



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.cityofboynecity.com

Phone 231-582-6597
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AGENDA

BOYNE CITY PLANNING COMMISSION

Monday November 18, 2019 5:00 p.m.

Boyne City Hall



Scan QR code or go to
www.cityofboynecity.com
click on Boards & Commissions for complete
agenda packets & minutes for each board

1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda

The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.

Approval of minutes from the October 21, 2019 Boyne City Planning Commission meeting.

4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
 - A. Development Plan Review 631 N East Street
 - B. International Property Maintenance Code Review and Recommendation.
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting December 16, 2019

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334

Approved:

Meeting of October 21, 2019	Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday October 21, 2019 at 5:00 pm.
Call to Order	Chair Place called the meeting to order at 5:00 p.m.
Roll Call	Present: Larry Chute, Monica Kroondyk, Skylar MacNaughton, Tom Neidhamer, Rose Newton, Aaron Place and Jeff Ross Absent: None Vacancy: Two
Meeting Attendance	City Officials/Staff: Planning and Zoning Director Scott McPherson and Recording Secretary Pat Haver Public Present: Six
Consent Agenda **Motion	2019-10-21-03 Ross moved, Chute seconded, passed with dissent from Newton, a motion to approve the consent agenda, the Planning Commission minutes from September 16, 2019 as presented.
Citizen comments on Non-Agenda Items	None
Reports of Officers, Boards and Standing Committees	Planning Director McPherson indicated that the city would like to put together a Marijuana Work Group of volunteers from various city boards. If anyone is interested in volunteering, let us know and we will get you set up with the date and time of the first meeting. The last marijuana webinar is this week on Thursday, October 24 th at 3:30 pm in the commission chambers. This webinar is supposed to be the best of the series as it will review all of the other sessions.
Unfinished Business	None
New Business	Planning Director Scott McPherson reviewed his staff report that was included in the agenda packet. The application that has been submitted for plan review is a 28' x 62' addition on the north side of the building for a proposed new breakroom and restrooms, and a 66' x 96' addition proposed on the south side of the building for an oven powder coating structure. The existing and the proposed uses are principal permitted uses in the RC/IND district, and the proposed site plan is in compliance with all ordinance requirements of Section 20.20 in regards to building placement, height, lot coverage and size. Under Sections 13.40 and 22.30 which establishes design standards for buildings located in the RC/IND district; the proposed additions comply with design criteria, matching the existing structure in materials, site layout, retention pond and location of the future proposed driveway. The existing parking currently exceeds ordinance standards and the proposed addition is not anticipated to add any additional demands. During their review, staff found no issues as it meets all ordinance requirements. Even though it is not in the industrial park, the EDC (Economic Development Corporation)/L DFA (Local Development Finance Authority) boards recently reviewed the plans and fully support the project. Jay Wangeman: Wangeman Construction – Introduced the team and reiterated what Planning Director McPherson stated. They are looking to get the project started as soon as possible. Chute – the smaller addition to front, will it be brick/block or siding?
Development Plan review 1254 M – 75 Jervis B. Webb (Daifuku)	

Wangeman – It will be siding to match as closely as possible to existing structure.

Chute – What about the retention basins?

Wangeman – The SW corner will be used for the basin for the additional proposed hard surface and the run off from the roof; and will be done as part of the construction.

Place – Will there be any additional hazardous materials that will be produced?

Gary Jett – No; the paint that was used previously had VOC's which we are no longer using, we are using a powder coating that is nontoxic and can be put into a bag and hauled away by Waste Management. We are inspected yearly, and have had no problems.

Board Discussion

At this point, Chair Place facilitated the review of Section 19.40 Development Site Plan Review Standards Findings of Fact going through each section.

****Motion**

After board discussion and review with a few minor corrections; **motion by Ross, seconded by Newton** based on the findings of facts under Section 19.40, to recommend approval of the Development Site Plan for 1254 M 75 as presented.

2019-10-21-7A

Roll Call:

Ayes: Chute, Kroondyk, MacNaughton, Neidhamer, Newton, Place and Ross

Nays: None

Absent: None

Vacancy: Two

Motion Carries

**Public Hearing
Proposed Ordinance
Amendments to Reduce
Housing Barriers.**

Planning Director McPherson reviewed his staff report included in the agenda packet. Tonight before the board are several text amendments to the Zoning Ordinance, specifically Articles II, IV, V, X, XI. A public notice was placed into the Petoskey News Review on October 4th, and Chair Place would like to make that an attachment to the minutes, will be done as Attachment 1.

