient heat to all habitable rooms, bathing rooms, bathrooms, toilet rooms or washrooms and, in fact, operating during the hours that the area is occupied and required to be heated. "Sufficient heat" shall be defined as a room temperature of no less than sixty-five (65) degrees, as measured at a point three (3) feet above the floor and three (3) feet

from existing walls, from September 15 to May 15. In the event exterior temperatures fall below zero (0) degrees Fahrenheit and the heating system is operating at full capacity, "sufficient heat" shall be defined as a room temperature of not less than sixty (60) degrees Fahrenheit.

(d) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly, so as to be free from fire, health and accident hazards. All installations shall be made in accordance with the provisions of the building code or other laws or ordinances applicable thereto.

(e) *Installation and maintenance of mechanical equipment.* All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

(f) *Inspections.* Mechanical heating systems and heating appliances (including space heaters) shall be inspected and serviced by a licensed heating contractor under the following conditions:

- (1) On or before the expiration date of a three-year rental certificate of compliance;
- (2) After receiving a written notice stating that an inspection and service is required;
- (3) In the third year following the issuance of a six-year rental certificate of compliance;  
or
- (4) In the sixth year following the issuance of a six-year rental certificate of compliance in a newly constructed dwelling unit.

(g) *Chimney, flue or vent.* All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

(h) *Clearances to combustible materials.* All required clearances to combustible materials shall be maintained.

(i) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(j) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

(k) *Unauthorized devices.* Devices purporting to reduce gas consumption by attachment to a gas appliance, to the gas supply line thereto or to the vent outlet or vent piping there from shall not be used, unless approved by a nationally recognized testing laboratory for such use and unless the installation is specifically approved by the enforcing officer. Unvented, gas fired, space heating devices are not permitted as an alternative heat source.

(l) *Climate control.* When facilities for interior climate control (heating, cooling and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

(m) *Elevators--Maintenance.* Elevators shall be maintained to safely sustain the loads to which they are subject, to operate properly and to be free of physical and fire hazards.

(n) *Same--Operation.* In buildings equipped with elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied, unless temporarily out of service for testing and servicing.

(o) *Fireplaces, etc.* Fireplaces, and other construction and devices intended for use similar to a fireplace shall be stable and structurally safe and connected to approved chimneys

(p) *Fireplaces--Inspections.* All fireplaces shall be inspected and serviced by a qualified mechanical contractor (for gas fueled or for solid fueled fireplaces under the following conditions:

- (1) On or before the expiration date of a three-year rental certificate of compliance, after receiving a written notice stating that an inspection and service is required; or
- (2) In the third year following the issuance of a six-year rental certificate of compliance; or
- (3) In the sixth year following the issuance of a six-year rental certificate of compliance in a newly constructed dwelling unit.
- (4) *Exception.* Fireplaces shall not be required to be inspected and serviced if the owner of a premise determines that the fireplace shall not be used. In this case he shall submit a written letter, upon request, stating such to the enforcing officer. Written notice shall also be given to all current and new tenants. Alternately, the fireplace may be physically disabled, or affixed with permanent signage indicating it is not to be used.

(Ord. No. 1341, 7-17-02)

## DIVISION 7. FIRE SAFETY REQUIREMENTS

### Sec. 14-4.18. Generally.

- (a) *Scope.* All properties covered by this article shall meet the minimum standards for fire safety, facilities and equipment as contained in this division.
- (b) *Evidence of violations.* Evidence of a violation of the minimum standards for fire safety facilities and equipment requirements of a structure shall be a violation of one (1) or more of the sections of this division.

(Ord. No. 1341, 7-17-02)

### Sec. 14-4.19. Means of egress.

- (a) *Generally.* A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open space at grade.
- (b) *Direct exit.* Every dwelling unit or hotel/motel room shall have access directly to the outside or to an exit access corridor that leads directly to the outside.
- (c) *Locked doors prohibited.* All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, hotel units, lodging houses and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.
- (d) *Exit facilities.* All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair, so as to be safe to use and capable of supporting the anticipated loads.
- (e) *Fire escapes.* All required and all existing fire escapes shall be maintained in working condition and structurally sound.
- (f) *Exit signs.* All exit signs shall be maintained illuminated and visible.
- (g) *Dual egress.* Every residential building (except for one- and two-family dwellings) exceeding two (2) stories in height above grade, not counting basements, shall be provided with not less than two (2) approved independent exits from each floor above the second floor, fully

accessible from each occupancy on the floor.

(h) *Emergency escape from basement rooms.* Every sleeping room located in a basement shall have at least one (1) openable window or exterior door approved for emergency egress or rescue, or shall have access to two (2) approved independent exits.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.20. Accumulations and storage.**

(a) *Accumulations in stairways, doors, etc.* Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

(b) *Explosive or flammable matter.* Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential premises, except in reasonable quantities consistent with normal usage.

(c) *Prohibited location of residential units.* A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit (forty-three (43) degrees Centigrade) or lower, except as provided for in the construction code.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.21. Fire resistance ratings.**

Floors, walls, ceilings, doors, door frames, and other elements and components required to develop a fire resistance rating shall be maintained, so that the respective fire resistance rating of the enclosure, separation or construction is preserved.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.22. Fire protection systems and equipment.**

(a) *Generally.* All fire protection systems and equipment shall be maintained in proper operating condition at all times.

(b) *Fire alarms.* Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(c) *Fire suppression systems.* Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint and not bent or damaged. Sprinkler systems may be subject to testing as required by the manufacturer or NFPA13.

(d) *Standpipe systems.* Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free of deterioration. Systems may be subject to testing as required by the manufacturer or NFPA14.

(e) *Fire extinguishers.* All required portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition. Extinguishers may be subject to testing as required by the manufacturer or NFPA.

(f) *Hardwired smoke detectors.* Single- and multiple-station hardwired smoke detectors shall be installed and maintained in accordance with the manufacturer's installation specifications in

the vicinity of all bedrooms and on each level within a dwelling unit, including basements. Single- and multiple-station hardwired smoke detectors shall not be required in dwelling units, which are equipped throughout with an automatic residential sprinkler system. In addition to their required AC primary power source, all hardwired smoke detectors in all dwelling units shall have battery backup capabilities. The batteries shall be properly installed for use at all times so that the hardwired smoke detectors are usable when the AC primary power source is interrupted. All hardwired smoke detectors shall be replaced every ten (10) years after initial installation or in accordance with manufacture specifications.

(g) *Multiple detectors.* Where more than one (1) hardwired smoke detector is required to be installed, the detector shall be wired in such a manner that the activation of one (1) alarm will activate all of the alarms in the dwelling unit.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.23. Fire doors.**

All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

(Ord. No. 1341, 7-17-02)

### **DIVISION 8. ELECTRICAL REQUIREMENTS**

#### **Sec. 14-4.24. Generally.**

(a) *Scope.* This section covers the basic electrical facilities and fixtures requirements for properties covered by this division.

(b) *Evidence of inadequate wiring.* Evidence of inadequate electrical wiring of a dwelling covered by this article shall be a violation of one (1) or more of the subsections of this section.

(c) *Entrances and exits.* Entrances and exits shall be provided with illumination by exterior lighting fixtures. Lighting fixtures shall be controlled by interior wall switches, located for convenient and readily accessible use.

(d) *Living rooms.* Living rooms in dwelling units shall be provided with convenient duplex electrical receptacle outlets around the room, with at least one (1) duplex electrical outlet on each wall and a second duplex electrical outlet on each wall exceeding fourteen (14) feet in length.

(e) *Kitchens.* Kitchens in dwelling units shall be provided with either a wall or ceiling mounted light fixture, controlled by a wall switch, located for convenient and readily accessible use, nearest to the entrance to the room. Kitchens shall be provided with at least two (2) duplex electrical outlets, one (1) of, which shall be adequate for operation of a refrigerator. Kitchens shall be provided with either gas service or an electrical circuit adequate for operation of a stove. Kitchens shall be provided with two (2) small appliance circuits with a minimum of two (2) grounding type duplex electrical outlets, both of which shall be a minimum of thirty (30) inches above the floor. In lieu of grounding type duplex electrical outlets, ground fault interrupter circuits may be used. Any new circuits for appliances shall be a minimum of twenty (20) ampere capacity.

(f) *Bathrooms, washrooms, etc.* Bathing rooms, bathrooms, toilet rooms and washrooms within dwelling units shall be provided with a wall or ceiling mounted lighting fixture, controlled

by a wall switch. Bathrooms, toilet rooms which contain a sink, and washrooms shall be provided with one (1) or more grounding type duplex electrical outlet(s), which shall be at least thirty (30) inches above the floor, adjacent to the sink, and shall have a ground fault circuit interrupter.

(g) *Habitable rooms.* Habitable rooms within dwelling units shall be provided with convenient duplex receptacle outlets around the room, with a minimum of two (2) duplex receptacle outlets on separate walls. Any wall or ceiling mounted lighting fixtures shall be controlled by a wall switch located for convenient and readily accessible use, nearest the entrance to the room.

(h) *Basements.* Basements shall be provided with a minimum of one (1) lighting fixture for each three hundred (300) square feet of area or major fraction thereof. Each separate room of the basement shall have a minimum of one (1) lighting fixture. Basements shall have one (1) or more ground fault circuit interrupter receptacles.

(i) *Laundry areas.* Laundry areas within or accessory to a dwelling unit shall be provided with a minimum of one (1) lighting fixture. Laundry areas shall be provided with a separate circuit with a grounding type receptacle outlet suitable for use of laundry appliances. In lieu of a grounding type receptacle outlet, a ground fault interrupter circuit may be used. If provided, a separate electrical circuit shall be adequate for the operation of an electrical dryer.

(j) *Heating equipment.* Heating equipment, furnaces or heating systems requiring electrical energy for operation or control shall be provided with a separate grounded circuit. A disconnect switch shall be provided on or adjacent to the unit. Every furnace room shall be provided with a minimum of one (1) lighting fixture. Portable, electric heating appliances are not permitted as a permanent alternative heat source.

(k) *Stairways--Generally.* Stairways and/or each stair section shall be provided with lighting outlets controlled by wall switches located for convenient and readily accessible use. Switches shall not be located where it is necessary to use a darkened stair or stair section for their operation. All stairwells with six (6) steps or more shall be provided with multiple switch control, one (1) at the head and one (1) at the foot of the stairway.

(l) *Same--Common stairways and hallways.* Common stairways and hallways which are shared by four (4) or more units shall be illuminated at all times with a minimum of ten (10) foot-candles as required by the Michigan Construction Codes.

(m) *Service.* A minimum of one (1) electrical service to an existing residential structure containing three (3) or fewer dwelling units shall be at least three-wire, one hundred (100) ampere capacity. Any additional electrical services required or installed shall be a minimum of sixty (60) ampere capacity. Service equipment shall be dead front. Type "S" fuses shall be installed where fusible equipment is used. If the existing service does not comply with the above and it is then necessary to increase service or change service equipment, the service shall be increased to a minimum of one hundred (100) amperes.