Public Hearing was opened at 5:20 pm and after no discussion from audience members was closed at 5:21 pm

Board Discussion

The board reviewed the proposed amendments, and had a question about the RED district and the amendments the board proposed for that area. They were not on the staff report, however, were included in the public notice, so they would be included in the public hearing. McPherson had recently attended a MAP (Michigan Association of Planners) convention and one of the conference topics was "Gentle Density"; he reported that we are ahead of several communities in the state with the way that we are looking at dealing with the lack of housing. The board appreciated the hard work from staff, and after discussion, **motion by Ross, seconded by Chute** to recommend to the City Commission consideration of the proposed amendments to the Boyne City Zoning Ordinance and schedule a first reading.

****Motion**

2019-10-21-7B

Roll Call:

Ayes: Chute, Kroondyk, MacNaughton, Neidhamer, Newton, Place and Ross

Nays: None

Absent: None

Vacancy: Two

Motion Carries

Zoning Map Correction Recommendation

Planning Director McPherson reviewed his report included in the agenda packet. A local appraiser brought the discrepancies in the zoning maps to staff’s attention. The area in question is a section up behind Challenge Mountain. The 2001 adopted map and ordinance introduced a new district designation and new boundaries for some residential and commercial districts, two of the parcels involved are 15-051-302-01-60 and 15-051-302-01-65; on a private drive Crozier Crest. After staff review of historical zoning maps, land use, geography and topography it is believed that the zoning map boundary lines that were updated in 2001 were incorrectly drawn to include these parcels in the RC/IND district. The parcels were created in the 1990’s and in 1994 a dwelling was constructed on parcel 15-051-302-001-60 and the other remained vacant. Tax records for both parcels shows they have been classified and assessed as residential since each was created. Section 2.30 of the zoning ordinance includes procedures for resolving questions regarding district boundary lines. The ordinance specifies that the Zoning Board of Appeals shall determine the exact boundary lines after a recommendation from the Planning Commission.

Public Hearing opened at 5:27pm, and with no comments from the audience, closed at 5:27 pm

****Motion**

After further board discussion and consideration, **motion by Ross, seconded by MacNaughton** to recommend this matter to the Zoning Board of Appeals for their interpretation as to the correctness of the zoning district map adopted in 2001.

2019-10-21-7C

Roll Call:

Ayes: Chute, Kroondyk, MacNaughton, Neidhamer, Newton, Place and Ross

Nays: None

Absent: None

Vacancy: Two

Motion Carries

Staff Report

- Planning Director McPherson shared with the board that the City Commission would like to have a joint meeting with this board and the Parks and Recreation Commission on November 19th at 7:00 pm to discuss the possible non-motorized trail route on Michigan Avenue to the west. They are looking at incorporating this leg of the trail into the upcoming N. Lake Street project that is slated to begin next spring. Larry Fox, consultant from C2ae, will be on hand to answer any questions, and facilitate the discussion.
- The Boyne Valley non-motorized trail is mostly cleared and a sidewalk has been put down in Boyne Falls. Gravel has been laid for the boardwalk sections that they hope to have installed yet this fall. The engineers were able to reduce 30 feet of board walk, which in turn has reduced the project by approximately \$30,000. Boyne Mountain will be installing signage on their property at their cost, which is another reduction of approximately \$5,000. The final projected date for completion is June 11, 2020
- MEDC has contracted with a freelance photographer who was recently in the area taking pictures, and has gotten a lot of great shots which the city will be able to use however we would like.

Good of the Order

- What is the status of the public hearing for parking? Staff is continuing to work on it

- On September 30th Planning Commissioner training was held in Petoskey. Commissioners Chute, Ross, Newton, MacNaughton and Place attended. They all indicated that it was very informative and have come away with quite a few ideas; one was having a dedicated email only for planning duties, pay attention to conversations that you have outside of the chambers in what you say and do; to have a smooth meeting, all comments, questions, statements should be directed through the chair, and they will in turn direct the comment, suggestion or question to the appropriate party. The board was very appreciative of the in-depth reports that are given by staff.
- With the two vacancies on the board, members have been approached by people who would consider serving on the board, however, live outside of the city limits; some are business owners in the city, and wondered why they were not able to serve as other boards and commissions in the city allow non city residents to serve.
- Thank you to George Ellwanger who has served on the Planning Commission since 2003, his insight, knowledge, dedication have been very much appreciated along with Joe St. Dennis who has served 29 years, both members will be missed.
- Scott McPherson reminded the commission of the upcoming 6th Annual Charlevoix County Planners Forum hosted by Tip of the Mitt Watershed Council scheduled for October 30th in Charlevoix. The deadline for signing up is October 25th; so you will need to register yourself. If you attend, please let us know so that we can update the training log.
- The concerns for short term rentals was brought up again, staff is continuing to compile information for the City Commission, who recognizes this issue. A matrix was handed out by Chute, received and filed, and staff will make that inventory available to the City Commissioners also. What is the percentage that the city can handle? Surrounding areas have ordinances or resolutions in place already.

Adjournment
****Motion**

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, November 25, 2019 at 5:00 p.m.