(n) *Existing wiring and electrical equipment.* Existing wiring and electrical equipment shall be maintained and used as originally listed and designed to be used. All new wiring and electrical equipment used to replace existing inadequate wiring shall comply with the Michigan Electrical Code (MEC) and all provisions of this article. Illegal or unapproved extensions to the wiring system in order to provide light, heat or power shall be evidence of an inadequate wiring system and subject to the requirements for new construction.

(Ord. No. 1341, 7-17-02)

## **DIVISION 9. MAINTENANCE RESPONSIBILITY**

**Sec. 14-4.25. Generally.**

(a) *Scope.* The provisions of this division shall identify the person responsible for the maintenance of structures, and the equipment and premises thereof.

(b) *Determination of person in violation.* A person may be determined to be in violation of this article if deemed to be a person responsible, under the following subsections of this section, for a property which is in violation of any of the provisions of this article.

(c) *Occupant.* When it can be established to the satisfaction of the enforcing officer that the occupant has caused, or permitted to occur, a circumstance which results in a property being in violation of one (1) or more of the provisions of this article, that occupant shall be deemed the person responsible for the property being in violation of this article. The code official may use an applicable inventory checklist in making a determination as to the responsible party.

(d) *Owner--Generally.* In all events where a circumstance exists which results in the property being in violation of one (1) or more provisions of this article, the owner shall be deemed the person responsible for the property being in violation of this article.

(e) *Same--Additional responsibility.* In any event where an occupant shall be deemed the person responsible for the property being in violation of this article, the enforcing officer shall promptly notify the owner of the property of the determination of responsibility. The owner shall cause the occupant to cure the violations of this article. In the event the occupant shall fail to cure the violations of this article, the owner may take such action as shall be permitted by state law. If, within thirty (30) days after being notified by the enforcing officer, the owner has neither caused the occupant to cure the violations nor commenced action to evict the occupant, the owner shall be deemed the responsible person for the property being in violation of this article. The fact that an owner becomes a person responsible for the property being in violation of this article under this subsection does not release the occupant from liability as a responsible person pursuant to this article.

(f) *Imminent risk.* In any event where the occupant is the person responsible for the property being in violation of this article, but there is an imminent risk to the health or safety of the public or of an occupant other than the person responsible for the property being in violation of this article, the owner shall promptly cure the defect on behalf of the responsible occupant. Such action on the part of the owner does not release the occupant of responsibility under this article. The owner may demand restitution from the responsible occupant for the cost of curing the violation of this article.

(g) *City not responsible for cost reimbursement to owner.* Notwithstanding the foregoing provisions of this section, neither the city nor its enforcing officer and officials shall be responsible to prosecute and enforce the provisions of this article relating to monetary payments, restitution or reimbursement by a responsible occupant to an owner.

(Ord. No. 1341, 7-17-02)

**DIVISION 10. REGISTRATION AND CERTIFICATION OF RENTAL DWELLINGS****Sec. 14-4.26. Definitions.**

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Rental unit.* Any dwelling, dwelling unit or mobile home which is leased, made available for rental purposes, or occupied by a person(s) other than the owner (with or without monetary compensation), except:

- (a) Places of public accommodation licensed by the city under Chapter 26 of this Code.
- (b) Units required to be occupied by an employee or agent of an owner as a condition of employment (i.e., parsonages).
- (c) Any dwellings, dwelling units or mobile homes, which the state has exclusive authority under, state law to inspect and regulate.
- (d) The principal residence of the owner, which is temporarily, occupied by a person(s) other than the owner for not more than two (2) years.
- (e) Dwellings in a dormitory operated by an institution of higher education.
- (f) Dwelling units in which an owner of such unit resides unless the nonowner occupant (s) of such dwelling unit pay rent or make other compensation to the owner for occupancy of the dwelling unit.

*Responsible person.* The person who is responsible for correcting all major or minor violation (s), or both, pursuant to the provisions of section 14-4.25.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.27. Registration required.**

All dwellings, as defined by this article, which are leased or otherwise made available for rental purposes shall be registered by the owner with environmental health and inspections.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.28. Time periods for registration.**

- (a) All rental dwelling units shall be registered within thirty (30) days of occupancy by the tenant.
- (b) All newly constructed or newly converted rental dwellings shall be registered within thirty (30) days of the issuance of the certificate of occupancy by the city.
- (c) A rental dwelling, which is sold, transferred or conveyed, shall be reregistered by the new owner within thirty (30) days of the date of the deed, land contract or other instrument of conveyance.
- (d) All existing nonrental dwellings, which are converted to rental dwellings without issuance of a certificate of occupancy, shall be registered within thirty (30) days from the date on which the property is first occupied for rental purposes.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.29. Required information.**

The owner of a rental dwelling shall submit the following information to environmental health and inspections on forms prescribed by the department:

- (a) The address of the rental dwelling;
- (b) The number of rental units within the structure;
- (c) The name, residence address, mailing address, business telephone, home telephone and date of birth of the owner;

- (d) The name, residence address, business address and business telephone of the responsible agent designated by the owner; and
- (e) The date of registration of the rental dwelling;
- (f) The name of the person filing the registration;
- (g) Any additional information relating to habitable rooms as required by the rules.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.30. Fee; administrative late charge.**

No registration fee shall be assessed to the owner of a rental dwelling by the city if registration complies with the provisions of this division. An administrative late charge as established by a resolution adopted by city council per dwelling unit, boarding house, dormitory, or rooming house, shall be paid by the owner if registration of a rental dwelling does not comply with the provisions of this division. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.31. Incorrect and outdated registration information.**

An owner who fails to provide correct or current registration information shall be in violation of the provisions of this division.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.32. Inspections.**

(a) The enforcing officer may inspect buildings and structures to secure the health safety and welfare of the occupants and of the general public and to obtain and maintain compliance with the standards of this article. The enforcing officer may inspect residential rental units once every two (2) years without first receiving a complaint or without other cause, and in addition, may inspect buildings and structures under any of the following circumstances:

- (1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this article.
- (2) Upon receipt of a report or a referral from the police department, other public agency or department, or any individual indicating that the premises are in violation of this article, which report or referral is based on the personal knowledge of the person making the report or referral.
- (3) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this article.
- (4) Upon the enforcing officer's receipt of information that a rental unit is not registered with the city as required by this article.
- (5) As part of the rental certification program as required by section 14-4.34 of this article.
- (6) In order to determine compliance with a notice or a housing order issued by the city.
- (7) If an emergency is observed or is reasonably believed to exist.

(8) In accordance with requirements of law where a dwelling is to be demolished by the city or where ownership is to be transferred to the city.

(9) Upon the request of an owner of a rental unit for an advisory inspection. Such inspections shall be performed in accordance with the provisions of subsection (b) of this section.

(10) Prior to sale or transfer of any single family dwelling, an inspection shall be conducted in accordance with the rules as adopted by the city council and a certificate of compliance with all smoke detector requirements shall be obtained.

a. The property owner shall pay an inspection fee as adopted by resolution of city council. All fees shall be paid before a certificate will be issued.

b. A certificate is valid for three (3) years from the date of issuance. A new inspection and certificate shall not be required prior to a transfer if a certificate was issued within three (3) years prior to the transfer of title.

c. A certificate issued under this subsection shall only be evidence of compliance with smoke detector requirements and shall not be evidence of compliance with any other code requirements.

d. For purposes of this subsection only, a sale or transfer does not include a transfer:

1. After which the transferor retains an ownership interest in the property;

2. The property is transferred to a trust for the benefit of the transferor; or

3. The transfer is from a trust or estate to beneficiaries of the trust or estate without consideration.

e. All major violations cited shall be corrected prior to transfer of title.

f. Failure to comply with this subsection shall be deemed a municipal civil infraction by both the seller and buyer.

(11) Prior to operation of a Type I or II Home Business (as defined in chapter 39) approved under chapter 39 of this Code, an inspection shall be conducted of the area of a dwelling to be used for the home business together with any areas in the dwelling to be used for ingress to and egress from the area used for the home business. Should the owner or occupant move the home business to a different location in the dwelling which has not been inspected under this subsection, the owner or occupant shall obtain a new inspection. Fees for the inspection shall be paid before the owner or occupant conducts the home business. All major violations cited shall be corrected prior to conducting the home business.

(b) During the inspection, which shall be conducted in accordance with section 14-4 of this article, the enforcing officer shall note any violations of this article or other provisions of this Code and shall issue a housing order notice of all violations to the responsible person in accordance with section 14-4.2(a) and (b). The housing order shall direct the responsible person to correct violations within the time set forth in the notice. A reasonable time for correcting violations shall be determined by the enforcing officer in light of the nature of the violations and all relevant circumstances, but shall not exceed thirty (30) days. Upon request by the responsible person, the enforcing officer may extend the time for correcting minor violations, if the enforcing officer deems such action appropriate under all relevant circumstances.

(c) A responsible person, who receives a housing order notice pursuant to section 14-4.2(a) and (b) of major or minor violations, or both, shall not fail to correct those violations within the

time period set forth in the notice.

(Ord. No. 1341, 7-17-02; Ord. No. 1367, 8-20-03; Ord. No. 1388, 6-2-04)

**Sec. 14-4.32.1. Housing inspections--Neighborhood Enterprise Zone dwelling.**

(a) Prior to the sale of a dwelling unit in a new or rehabilitated facility for which a Neighborhood Enterprise Zone certificate is in effect, an inspection shall be made by the city to determine compliance with the Housing Property Maintenance Code of the City of Holland and a sale shall not be finalized until there is compliance with the Housing Property Maintenance Code of the City of Holland.

(b) The city shall be permitted to inspect the dwelling unit for which a Neighborhood Enterprise Zone certificate is in effect and shall issue a certificate of compliance if the Housing Property Maintenance Code of the City of Holland has been met. The property owner shall pay an inspection fee in an amount as determined by resolution of the city council. All fees shall be paid before a certificate will be issued.

(c) For purposes of this section, a sale or transfer does not include a transfer:

- (1) After which the transferor retains an ownership interest in the property;
- (2) The property is transferred to a trust for the benefit of the transferor; or
- (3) The transfer is from a trust to beneficiaries of a trust or estate without consideration.

Notwithstanding the foregoing, a sale or transfer shall be deemed to occur and this section shall apply if the property owner requires a transfer or assignment of the Neighborhood Enterprise Zone certificate.

(d) Any dwelling unit which constitutes a rental unit pursuant to section 14-4.26 of the Ordinance Code of the City of Holland shall be required to comply with all requirements of division 10 of chapter 14 of the Ordinance Code of the City of Holland.

(Ord. No. 1407, 3-2-05)

**Sec. 14-4.33. Inspections--Fees; administrative late charge.**

(a) Environmental health and inspections shall establish a schedule of inspection fees, which shall not exceed the cost of inspecting rental units. environmental health and inspections shall amend the fee schedule from time to time to reflect changes in the cost of inspections. The initial fee schedule and all amendments thereto shall not take effect until approved by a resolution of the city council.

(b) The inspection fee shall be paid by the owner of the property, unless the inspection is based on a complaint filed by the owner for a major violation caused by the occupant, and the enforcing officer determines that such major violation does, in fact, exist. In such event, the inspection fee shall be paid by the occupant. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code.

(c) If the enforcing officer determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.

(d) An administrative late charge shall be paid to the city by the person obligated to pay an inspection fee if such fee is not paid within thirty (30) days from the billing date. The amount of the administrative late fees shall be established by environmental health and inspections and shall not take effect until approved by resolution of the city council. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code.

(Ord. No. 1341, 7-17-02)

**Sec. 14-4.34. Rental certificate of compliance--Generally.**

(a) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied unless environmental health and inspections has issued a rental certificate of compliance or a temporary rental certificate of compliance for such rental unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(b) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied if the rental certificate of compliance or the temporary rental certificate of compliance for such unit has been denied, suspended, or has expired. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(c) A person shall not occupy a rental unit if the enforcing officer orders that it be vacated due to major violations of this article. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(d) Environmental health and inspections shall issue a six-year rental certificate of compliance to the owner of a rental unit which is determined to be in compliance with this article. Compliance shall mean the following:

- (1) There are no violations existing at the time of the most recent inspection;
- (2) The enforcing officer did not discover any violations at any time since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued;
- (3) The property owner has paid all inspection fees assessed against the property.

(e) A newly constructed rental unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy.

(f) At least thirty (30) days before the expiration of a rental certificate of compliance, environmental health and inspections shall notify the property owner, in writing, of the expiration date and advise the owner of the need to arrange for a compliance inspection. The property owner shall be responsible for arranging for a compliance inspection prior to the expiration date on the rental certificate of compliance. When a rental certificate of compliance is reissued in accordance with subsection 14-4.36(b), it shall have a six-year or a three-year expiration date with the same month and day as shown on the previous rental certificate of compliance, regardless of the date that the new rental certificate of compliance is actually issued.

(Ord. No. 1341, 7-17-02)

**Sec. 14-4.35. Same--Temporary certificate.**

(a) When a rental certificate of compliance is required, environmental health and inspections may issue a temporary rental certificate of compliance if all of the following circumstances exist:

- (1) Environmental health and inspections is unable to complete an inspection of a rental unit to verify compliance with this article prior to the expiration date of an existing rental certificate of compliance.
- (2) The enforcing officer is not aware of any current major violations.

(3) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises.

(b) Environmental health and inspections may issue a temporary rental certificate of compliance for a newly registered rental unit.

(c) Environmental health and inspections may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major violations if the property owner is in the process of correcting such violations and can show proof of same.

(d) A temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. Said inspection shall be conducted within sixty (60) days of the expiration date of a rental certificate of compliance, within sixty (60) days of the registration of a new rental unit, or within sixty (60) days of the issuance of a temporary rental certificate of compliance.

(Ord. No. 1341, 7-17-02)

#### **Sec. 14-4.36. Same--Suspension and expiration.**

(a) Environmental health and inspections may suspend a six-year or a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice issued under section 14-4.32, or if the responsible person fails to pay any fee in accordance with sections 14-4.33 and 14-4.37.

(b) In such event, the enforcing officer may placard the property and order that it be vacated in accordance with the provisions of section 14-4.1. Environmental health and inspections shall reinstate a suspended six-year or three-year rental certificate of compliance upon a determination that all violations are corrected and upon payment of the reinspection fees. The reinstated rental certificate of compliance shall be issued for a period of not more than three (3) years from the date of the original certificate.

(c) A rental certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty (60) days after such expiration date, no person shall occupy a rental unit unless a new rental certificate of compliance has been issued. A rental unit, which has not been previously certified, shall be deemed to have an expiration date on the date the property owner is notified to obtain certification for the rental unit.

(d) If environmental health and inspections suspends a six-year or a three-year rental certificate of compliance, or, if a six-year or a three-year rental certificate of compliance has expired, then environmental health and inspections shall notify the occupant(s) of the suspension or expiration. The notice shall inform the occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued pursuant to section 14-4.35, whichever occurs first. This subsection shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations that were caused by the occupant(s) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s) or as determined by a court of law.

(e) Environmental health and inspections shall immediately notify the owner and occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the owner and occupant(s) of their right to appeal and the procedures therefore.

(Ord. No. 1341, 7-17-02)

**Sec. 14-4.37. Annual basic housing permit.**

(a) No property owner shall lease, rent or otherwise allow a rental unit to be occupied unless environmental health and inspections has issued an annual basic housing permit for such rental unit.

(b) The owner of a rental unit shall pay an annual permit fee for the issuance of an annual basic housing permit by the City of Holland. The annual permit fee shall be established and the rules adopted by environmental health and inspections and approved by resolution of the city council. The annual permit fee shall be paid on or before the tenth day of December of each year. The annual permit fee shall be paid to the city treasurer. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code.

(Ord. No. 1341, 7-17-02; Ord. No. 1381, 3-3-04)

**Sec. 14-4.38. Penalties.**

A violation of the provisions of Divisions 1 through 10 of this Article II shall be deemed a municipal civil infraction as defined under Chapter 2 of the Holland City Code, except where a violation is designated as a misdemeanor. A violation of this Article II shall also be a nuisance per se and subject to abatement as provided in section 1-10 through 1-10.2 or as otherwise provided in the Holland City Code. In addition to the fine and costs imposed for a violation of Divisions 1 through 10 of this Article II, the owner shall pay the administrative late charge prescribed in section 14-4.33.

(Ord. No. 1341, 7-17-02)

**DIVISION 11. DUTY OF LANDLORD TO PROVIDE UNINTERRUPTED UTILITY SERVICE****Sec. 14-4.40. Generally.**

(a) *Preamble.* The city affirms that it is in the best interest of the residents of the city to regulate and enforce the delivery of utility service to tenants without interruption when rental dwelling units are serviced by a single service utility connection. This section shall be used to interpret and construe the provisions of this article with the stated purpose and intent of this preamble.

(b) *Definitions.* The following terms shall have the meanings set forth in this subsection for the purposes of subsection (c) and (d) of this section:

(1) *Billed customer/tenant.* A tenant or occupant of a dwelling unit who is the customer of record for utility service for a rental of dwelling.

(2) *Nonbilled customer/tenant.* A tenant or occupant who is not the customer of record but who occupies a dwelling unit which receives the benefit of utility service provided to a billed customer/tenant or owner.

(3) *Utility service.* Gas, electric, water, sewer and such other services provided by a private or municipal utility, which are necessary for the habitability of a rental dwelling.

(4) *Owner.* The person or entity having a legal and/or equitable interest in a rental dwelling unit.

(c) *Duty of owner.* The owner of a rental dwelling shall contract, lease or otherwise make

available utility services to nonbilled customer/tenants to be free from interruption, termination or shutoff caused by either of the following, or combinations thereof:

- (1) A billed customer/tenant's or owner's failure to pay the amounts due for utility service; or
- (2) An order from a billed customer/tenant or owner to voluntarily disconnect, terminate or shut off utility service.

(d) *Limitations.* The provisions of this section shall not be construed to regulate or impair the owner's ability to contract with a tenant for the delivery and payment of utility service. This section shall designate the owner as the responsible person in the event the delivery of utility service is interrupted, terminated or shut off for a nonbilled customer/tenant as a result of the provisions of subsection (c) of this section.

(e) *Duty of tenant or occupant.* The tenant or occupant of a rental dwelling shall not tamper with or shut off a heating system, which is required to be operating under the provisions of subsection 14-4.17(b).

(Ord. No. 1341, 7-17-02)

**ARTICLE VI. PROPERTY MAINTENANCE CODE**

Secs. 8-123--8-125. Reserved.

**Editor's note:** Formerly, §§ 8-123 and 8-124 provided for the adoption and amendment of the BOCA National Property Maintenance Code, and § 8-125 provided for the enforcement and administration of the housing-property maintenance code. Such sections were repealed and a new § 8-126, hereinafter set out, was enacted by Ord. No. 445-00, adopted Sept. 18, 2000. At the direction of the city, the text of the property maintenance code has been included in its entirety and designated by the editor as § 8-127.

**Sec. 8-126. Digest, summary, and statement of purpose.**

(a) In accordance with section 7.4 of the City Charter the commission approves the summary in section (b) below for publication.

(b) This is a summary of the property maintenance code. Printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the City Clerk, 325 Court Street, Sault Ste. Marie, Michigan 49783. Violations of the code are a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) plus costs of prosecution, or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment as prescribed by section 1-6 of the City Code. The following is a brief summary of the provisions of the code.

The code provides:

- Standards for the maintenance of property, structures and equipment located in the city.
- Notice to owners, occupants or other responsible parties of violations and requirements to correct violations.
- Appointment, duties and responsibility of the enforcement official (city building inspector).
- Authorizes the closing of structures that are not fit for occupancy, the posting of notice of closing, and prohibiting occupancy of such structures.
- Authorizes the building inspector to take emergency action when there is a dangerous condition.
- Upon notice by the building inspector, requires owners or persons in control of unsafe or unsanitary properties or structures to abate nuisance conditions, repair or remove the structure, and allows the city to remove such structure in the event that the owner or person in control fails to do so, and authorizes the city to place a lien upon the property to recover the cost of demolition or nuisance abatement.
- Designates a board of appeals and provides the procedure for an appeal of a decision or order of the building inspector.
- Requires owners of property to maintain the exterior property areas to standards set forth in the code including:

In a safe, sanitary and clean condition.

Graded to prevent erosion or accumulation of water.

Maintain sidewalks.

[Maintain lot] Free of weeds or plant growth over ten (10) inches in height.

Prevent discharge of smoke, odor or gases to adjacent properties.

Maintain structures in good repair, including exterior surfaces and structural members.

Limit or prohibit unregistered vehicles.

Prohibit outside storage of vehicles in disrepair.

Require the display of house numbers.

Maintain windows and doors in good repair and operable.

- Requires owners to maintain interior of structures, including interior surfaces and structural members.
- Requires owners and occupants to keep exteriors and interiors neat and clean, free of accumulation of garbage or rubbish, except that garbage for weekly disposal may be stored in approved containers.
- Owners and occupants must keep property free of rodents.
- Requires adequate interior and exterior lighting by windows and/or artificial lighting.
- Requires adequate ventilation by windows or mechanical exhaust systems.
- Provides for minimum dimensions of rooms in dwellings and lodging units, access from bedrooms, accessibility to bathrooms, and provides for maximum numbers of occupants in a dwelling unit.
- Requires provision and maintenance of adequate plumbing, including required bathroom and drinking facilities for dwellings, lodging units, and employees.
- Requires adequate sanitary water supply system for all plumbing fixtures and provides for specification for location and operation of water heaters.
- Requires all plumbing fixtures to be connected to public sanitary sewer or other approved private sewer system.
- Prohibits storm drainage that creates a public nuisance.
- Requires owners to maintain adequate mechanical facilities in good working order, including:
  - Heating facilities for dwellings and indoor workspaces.
  - Fireplaces and stoves properly installed and in safe operating condition.
  - Cooking facilities.
- Requires owners to provide electrical systems in compliance with the specifications of the code and the state electrical codes, free of hazards with a minimum number of receptacles and lighting fixtures and requiring laundry and bathroom receptacles to be grounded.
- Requires elevators and escalators to be properly maintained.
- Requires owners to be responsible for fire safety, including:
  - Unobstructed and adequate means of exit from any building.
  - Barriers to resist movement of smoke in certain circumstances.

Handrails for stairs with more than four (4) steps and on porches or decks of greater than thirty (30) inches above adjoining grade.

Proper signage of floor numbers and exits for certain buildings.

Emergency exit from all sleeping rooms.

Prohibits storage of combustibles, explosive or hazardous materials except in accordance with fire codes.

Fire doors and fire resistant materials required by state code must be maintained.

Maintenance of required fire suppression systems.

Installation and maintenance of smoke detectors in sleeping areas in residences and group homes.

The property maintenance code governs the maintenance of existing buildings through model code regulations. The provisions of this code apply to all existing residential and nonresidential structures and to all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

#### *Chapter 1*

This chapter contains provisions for the application, enforcement, and administration of all subsequent requirements of the code. All of the police powers inherent in enforcing minimum standards for the use and maintenance of buildings must follow the actual line of authority from the Constitution to the state to the actual enforcer. Chapter 1 defines the role and responsibility of the authority having jurisdiction.

#### *Chapter 2*

This chapter establishes the meaning of keywords and terms used in the code. The code, with its broad scope of applicability, includes terms inherent in a variety of construction disciplines. These terms can have multiple meanings, depending on the context or discipline being used at the time. For these reasons, it is necessary to maintain a consensus on the specific meaning of terms contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.

#### *Chapter 3*

This chapter contains requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas. Chapter 3 provides specific criteria for regulating the installation and maintenance of building components. Chapter 3 also provides guidelines for determining who is responsible for maintaining sanitary conditions and eliminating infestations of insects, rodents, and other pests.

#### *Chapter 4*

This chapter establishes the minimum criteria for light and ventilation and identifies occupancy limitations. Minimum light, ventilation, and space requirements are based on the physiological and psychological impact of these factors on building occupants. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings.

#### *Chapter 5*

This chapter establishes the minimum criteria for the installation, maintenance, and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage

disposal system and related plumbing fixtures. Chapter 5 lists twenty-three (23) basic principles of environmental sanitation and safety for the design, installation and maintenance of plumbing systems, which establish the fundamental concepts behind health and safety regulations for plumbing systems.

#### *Chapter 6*

This chapter establishes minimum performance requirements for electrical and mechanical facilities and minimum standards for the safety of such facilities. All mechanical and electrical equipment, appliances, and systems must be installed properly to serve the intended purpose. Proper installation, however, does not in itself guarantee safety or performance. All such equipment, appliances, and systems must also be maintained, as they are subject to wear and aging, and may require cleaning, lubrication, adjustment, etc. All materials and components used to construct mechanical and electrical systems have a limited life span and require repair or replacement at various time intervals that are specific to the material or component.

#### *Chapter 7*

This chapter establishes minimum requirements for fire safety facilities and fire protection systems. Building codes regulating new construction are intended to verify that prior to occupancy, the building has been constructed in a manner that will provide the occupants a relatively safe and secure environment. Once these new structures are occupied, a variety of hazards inherent in their use may arise. Often, these hazards are unanticipated and can affect the overall safety of the occupants. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

#### *Chapter 8*

This chapter contains a comprehensive list of all standards that are referenced in the code. As a performance-oriented code, the code contains numerous references to documents that are used to regulate materials and methods of construction. The references to these documents within the code text consist of the promulgating agency's acronym and its publication designation (e.g., ASME A17.1) and a further indication that the document being referenced is listed in Chapter 8. Chapter 8 contains all of the information necessary to identify the specific referenced document.

(Ord. No. 445-00, 9-18-00)

### **Sec. 8-127. Sault Ste. Marie Property Maintenance Code--Text.**

## **CHAPTER 1 ADMINISTRATION**

### **SECTION 101 GENERAL**

101.1 *Title.* These regulations shall be known as the Property Maintenance Code of the City of Sault Ste. Marie, hereinafter referred to as "this code."

101.2 *Scope.* The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with

these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 *Severability*. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 *Costs*. Costs incurred during the enforcement of this code shall be paid out of an appropriation for such purpose. Such costs shall be charged to the owner, agent, or occupant of the premises involved. As deemed necessary to secure payment such costs shall be levied as a special assessment against the land on which the building or structure is located and shall be collected in the manner provided for special assessments.

#### SECTION 102 APPLICABILITY

102.1 *General*. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in section 101. Where, in a specific case, different sections of this code or sections of other codes adopted by the City of Sault Ste. Marie specify different requirements, the most restrictive shall govern.

102.2 *Maintenance*. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 *Application of other codes*. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing, electrical and mechanical codes of the State of Michigan. Nothing in this code shall be construed to cancel, modify or set aside any provision of any other applicable national, state, or local code or ordinance.

102.4 *Existing remedies*. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 *Workmanship*. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 *Referenced codes and standards*. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7 *Requirements not covered by code*. Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

#### SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 *General*. The city manager or a designated representative of the city manager is hereby authorized and directed to administer and enforce all the provisions of this housing-property maintenance code. The code official shall be the city manager and all designees charged with the enforcement of this code.

103.2 *Restriction of employees*. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of section 111, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building,

or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

103.3 *Liability.* The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.4 *Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set by resolution of the city from time to time.

#### SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 *General.* The code official shall enforce the provisions of this code.

104.2 *Rule-making authority.* The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 *Inspections.* The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 *Right of entry.* An authorized inspector and/or an agent of an inspector is authorized to enter the structure or premises at reasonable times to inspect for the purpose of determining compliance with the provisions of this code subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.4.1 *Nonemergency.* In a nonemergency situation where the owner or occupant demands a warrant for inspection of the dwelling, dwelling unit, rooming unit or premises, the inspector shall obtain a warrant from a court of competent jurisdiction. Such warrant shall contain the address or a reasonable description of the dwelling, dwelling unit, rooming unit or premises to be inspected plus the nature of and reasons for such inspection. If the court finds that the warrant is in compliance with this section, it shall issue forthwith.

104.4.2 *Emergency.* In the event of an emergency, no warrant shall be required.

104.5 *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 *Department records.* The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in

the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

#### SECTION 105 APPROVAL

105.1 *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

105.3.1 *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 *Testing agency.* All tests shall be performed by an approved agency.

105.3.3 *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 *Material and equipment reuse.* Materials, equipment and devices shall not be reused unless such elements have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

#### SECTION 106 VIOLATIONS

106.1 *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 *Notice of violation.* The code official shall serve a notice of violation or order in accordance with section 107.

106.3 *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 107 shall be deemed guilty of a misdemeanor and punished as proscribed in section 1-6 of the City Code, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

106.4 *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offence.

106.5 *Abatement of violation.* The imposition of the penalties herein prescribed shall not

preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

#### SECTION 107 NOTICES AND ORDERS

**107.1***Notice to owner or to person or persons responsible.* Whenever the code official determines that there has been a violation of this code or of any rule or regulation adopted pursuant thereto or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in sections 107.2 and 107.3. Notices for condemnation procedures shall also comply with section 112.1.1.

**107.2***Form.* Such notice prescribed in section 107.1 shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Specify the violation or violations by referring to the sections of this code violated;
- (4) Include a correction order to effect compliance with the provisions of this code;
- (5) Set a reasonable time, not to exceed ninety (90) days, for compliance;
- (6) Advise the owner or occupant of the procedure for appeal;
- (7) In the event of an emergency, and when the inspector determines that it is necessary, and anything herein to the contrary notwithstanding, the order of compliance may also require the dwelling, dwelling unit, rooming unit or premises or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the inspector to the extent that the dwelling, dwelling unit, rooming unit or premises are removed from this emergency condition.

**107.3***Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Served upon the owner, the owner's agent, or the operator, or occupant, by delivering the same in person or by leaving a copy at the owner's residence, office or place of business, with some person of suitable age and discretion who shall be informed of the contents thereof; or
- (2) Mailed by certified mail to the owner's last-known address; or
- (3) If the person to be served is unknown, posted in some conspicuous place on the premises for a period of ten (10) consecutive days.

**107.4***Duplicate notice of violation.* Whenever the owner, the owner's agent, or operator of a dwelling is notified by any authorized inspector of a violation for which the owner or operator is responsible, a copy of the notice of violation shall also be posted on the premises, or sent by certified mail, to the occupants of the dwelling. Whenever an occupant is notified by an authorized inspector of a violation for which the occupant is responsible, a copy of the notice of violation shall also be delivered or sent by certified mail to the owner of the dwelling or the owner's agent or operator of the dwelling. Failure to send such duplicate notice shall not, however, affect the validity of any proceedings against the owner or occupant.

**107.5***Noncompliance.* In case the owner shall fail, neglect or refuse to comply with the notice and order to repair, improve, rehabilitate or demolish and remove the condemned dwelling or portion thereof, the authorized inspector may cause the owner of the dwelling prosecuted as a violator of the provisions of this code, and may proceed with the work specified in such notice at the expense of the City of Sault Ste. Marie. A statement of the cost of such work shall be transmitted to the city finance director, who shall cause the same to be paid and billed to the property owner, owner's agent, or occupant. If deemed necessary to secure payment the costs shall be levied as a special assessment

against the property.

In addition to the above, the city may also sue the owner to recover the expended or anticipated costs of the work, together with interest at the rate of seven (7) percent per annum, actual attorney fees and administrative expenses.

All remedies of the city under this section shall be cumulative in nature and the exercise of the city of one remedy shall not preclude the subsequent exercise by the city of an additional remedy.

**107.6** *Unauthorized removal of notice or placard.* No person shall interfere with, obstruct, mutilate, deface or remove the official notice or placard from any structure(s) or part(s) thereof.

**107.7** *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in section 106.

**107.8** *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. So as to notify any future transferee, mortgagee, or assignee the city may record a copy of the order or notice with the Chippewa County Register of Deeds.

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

**108.1** *General.* When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy or is found unlawful, such violations may be cited pursuant to the provisions of this code.

**108.1.1** *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2** *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**108.1.3** *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.1.4** *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**108.2** *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post it as "Unsafe for Human Occupancy or Use" by placing a placard on the premises and order the structure

closed up so as not to be an nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged as provided under section 107.5.

108.3*Notice.* Whenever a structure or equipment is found by the code official to be unsafe, or whenever a structure is found unfit for human occupancy or is found unlawful under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with section 107.3. The notice shall be in the form prescribed in section 107.2.

108.4*Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises a placard bearing the words "Unsafe for Human Occupancy or Use".

108.5*Prohibited occupancy.* Any person who shall occupy a placarded premises or shall operate unsafe equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate unsafe equipment shall be liable for the penalties provided by this code.

108.6*Removal of placard.* The code official shall remove the placard whenever the defect or defects upon which the placarding action was based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

#### SECTION 109 EMERGENCY MEASURES

109.1*Imminent danger.* When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "Unsafe for Human Occupancy or Use". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2*Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3*Closing streets.* When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4*Emergency repairs.* For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5*Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the City of Sault Ste. Marie. The City of Sault Ste. Marie shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

#### SECTION 110 DEMOLITION

110.1 *General.* The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, to demolish and remove such structure.

If a property owner, by personal decision or in compliance with a condemnation order of the city commission, proposes to proceed with demolition of any building or structure, such owner or owner's contractor shall apply to the building inspector of Sault Ste. Marie for a demolition permit as provided for in the Michigan Building Code. The completion date shall be not more than thirty (30) days after the date the permit was issued. All scrap material, rubbish and other debris shall be removed from the site and disposed of in accordance with the applicable regulations. Any basement, foundation, slabs, or other masonry or concrete construction must be removed to a depth of at least eighteen (18) inches below grade. All depressions must be properly backfilled and the site graded to a level condition. The site shall be provided with a vegetative cover by means of placing topsoil, seed and mulch as required.

110.2 *Emergency demolition.* When any building or structure constitutes an immediate menace to public health, safety or welfare the authorized inspector may cause the vacant building or structure to be demolished and removed at the expense of the City of Sault Ste. Marie after notification of violations in a manner provided in section 107. After a reasonable attempt to notify as provided in section 107 the city may demolish and remove the subject building or structure to assure the safety and welfare of the public. In instances where the situation requires immediate action to protect public safety and welfare the city may take immediate action to eliminate the hazard, including the demolition of the building, prior to completion of the notification requirements of section 107. A statement of the cost of such work shall be transmitted to the city finance director who shall cause the same to be paid and billed to the property owner, the owner's agent, or the occupant. If deemed necessary to secure payment the costs shall be levied as a special assessment against the property.

110.3 *Notices and orders.* All notices and orders shall comply with section 107.

110.4 *Failure to comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.5 *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## SECTION 111 MEANS OF APPEAL

111.1 *Application for appeal.* Any person directly affected by a decision of the code official or a notice or order issued under this code, except for a condemnation order issued under the provisions of section 112, shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within seven (7) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. If it clearly appears that due to special and unusual conditions, undue hardship would result from the strict application of any section of this code, the existing structures board of appeals may permit a variance from the mandatory provisions hereof in such a manner that the public health and safety shall be secured, substantial

justice done, and the spirit of the provisions of this code upheld.

111.2 *Stays of enforcement.* Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

111.3 *Membership of board.* The board of appeals shall consist of five (5) citizens of Sault Ste. Marie and shall be appointed by the Sault Ste. Marie City Commission.

111.3.1 *Alternate members.* The Sault Ste. Marie City Commission may appoint up to two (2) alternate members to hear appeals during the absence or disqualification of a member.

111.4 *Appeal procedures.*

(1) The applicant shall provide the city clerk with a written request for such appeal within seven (7) days after the notice of violation or order is served.

(2) The appeal request shall contain the name, address and telephone number of the applicant and a brief statement of the reasons for requesting such hearing.

(3) The appeal request shall (unless waived by the code official) be accompanied by the fee set forth in the City of Sault Ste. Marie fee schedule.

(4) Upon receiving the appeal request, the city clerk shall fix a date for the hearing. The applicant shall be provided with written notice of the time and place of the hearing, and if the applicant fails to appear, the provisions of this code shall be enforced.

111.5 *Open hearing.* All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of simple majority of the five-member board.

111.6 *Board decision.* The board may modify or reverse the decision of the code official only by a concurring vote of an actual majority of the total board membership set by section 111.3. After the hearing under sections 111.4(4) or 112.1.1(1), the board of appeals may sustain, modify or withdraw the notice of violation and order. In any case where the board sustains the notice of violation but desires to extend the time for compliance, the board may only extend the time for compliance once for a maximum of thirty (30) days.

111.6.1 *Records and copies.* The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 *Administration.* The code official shall take action in accordance with the decision of the board.

111.7 *Court review.* All decisions of the board issued under section 111.6, or of the city commission issued under section 112.1.1(9) shall be recited in the official board or city commission minutes. A copy of the minutes shall be mailed by first class mail to the party who caused the matter to come before the board or the city commission. The mailing date shall be stamped upon the minutes. The board or the city commission shall keep a record of and proof of such mailing. The decision of the board or of the city commission shall be final, unless within twenty-eight (28) days after the date of mailing stamped upon the minutes, a person having an interest affected by the decision files an appeal in the Chippewa County Circuit Court in accordance with the court rules for taking such appeals.

## SECTION 112 CONDEMNATION

112.1 *Order to condemn.* Any structure in violation of the provisions of this code may be condemned as unfit for human habitation as a public nuisance if it is a material threat to either public health, safety, property values, or morals.

112.1.1 *Condemnation procedure.* Condemnation shall occur only in the following manner:

(1) A public hearing date before the board of appeals shall be set as soon as is

practicable after the inspector's report that the structure in question has not been placed in compliance with this code as required by the notice of violation and that the time limit for compliance provided in said notice has expired.

(2) The city manager shall have the name of the owner and any other interested parties determined from the property records in the office of the register of deeds of Chippewa County. Written notice of the proposed condemnation action shall be served on the owner and any others having an interest, setting forth the date, time and place of the public hearing, a legal description of the property, a statement of the defects in the buildings or structures, and a statement of what must be done to the buildings or structures to place them in conditions so they are no longer a public nuisance. Such notices may be served on the interested party or parties in person, or by certified mail, or, if unknown or whereabouts unknown, by posting for not less than ten (10) days in two (2) conspicuous places on the buildings or structures in question.

(3) The inspector or the inspector's agent who is familiar with the structure shall be present at this hearing along with any other witnesses, evidence and other material necessary to establish the condition of the structure.

(4) The owner, the owner's agent, other interested parties or representatives of any of them shall have an opportunity to be heard at the public hearing and to submit any information to assist the board of appeals in reaching its decision.

(5) The board of appeals shall keep a record of this hearing, such record to be made available to any aggrieved party upon payment to the board of a sum sufficient to recover the costs of reproducing that record.

(6) Every decision of this proceeding shall be in writing and shall be accompanied by the findings of facts upon which the decision is based. Additionally, the decision shall clearly state the code violations upon which the ruling is based.

(7) Upon conclusion of the hearing, the recommendations of the board of appeals shall be set for hearing at the next regular meeting of the Sault Ste. Marie City Commission, provided that the meeting occurs at least ten (10) days after the events described in section 112.1.1(8) below have occurred.

(8) A copy of the decision of the board of appeals shall be sent to all affected parties and their attorneys of record, if any. Accompanying this shall be a notice of the hearing before the city commission described in section 112.1.1(7) above. Service shall occur in the same manner as described in section 112.1.1(2) above.

(9) At the designated time the city commission shall review the findings of fact and the recommended decision of the board of appeals and hear arguments of any interested parties. Additionally, the city commission may take any additional evidence which it deems appropriate. The recommended decision of the board of appeals may be accepted, modified or rejected.

(10) If the structure is condemned, the owner or their contractor shall obtain a permit within thirty (30) days thereof, and demolition shall be completed, including site restoration, within thirty (30) days of permit issuance.

(11) The city may itself or under contract with others demolish the condemned structure(s) upon failure to meet permit or demolition deadlines set in section 112.1.1(10) above.

#### SECTION 113 VACATION OF STRUCTURES

113.1 *Order to vacate.* Where a notice of violation and order to comply has been served

pursuant to section 107.3 and upon reinspection at the end of time specified for compliance it is found that the violation or violations have not been corrected and if no petition for hearing before the board of appeals is pending, the authorized inspector may order the structure, or any part thereof affected by the continued violations vacated.

113.1.1 Vacation procedures. Vacation of a structure shall occur in accordance with the following procedures:

- (1) The code official shall set a deadline for the vacation of structures or parts thereof not to exceed sixty (60) days.
- (2) The owner or owner's agent shall be responsible to take appropriate measures to notify any occupants of the subject structures or parts thereof of the vacation order and to assure the occupants vacate the structures or parts thereof by the required deadline.
- (3) No owner or owner's agent shall let any person occupy structures or any parts thereof which have been vacated after the deadline for vacation.
- (4) The owner or owner's agent shall be responsible to secure vacated structures or any parts thereof to prevent entry.
- (5) Vacated structures or parts thereof shall have posted at each entrance a sign to read "Unsafe for Human Occupancy or Use".
- (6) Vacated structures or parts thereof shall not again be occupied or used for human habitation until all violations have been corrected and written authorization is obtained from the authorized inspector indicating that the structures or parts thereof comply with this code.
- (7) If a structure or part thereof is not vacated within the time specified in the vacation order, the authorized inspector may cause the owner of the dwelling prosecuted as a violator of the provisions of this code, and may cause the order to vacate to be carried out at the expense of the City of Sault Ste. Marie. A statement of cost of such work shall be transmitted to the city finance director, who shall cause the cost to be paid and billed to the property owner. If deemed necessary to secure payment the costs shall be levied as a special assessment against the property.

## CHAPTER 2 DEFINITIONS

### SECTION 201 GENERAL

201.1 *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

201.3 *Terms defined in other codes.* Where terms are not defined in this code and are defined in the building, fire prevention, zoning, electrical, plumbing or mechanical codes and ASME A17.1, such terms shall have the meanings ascribed to them as in those codes.

201.4 *Terms not defined.* Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 *Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

## SECTION 202 GENERAL DEFINITIONS

*Approved.* Approved by the code official.

*Basement.* That portion of a building which is partly or completely below grade.

*Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

*Bedroom.* Any room or space used or intended to be used for sleeping purposes.

*Code official.* The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*Condemn.* To adjudge unfit for occupancy.

*Dwelling unit.* A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Exterior property.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination.* The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Garbage.* The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Guard.* A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

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

*Imminent hazard.* A condition which could cause serious or life-threatening injury or death at any time.

*Infestation.* The presence, within or contiguous to, a structure or premises of insects, rats, birds, bats, vermin or other pests.

*Labeled.* Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Let for occupancy* or *let.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Occupancy.* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant.* Any individual living or sleeping in a building, or having possession of a space within a building.

*Openable area.* That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Overcrowding.* A condition in which the number of occupants exceeds the total number of

persons permitted to occupy a structure at any one time.

*Owner.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person.* An individual, corporation, partnership or any other group acting as a unit.

*Premises.* A lot, plot or parcel of land including any structures thereon.

*Rooming house.* A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rooming unit.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Rubbish.* Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Structure.* That which is built or constructed or a portion thereof.

*Strict liability offense.* An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

*Tenant.* A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet room.* A room containing a water closet or urinal but not a bathtub or shower.

*Ventilation.* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Workmanlike.* Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

*Yard.* An open space on the same lot with a structure.

## CHAPTER 3 GENERAL REQUIREMENTS

### SECTION 301 GENERAL

301.1 *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

301.3 *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. Vacant structures with boarded over windows or doors existing for a period longer than one (1) year within a five-year period are considered to be a "public nuisance" and must be repaired or razed pursuant to the provisions of

this code. The vacancy of a structure does not negate the need to maintain the structure in compliance with the provisions of this code, except that public utilities maybe shut off.

#### SECTION 302 EXTERIOR PROPERTY AREAS

302.1 *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil, to prevent the accumulation of stagnant water thereon, or within any structure located thereon and to prevent excessive dust or other nuisance conditions.

Exception: Approved retention areas and reservoirs.

302.3 *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.5 *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.7.1 *Gates.* Gates which are required to be self-closing and self-latching in accordance with the Michigan Building Code shall be maintained such that the gate will positively close and latch when released from a still position of six (6) inches (152 mm) from the gatepost.

302.7.2 *Swimming Pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

302.8 *Motor vehicles.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

#### SECTION 303 EXTERIOR STRUCTURE

303.1 *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces.

303.3 *Street numbers.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals. Numbers shall be a minimum of three (3) inches (102mm) high with a minimum stroke width of five-tenths (0.5) inch (12.7mm).

303.4 *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

303.5 *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

303.6 *Exterior walls.* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

303.6.1 Exterior wall openings. Former door, window or other openings in exterior walls shall comply with section 303.14.3.

303.7 *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

303.8 *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

303.9 *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.10 *Stair and walking surfaces.* Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of section 702.10.

303.11 *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

303.12 *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. All masonry and stone surfaces must be maintained free of cracked, broken, or loose materials and all mortar joints must be maintained in good condition free of loose and missing mortar.

303.13 *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.14 *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.14.1 *Glazing.* All glazing materials shall be maintained free from cracks and holes.

303.14.2 *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.14.3 *Elimination of door and window openings.* The elimination of existing window and door openings when not in conflict with the light, ventilation and exterior wall requirements of this code or the Michigan Building Code shall be done with the interior and exterior surfaces complying with the minimum finish requirements for the subject surface. When doors or windows are eliminated the existing door and window trim must be removed.

303.15 *Insect screens.* During the period from May 31 to September 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

303.16 *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

303.17 *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

303.18 *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

## SECTION 304 INTERIOR STRUCTURE

304.1 *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two (2) or more dwelling units or two (2) or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

304.2 *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

304.3 *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

304.4 *Stairs and railings.* All interior stairs and railings shall be maintained in sound condition and good repair.

304.5 *Stairs and walking surfaces.* Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of section 702.10.

304.6 *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.7 *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be

capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

#### SECTION 305 RUBBISH AND GARBAGE

305.1 *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

305.2 *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

305.2.1 *Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

305.3 *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

305.3.1 *Garbage facilities.* The owner of every dwelling shall supply an approved leakproof, covered, hard surface, outside garbage container. Bags are not an acceptable outside storage garbage container.

305.3.2 *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

#### SECTION 306 EXTERMINATION

306.1 *Infestation.* All structures shall be kept free from insect, rats, birds, bats, rodent, vermin and other pest infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

306.2 *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

306.3 *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

306.4 *Multiple occupancy.* The owner of a structure containing two (2) or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

306.5 *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

### CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

#### SECTION 401 GENERAL

401.1 *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and

space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Michigan Building Code shall be permitted.

#### SECTION 402 LIGHT

402.1 *Habitable spaces.* Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight (8) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

402.2 *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each two hundred (200) square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than thirty (30) feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one (1) footcandle (11 lux) at floors, landings and treads.

402.3 *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

#### SECTION 403 VENTILATION

403.1 *Habitable spaces.* Every habitable space shall have at least one (1) operable window. The total operable area of the window in every room shall be equal to at least forty-five (45) percent of the minimum glazed area required in section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 *Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

403.4 *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

#### SECTION 404 OCCUPANCY LIMITATIONS

404.1 *Privacy.* Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven (7) feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three (3) feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 *Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven (7) feet (2134 mm).

##### Exceptions:

(1) In one- and two-family dwellings, beams or girders spaced not less than four (4) feet (1219 mm) on center and projecting not more than six (6) inches (152 mm) below the required ceiling height.

(2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six (6) feet, eight (8) inches (2033 mm) with not less than six (6) feet, four (4) inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions meeting the spacing provisions of exception #(1).

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7) feet (2134 mm) over not less than one-third ( 1/3) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet (1524 mm) or more shall be included.

404.4 *Bedroom requirements.* Every bedroom shall comply with the requirements of sections 404.4.1 through 404.4.5.

404.4.1 *Area for sleeping purposes.* Every bedroom occupied by one person shall contain at least seventy (70) square feet (6.5 m<sup>2</sup> ) of floor area, and every bedroom occupied by more than one (1) person shall contain at least fifty (50) square feet (4.6 m<sup>2</sup> ) of floor area for each occupant thereof.

404.4.2 *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two (2) bedrooms.

404.4.3 *Water closet accessibility.* Every bedroom shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one (1) water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 *Other requirements.* Bedrooms shall comply with the applicable provisions of

this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of chapter 5; the heating facilities and electrical receptacle requirements of chapter 6; and the smoke detector and emergency escape requirements of chapter 7.

404.5 *Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5 MINIMUM AREA IN SQUARE FEET

TABLE INSET:

Space	1-2 occupants	3-5 occupants	6 or more occupants
Living room a,b	No requirements	120	150
Dining room a,b	No requirements	80	100
Kitchen b	50	50	60
Bedrooms	Shall comply with section 404.4		

For SI: 1 square foot = 0.093 me.

- a See section 404.5.2 for combined living room/dining room spaces.
- b See section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 *Sleeping area.* The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section 404.4.

404.5.2 *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 *Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- (1) A unit occupied by not more than two (2) occupants shall have a clear floor area of not less than two hundred twenty (220) square feet (20.4 me). A unit occupied by three occupants shall have a clear floor area of not less than three hundred (320) square feet (29.7 me). These required areas shall be exclusive of the areas required by items (2) and (3).
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
- (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
- (4) The maximum number of occupants shall be three (3).

404.7 *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501 GENERAL

501.1 *Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

### SECTION 502 REQUIRED FACILITIES

502.1 *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 *Rooming houses.* At least one (1) water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 *Hotels.* Where private water closets, lavatories, and baths are not provided, one (1) water closet, one (1) lavatory and one (1) bathtub or shower having access from a public hallway shall be provided for each ten (10) occupants.

502.4 *Employees' facilities.* A minimum of one (1) water closet, one (1) lavatory and one (1) drinking facility shall be available to employees.

502.4.1 *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

### SECTION 503 TOILET ROOMS

503.1 *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

503.3 *Location of employee toilet facilities.* Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one (1) story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of five hundred (500) feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of five hundred (500) feet (152 m) from the employees' regular working area to the facilities.

### SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function

for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### SECTION 505 WATER SYSTEM

505.1 *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Michigan Plumbing Code.

505.2 *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten degrees (110°) Fahrenheit (43°C.) nor more than one hundred twenty degrees (120°) Fahrenheit (49°C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustionair is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

#### SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

#### SECTION 507 STORM DRAINAGE

507.1 *General.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

### CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

#### SECTION 601 GENERAL

601.1 *Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as

owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

#### SECTION 602 HEATING FACILITIES

602.1 *Facilities required.* Heating facilities shall be provided in structures as required by this section.

602.2 *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees (65°) Fahrenheit (18°C.) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the Michigan Building Code. Cooking appliances, portable heaters, etc., shall not be used to provide space heating to meet the requirements of this section.

602.3 *Heat supply.* Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 31 to maintain a temperature of not less than sixty-five degrees (65°) Fahrenheit (18°C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Michigan Building Code.

602.4 *Occupiable work spaces.* Indoor occupiable work spaces shall be maintained at a temperature of not less than sixty-five degrees (65°) Fahrenheit (18°C.) during the period the spaces are occupied.

Exceptions:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

602.5 *Room temperature measurement.* The required room temperatures shall be measured three (3) feet (914 mm) above the floor near the center of the room and two (2) feet (610 mm) inward from the center of each exterior wall.

#### SECTION 603 MECHANICAL EQUIPMENT

603.1 *Mechanical equipment.* All mechanical equipment, fireplaces and solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 *Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 *Clearances.* All required clearances to combustible materials shall be maintained.

603.4 *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

**SECTION 604 ELECTRICAL FACILITIES**

604.1 *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 605.

604.2 *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Michigan Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than sixty (60) amperes.

604.3 *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 *Extension cords.* Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures; extended through walls, ceilings or floors, or under doors or floor coverings; nor shall such cords be subject to environmental damage or physical impact.

604.3.2 *Open boxes and splices.* Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

604.3.3 *Clearance.* Clear access shall be provided at all times to all electrical service equipment.

**SECTION 605 ELECTRICAL EQUIPMENT**

605.1 *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 *Receptacles.* Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 *Lighting fixtures.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one (1) electric lighting fixture.

**SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS**

606.1 *General.* Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 *Elevators.* In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**SECTION 607 DUCT SYSTEMS**

607.1 *General.* Duct systems shall be maintained free of all obstructions and shall be capable of providing the required function.

**CHAPTER 7 FIRE SAFETY REQUIREMENTS**

## SECTION 701 GENERAL

701.1 *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

701.3 *Unsafe means of egress.* In any structure in which the means of egress are deemed inadequate for safety by the code official, additional provisions shall be made for safe means of egress as the code official shall order.

701.4 *Posting of occupant load.* An assembly occupancy shall be posted with an approved legible sign in contrasting colors conspicuously located near the main point of egress from the room or space stating the number of occupants permitted within such space. The number of occupants permitted shall be determined in accordance with the Michigan Building Code. Assembly rooms or spaces with multiple occupancy capabilities shall be posted for all such occupancies. The owner shall be responsible for installing and maintaining such signs.

701.5 *Overcrowding.* A person shall not permit overcrowding or admittance of any person beyond the approved occupant load. The code official, upon finding overcrowded conditions or obstruction in aisles, passageways or other means of egress, or upon finding any condition which constitutes a hazard to life and safety, shall cause the occupancy, performance, presentation, spectacle or entertainment to be stopped until such a condition or obstruction is corrected and the addition of any further occupants prohibited until the approved occupant load is reestablished.

701.6 *Operator responsibility.* The operator or the person responsible for the operation of an assembly or educational occupancy shall check egress facilities before such building is occupied to determine compliance with this section. If such inspection reveals that any element of the required means of egress cannot be accessed, is obstructed, locked, fastened or otherwise unsuited for immediate utilization, admittance to the building shall not be permitted until necessary corrective action has been completed.

701.7 *Maintenance exterior egress.* All exit discharge, exterior stairways and fire escapes shall be kept free of snow and ice. Any fire escape or exterior stairway found to be in a state of deterioration or determined to be unsafe by the code official shall be repaired immediately. Depending on the structural condition, a load test of any fire escape shall be conducted before the escape is returned to service in accordance with the Michigan Building Code.

701.8 *Minimum requirements.* A structure shall not be occupied when the number of means of egress or the capacity of the means of egress is below that which was required for the structure according to the Michigan Building Code under which the structure was constructed and the requirements of this code.

701.9 *Areas under repair.* Structures shall not be occupied during repairs or alterations unless all means of egress serving the area are continuously maintained or other approved measures are taken to provide equivalent safety.

701.10 *Egress obstructions.* The means of egress from each part of the structure, including exits, stairways, egress doors and any panic hardware installed thereon, aisles, corridors, passageways and similar elements of the means of egress, shall at all times be maintained in a safe condition and available for immediate utilization and free of all obstructions. Security devices affecting means of egress shall be subject to approval.

## SECTION 702 MEANS OF EGRESS

702.1 *General.* A safe, continuous and unobstructed path of travel shall be provided from any

point in a building or structure to the public way.

**702.2 Exit capacity.** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the Michigan Building Code.

**702.3 Number of exits.** In nonresidential buildings, every occupied story more than three (3) stories above grade shall be provided with not less than two (2) independent exits. In residential buildings, every story exceeding two (2) stories above grade shall be provided with not less than two (2) independent exits. In stories where more than one (1) exit is required, all occupants shall have access to at least two (2) exits. Every occupied story which is both totally below grade and greater than two thousand (2,000) square feet(186 m<sup>2</sup>) shall be provided with not less than two (2) independent exits.

Exception: A single exit is acceptable under any one of the following conditions:

- (1) Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
- (2) Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway.
- (3) Where an existing fire escape conforming to the Michigan Building Code is provided in addition to the single exit.
- (4) Where permitted by the Michigan Building Code.

**702.3.1 Aircraft landing areas.** All aircraft landing areas located on structures shall have not less than two (2) independent exits.

**702.4 Exit enclosure.** Exit enclosures shall be provided in accordance with section 702.4.1.

**702.4.1 Enclosure.** All interior shafts shall be enclosed with approved assemblies, except as provided for in Table 702.4.1. Elevator and supplemental stairway shafts immediately adjacent to and not separated from unenclosed floor openings permitted by Table 702.4.1 and which connect the same floors served by the shaft are not required to be enclosed.

**702.4.2 Enclosure rating.** Enclosures connecting not more than six (6) floor levels shall have a fire-resistance rating of not less than one (1) hour with approved opening protectives. Enclosures connecting more than six (6) floor levels shall have a fire-resistance rating of not less than two (2) hours with approved opening protectives.

**702.4.3 Integrity.** The enclosure shall be maintained without interruption or penetration, unless permitted in accordance with the Michigan Building Code.

Table 702.4.1 ENCLOSURE EXCEPTIONS

TABLE INSET:

Occupancy	Exception conditions a
Business	Where connecting not more than two floor levels and less than 3,500 square feet per floor, or where connecting not more than three floor levels and the structure is equipped throughout with an approved automatic sprinkler system.
Education	Where connecting not more than two floor levels and the structure is equipped throughout with an approved automatic sprinkler system.
Factory, industrial, storage	Where connecting not more than two floor levels, or where connecting not more than three floor levels and the structure is equipped throughout with an approved automatic sprinkler system.

Mercantile	Where connecting not more than two floor levels and less than 2,000 square feet per floor, or where connecting not more than two floor levels and the structure is equipped throughout with an approved automatic sprinkler system.
Residential, hotels	Where connecting not more than two floor levels and the structure is equipped throughout with an approved automatic sprinkler system.
Residential, apartment	Where connecting not more than two floor levels with not more than four dwelling units per floor, or where connecting not more than three floor levels with not more than four dwelling units per floor and the structure is equipped throughout with an approved automatic sprinkler system.
Residential, one- and two-family dwellings	In every case.

a. 1 square foot = 0.093 m<sup>2</sup>

**702.5 Arrangement.** Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

**702.6 Exit signs.** All means of egress shall be indicated with approved "Exit" signs where required by the Michigan Building Code. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

**702.7 Corridor enclosure.** All corridors serving an occupant load greater than thirty (30) and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exceptions:

- (1) Corridors in occupancies, other than high-hazard occupancies, which are equipped throughout with an automatic sprinkler system.
- (2) Patient room doors in corridors in health care occupancies where smoke barriers are provided in accordance with the Michigan Building Code, are not required to be self-closing.
- (3) Corridors in educational occupancies where each room that is occupied for instruction or assembly purposes has at least one-half ( 1/2) of the required means of egress doors opening directly to the exterior of the building at ground level.
- (4) Corridors that are in compliance with the Michigan Building Code.

**702.8 Dead-end travel distance.** All corridors that serve more than one (1) exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed thirty-five (35) feet (10 668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to seventy (70) feet (21 336 mm) where the building is equipped throughout with an automatic sprinkler system.

Exception: Dead ends that are in compliance with the Michigan Building Code.

**702.9 Aisles.** Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in assembly, educational and health care occupancies shall be maintained in accordance with the requirements of the Michigan Building Code. In all other occupancies, aisles shall have a minimum required clear width of forty-four (44) inches (1118 mm) where serving an occupant load greater than fifty (50), and thirty-six (36) inches (914 mm) where serving an occupant load of fifty (50) or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

**702.10 Stairways, handrails and guards.** Every exterior and interior flight of means of egress

stairs serving any building or portion thereof and having more than four (4) risers shall have a handrail on at least one (1) side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than thirty (30) inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than thirty (30) inches (762 mm) nor more than forty-two (42) inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surface. Guards shall not be less than thirty (30) inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

Exception: Guards are not required at any location where guards are exempted by the Michigan Building Code.

**702.11 Stairway identification.** A sign shall be provided at each floor landing in all interior stairways more than three (3) stories above grade, designating the floor level above the floor of exit discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the Michigan Building Code.

Exception: The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the Michigan Building Code.

**702.12 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in section 702.12.1.

**702.12.1 Locks permitted.** Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

- (1) In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.
- (2) In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
- (3) Where the door hardware conforms to that permitted by the Michigan Building Code.

**702.13 Emergency escape.** Every sleeping room located below the fourth story and in basements in residential and group home occupancies shall have at least one (1) openable window or exterior door adequate for emergency egress or rescue; or shall have access to not less than two (2) approved independent exits. When deemed by the code official to be inadequate for emergency egress or rescue, due to location, opening size, or any other factor, the owner shall install an adequate emergency egress window or satisfy the emergency egress provisions by the alternatives allowed by this code.

Exception: Buildings equipped throughout with an automatic fire suppression system.

**702.13.1 Replacement windows.** Any replacement window shall provide an opening equal to, or greater than, the existing emergency egress window.

Exceptions:

- (1) A replacement window which meets the emergency egress requirements of the Michigan Building Code and the requirements of section 403.1 may be installed, even if of lesser size than the existing window.
- (2) When approved by the code official slight opening reductions may be permitted to allow the installation of new sash assemblies into existing window frames when such reduction is deemed not to render the window inadequate for emergency egress.

702.13.2 Security. Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

#### SECTION 703 ACCUMULATIONS AND STORAGE

703.1 *Accumulations.* Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

703.2 *Hazardous material.* Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Michigan Building Code.

#### SECTION 704 FIRE RESISTANCE RATINGS

704.1 *General.* The required fire resistance rating of fire resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. All required fire resistance rated assemblies shall be repaired, restored or replaced when damaged, altered or penetrated.

704.2 *Opening protectives.* All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

#### SECTION 705 FIRE PROTECTION SYSTEMS

705.1 *General.* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof, shall be maintained in an operable condition at all times in accordance with the Michigan Building Code.

705.2 *Fire suppression system.* Fire suppression systems shall be maintained in proper operating condition at all times.

705.3 *Standpipe systems.* Standpipe systems shall be maintained in proper operating condition at all times. Hose connections shall be unobstructed.

705.4 *Fire extinguishers.* All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

705.5 *Smoke detectors.* A minimum of one (1) approved single-station or multiple-station smoke detector shall be installed in each guest room, suite or sleeping area in residential and group home occupancies. Additionally, detectors must be located in the immediate vicinity of the bedrooms in occupancies in one- and two-family dwellings and multifamily dwellings. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one (1) full story below the upper level.

705.5.1 *Installation.* Existing Group R occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms installed in accordance with the manufacturer's instructions. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

705.5.2 *Power source.* In Group R occupancies, single-station smoke alarms shall be battery operated or shall receive their primary power from the building wiring provided that such wiring is served from a commercial source. When power is provided by the building wiring, the wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

705.5.3 Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

705.6 Fire alarm systems. Fire alarm systems shall be in proper operating condition at all times.

**CHAPTER 8 REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in section 102.8.

TABLE INSET:

ASME		
American Society of Mechanical Engineers 345 East 47th Street New York, NY 10017-2392		
<i>Standard reference number</i>	<i>Title</i>	<i>Referenced in code section number</i>
A17.1-96	Safety Code for Elevators and Escalators - with A17.la-97 and A17.1b-98 Addenda	201.3
ICC		
<i>Standard reference number</i>	<i>Title</i>	<i>Referenced in code section number</i>
IBC-2000	International Building Code®	102.3, 201.3, 302.7.1, 401.3, 702.3, 702.4
ICC EC-2000	ICC Electrical Code®	102.3, 201.3, 604.2
IFC-2000	International Fire Code®	201.3, 702.2, 703.1, 704.2
IFGC-2000	International Fuel Gas Code®	102.3
IMC-2000	International Mechanical Code®	102.3, 201.3
IPC EC-2000	International Plumbing Code®	102.3, 201.3, 505.1, 602.2, 602.3
IZC-2000	International Zoning Code®	102.3, 201.3

(Ord. No. 445-00, 9-18-00)

Secs. 8-128--8-130. Reserved.

**ARTICLE VI. HOUSING AND PROPERTY MAINTENANCE CODE\***

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**\*Editor's note:** Ordinances of May 15, 1985; June 3, 1985; and Jan. 12, 1987 have been treated as superseding the provisions of former Art. VI concerning the housing code. Former Art. VI, §§ 8-96--8-103, derived from the Code of 1968, § 81.04.

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**Sec. 8-96. Property maintenance code adopted; amendments.**

(a) *Adoption.* A certain document, three (3) copies of which are on file in the office of the clerk's office of the City of St. Joseph, being marked and designated as the 2000 International Property Maintenance Code of the City of St. Joseph, in the State of Michigan; for the control of buildings and structures; and each and all of the regulations, provisions, penalties, conditions and terms of the 2000 International Property Maintenance Code are hereby adopted, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) *Amendments.* The following sections [of the 2000 International Property Maintenance Code] are hereby revised:

*Section 101* Insert: THE CITY OF ST. JOSEPH.

*Section 103.6* Insert: Rental Unit Occupancy Inspection. \$35.00 for first unit; \$25.00 for each additional unit.

*Section 303.14* Insert: April 15 to October 15.

*Section 302.4* Delete 302.04 and insert: 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches (152 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens.

*Section 602.3* Insert: September 15 to May 15.

*Section 602.4* Insert: September 15 to May 15.

(Ord. of 7-24-00, §§ 1, 2; Ord. of 3-12-01)

**Editor's note:** An ordinance July 24, 2000, § 3, repealed former § 8-96 of the Code, which pertained to the adoption of and amendments to the BOCA National Property Maintenance Code and derived from ordinances adopted May 13, 1985, § 1; June 3, 1985, § 1; Jan. 27, 1992, § 1; and March 13, 1995, § 1. Sections 1 and 2 of Ord. No. 2000-03 adopted new provisions relative to the International Property Maintenance Code which have been included herein as § 8-96 at the editor's discretion.

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

**Sec. 8-97. Definitions.**

The following words 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:

*Affidavit of completion* shall mean the properly completed statement affirming that all code deficiencies or violations identified on a provisional rental occupancy certificate have been corrected in

compliance with the housing and property maintenance code, that statement to be on a form to be provided by the city.

*Agent* shall mean the property manager or other individual or entity representing the owner of a rental unit.

*Certificate* shall mean rental occupancy certificate or provisional rental occupancy certificate.

*City* shall mean the department, officer or individual designated by the city manager or city commission to administer all or any part of the registration and inspection programs under this article.

*Housing and property maintenance code* shall mean the International Property Maintenance Code as adopted by the city commission.

*Immediate family* shall mean spouses, children, stepchildren, brothers and sisters, half brothers and half sisters, parents and stepparents.

*Owner* shall mean the person or entity who/which owns the premises occupied by one (1) or more rental units.

*Provisional rental occupancy certificate* shall mean a written statement issued by the city indicating that the rental unit identified thereon is substantially but not entirely in compliance with the housing and property maintenance code. The provisional rental occupancy certificate shall identify any deficiencies or violations that must be corrected, and shall state the date on which the provisional rental occupancy certificate shall expire if those deficiencies or violations are not corrected.

*Rental unit* shall mean any residential dwelling which is in whole or in part occupied by one (1) or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but who are not acquiring an ownership interest in the dwelling. This shall include single-family, two-family and multiple-family dwellings, and rooming or boarding houses. "Rental unit" shall not include transient dwelling structures such as hotels, motels, or bed-and-breakfasts, and shall not include dwellings that are occupied only by members of the owner's immediate family.

*Rental occupancy certificate* shall mean a written statement issued by the city indicating that the rental unit identified thereon is then in compliance with the housing and property maintenance code. A rental occupancy certificate shall be valid for two (2) years from the date of the inspection that found the rental unit in compliance, absent new or later-detected violations of the housing and property maintenance code within that time, and the expiration date shall be shown on the certificate.

*Tenant* shall mean any person, other than a legal or equitable titleholder, occupying or possessing all or any part of a rental unit.

(Ord. of 4-7-03)

**Editor's note:** An ordinance adopted April 7, 2003, amended § 8-97 of the Code in its entirety to read as herein set out. Former § 8-97 pertained to definitions and derived from § I of an ordinance adopted Jan. 25, 1999.

### **Sec. 8-98. Registration.**

(a) Every owner of a rental unit shall register it with the city within ten (10) days after the date of acquiring ownership or control of a previously registered rental unit, or in the case of a newly constructed or converted rental unit, before that rental unit is occupied.

(b) To register a rental unit, the owner shall:

(1) Truthfully provide the following information on a form provided by the city:

a. Name, address, and telephone numbers of the owner and any agent for the owner.

- b. The street address of the rental unit, along with other identification if more than one (1) rental unit has the same street address.
- c. The number of rental units in the building, if more than one (1).
- d. The number of bedrooms in each rental unit, and the intended number of occupants in each rental unit.
- e. Such other information as is reasonably required by the city.

(2) Pay an administrative fee, as set by resolution of the city commission.

(c) Each owner shall notify the city in writing within thirty (30) days of any change in the information provided on the registration form.

(d) Each owner shall notify the city in writing within thirty (30) days if any of the items inspected pursuant to this article are altered after inspection by the city.

(Ord. of 4-7-03)

**Editor's note:** An ordinance adopted April 7, 2003, amended § 8-98 of the Code in its entirety to read as herein set out. Former § 8-98 pertained to registration and derived from § I of an ordinance adopted Jan. 25, 1999.

#### **Sec. 8-99. Rental occupancy certificate.**

- (a) No rental unit without a valid certificate may be occupied.
- (b) Each certificate shall indicate the maximum permitted number of tenants of the rental unit. No owner or tenant shall allow a rental unit to be occupied by more tenants than the number stated on the certificate.
- (c) No certificate shall be valid until the appropriate fee is paid, as set by resolution of the city commission.
- (d) Upon request by any tenant or prospective tenant, the owner or agent shall provide the tenant or prospective tenant with a copy of the certificate.
- (e) A valid certificate may be transferred to a new owner of a rental unit, subject to section 8-98.
- (f) A provisional rental occupancy certificate shall expire and the continued occupancy of the rental unit shall be unlawful if the owner or agent has not properly corrected the deficiencies and violations noted on that certificate and thereafter properly completed and returned an affidavit of completion to the city within the time allotted on that certificate. If the affidavit of completion is returned to the city within the allotted time, and absent any other intervening deficiencies or violations, the city shall then issue a rental occupancy certificate for that rental unit.

(Ord. of 4-7-03)

**Editor's note:** An ordinance adopted April 7, 2003, amended § 8-99 of the Code in its entirety to read as herein set out. Former § 8-99 pertained to rental occupancy certificate and derived from § I of an ordinance adopted Jan. 25, 1999.

#### **Sec. 8-100. Inspections.**

- (a) Before issuing a certificate the city shall inspect the rental unit in order to determine whether it is in compliance with the housing and property maintenance code and other applicable laws and regulations.

(b) Upon written notice from the city, it shall be the owner's responsibility to schedule and permit the city's inspection of the rental unit. When an inspection is required for the renewal of an existing certificate, the owner shall schedule and permit that inspection no later than thirty (30) days before the expiration of that certificate. Inspections shall occur during the city's regular business hours, unless the city agrees to other arrangements, and all fees shall be paid prior to the inspection.

(c) If an inspection reveals that the rental unit is not in compliance with the housing and property maintenance code, the owner shall be provided a written list of deficiencies or violations that must be corrected before a certificate is issued. If the city determines that the deficiencies or violations do not render the rental unit uninhabitable, the city shall issue a provisional rental occupancy certificate for that rental unit.

(d) The city may conduct additional inspections as it deems necessary, upon reasonable notice to the owner or agent, such as when a complaint is filed with the city or the city otherwise has reasonable cause to believe a rental unit is in violation of any city code.

(e) In the event the city becomes aware of a code or other deficiencies or violations subsequent to the issuance of a certificate, the city may issue a new provisional rental occupancy certificate addressing the deficiencies or violations, or revoke the current certificate, or both, and may also take any other action allowed by law.

(Ord. of 4-7-03)

**Editor's note:** An ordinance adopted April 7, 2003, amended § 8-100 of the Code in its entirety to read as herein set out. Former § 8-100 pertained to inspections and derived from § I of an ordinance adopted Jan. 25, 1999.

### **Sec. 8-101. Right of appeal.**

All administrative actions taken by the city may be appealed in the manner provided by the housing and property maintenance code.

(Ord. of 4-7-03)

**Editor's note:** An ordinance adopted April 7, 2003, amended § 8-101 of the Code in its entirety to read as herein set out. Former § 8-101 pertained to right of appeal and derived from § I of an ordinance adopted Jan. 25, 1999.

### **Sec. 8-102. Smoke detectors/alarms.**

(a) It shall be the responsibility of the owner of each rental unit to install smoke detectors/alarms in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed in accordance with the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) standards Section 72.

(b) Smoke detectors/alarms shall be installed in the following locations:

(1) In each sleeping room.

(2) Outside of each separate sleeping area in the immediate vicinity of the bedrooms.

(3) On each additional story of the rental unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In rental units with split levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level provided that the

lower level is less than one (1) full story below the upper level.

(c) After every change of occupancy of a rental unit, the owner shall certify in writing to the new tenant(s), at or before the time each new tenant occupies the rental unit, that all smoke detectors/alarms required by this section are installed, the location of each, and that each smoke detector/alarm is in proper working condition.

(d) No person shall tamper or interfere with the effectiveness of a smoke detector required by this section.

(Ord. of 4-7-03)

**Editor's note:** An ordinance adopted April 7, 2003, amended § 8-102 of the Code in its entirety to read as herein set out. Former § 8-102 pertained to additional fees and penalties and derived from § 1 of an ordinance adopted Jan. 25, 1999.

### **Sec. 8-103. Penalties and remedies.**

Violations of any provision of this article are subject to the general penalties and remedies set forth in section 1-11 of the Code of Ordinances, and in addition, the certificate for that rental unit may be revoked.

(Ord. of 4-7-03)

**Editor's note:** An ordinance adopted April 7, 2003, amended § 8-103 of the Code in its entirety to read as herein set out. Former § 8-103 pertained to special assessments and derived from § 1 of an ordinance adopted Jan. 12, 1987.

Secs. 8-104--8-115. Reserved.

**Editor's note:** An ordinance adopted April 7, 2003, repealed former §§ 8-104, 8-105, of the Code in their entirety, which pertained to destruction of property and sanitary conditions, respectively, and both derived from § 1 of an ordinance adopted Jan. 12, 1987.



## Boyne City PlacePlan Visioning Session Summary

### Introduction

Below is a brief summary of the feedback received by planning staff at the May 19<sup>th</sup> visioning session for the Boyne City's PlacePlan. Repeated ideas have been categorized under general themes received at the event in order to make orderly recommendations for site improvements.

### **Q1: What are you proud of about the project site and immediate area?**

#### *Scenic views and beauty of area*

- View of lake
- Sunsets
- Greenery – trees, vegetation, grass, open space
- Well-maintained

#### *Events, festivals, and programming*

- Farmers' market
- Sailboat races
- Mushroom Festival
- 4<sup>th</sup> of July fireworks
- Stroll the Street
- Open to the public - Free

#### *Multi-use functionality*

- Fishing
- Walking
- Boating
- Baseball
- Swimming
- Open space recreation

#### *Downtown and commercial activity*

- Shopper's dock
- Restaurants and stores
- Inviting, quaint downtown



### *Existing features*

- Baseball field
- Veterans' Park
- Sunset Beach
- Pavilion
- Boat launches
- Chamber of Commerce building
- Public marina

## **Q2: What are you sorry about for the project site and immediate area?**

### *Poor maintenance and cleanliness of lake and beaches*

- Peninsula beach area is major area of concern
- Water quality is poor
- Pollution, debris, and glass on beach
- Not good for swimming

### *Missing/lacking features and resources*

- *Marina is too small*
- *No entertainment space*
- *No fishing pier*

### *Current development*

- Condos are an issue
- Building height obstructs view of lake
- "The Fence" around former industrial site

### *Poor connectivity and accessibility*

- Lack of continuous walkway along the entire length of the waterfront
- Poor access to water

### **Q3: What would you like to see as you float over the site in a hot air balloon 15 years from now?**

#### *Increased connectivity and accessibility*

- Continuous pathway along waterfront
- A multi-use boardwalk
- More boat slips
- More accessible points to get to water

#### *Environmental stewardship*

- Clean water
- Harmonious integration between man-made and natural
- Grass, trees, flowers, gardens, native plants

#### More features and activities

- Expanded marina
- More benches and sitting areas
- Fishing
- Boating
- Walking and running
- Bicycling
- Baseball games
- Splash pad
- Band shell/ amphitheater/ permanent performance space
- Open space
- New pavilion
- People using the waterfront, families having fun