2019-10-21-10

Newton moved, Ross seconded, PASSED UNANIMOUSLY a motion to adjourn the October 21, 2019 meeting at 6:04 pm

Chair Aaron Place

Recording Secretary Pat Haver

Public Notices

Public Notices

PUBLIC NOTICE

**CITY OF BOYNE CITY
PLANNING COMMISSION**

Notice is hereby given that, pursuant to rules and regulations as outlined in the Boyne City Zoning Ordinance, a public hearing will be held at the regular meeting of the Boyne City Planning Commission on Monday, October 21, 2019 at 5:00 p.m. in the City Commission Chambers, 319 N. Lake Street, Boyne City, MI, to review and consider the following proposed text amendments to Boyne City Zoning Ordinance:

A Summary of the Regulatory Effect and specific sections of the proposed amendments are as follows: Article II Definitions: Changes to definitions of Manufactured Dwellings, Modular Home and Mobile Home Park are proposed to provide clarity, correct terminology, and eliminate redundancy. Article IV Section 4.20 Principal Permitted uses Traditional Residential District: Accessory dwelling units and duplex units are added as principal permitted uses. Article IV Section 4.30 Conditional Uses Traditional Residential District: Accessory dwelling units and two-family units are deleted as conditional uses, multiple family dwelling units up to a maximum of 4 units are added as a conditional use. Article V Section 5.20 Principal Permitted uses Rural Estate District: Accessory Dwelling Units and Duplex units are added as principal permitted uses. Article VII Manufactured Housing Park District: In all sections terminology changed from Mobile Home to Manufactured Home. Section 7.40 Development Requirements Section D. 1.b.: Changed lot area and density from 4,400 – 5,500 square feet per unit to 10 units per acre. Section D. 5. a. Changed 25,000 square foot minimum to include more than 1 open space area, deleted 10,000 square foot active open space requirement. Article X Central Business District Section 10.20 A.: Deleted setback requirements for apartment buildings. Section 10.20. M.: Changed the residential component of mixed-use buildings to permit ground floor residential units that do not have frontage on an adjacent street. Article XI Transitional Commercial District Section 11.02 A. Deleted setback requirements for apartment buildings. Section 11.02 H.: Changed the residential component of mixed-use buildings to permit ground floor residential units that do not have frontage on an adjacent street.

More details on the proposed ordinance amendments are available for review at the Boyne City Planning Department, Monday through Friday, 7:30 a.m. through 4:30 p.m. All interested persons are encouraged to attend the public hearing and participate in discussion. Any input in regard to the issues will be received in writing by the City Planner's office until 4:30 p.m. on the day of the public hearing or at the public hearing. For further information contact the City Planner's office at 319 N. Lake Street, Boyne City, MI 49712 or call (231)-582-0343. Questions and comments may also be e-mailed to smcpherson@boynecity.com.

(L-10/4)

*Petoxley New Review
10/4/19*

CITY OF BOYNE CITY

To: Aaron Place and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: November 18, 2019

Subject: 631 N East Development Plan Review



Background Information

The property located at 631 N East Street is owned by the Northern Michigan Holiness Camp Meeting Association. The property is 4 parcels comprised of a group of platted lots that total approximately 2+ acres which is bisected north to south by an alley. The property is located in the TRD zoning district.



Discussion

The property has been used for annual camp meetings held by the Holiness Church for many years. In 2014 a development plan was approved for the building located at 631 N East Street. The building was constructed to replace the facility located on Park Street. The proposed plan is for a 26' x 36' classroom addition on the south side of the existing building. The use of the property for churches and places of worship with a maximum capacity of 500 people is a

principal permitted use in the district. The proposed structure would have a maximum capacity of 117. The proposed use is in compliance with ordinance standards for setbacks, lot coverage and building height. The existing 42 space parking lot is paved and meets ordinance requirements for the proposed addition.

PROCESS

The application requires Site plan review as per article 19 Development Plan Requirements. As the use is a principal permitted use the use must be approved if the Development Plan meets all ordinance criteria.

RECOMMENDATION

The Planning Commission should then review the Development plan requirements. On each item of the findings the Commission needs to make a determination based on the relevant facts if the standard is met, not met or met with conditions. The Planning Commission can approve the application, approve the application with conditions or deny the application. If approved with conditions the conditions must be listed, if denied the reasons for denial must be state the reason for the denial.

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
681 EAST ST NORHTERN MI HOLINESS CAMP**

Section 19.40 Development Plan Approval Criteria.

In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether or not the development plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:

ORDINANCE REQUIREMENT	FINDING	FACTS
<p><u>A. General.</u> All elements of the development plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. The development plan shall conform with all requirements of this Ordinance, including those of the applicable zoning district(s).</p>		<p>The parcel is approximately 2 acres is a flag shaped thru parcel located on the corner of Collins and between Park and East St. It is in the TRD zoning district and churches are a principal permitted use as per sec 4.20(B) of the BCZO. There is an existing structure on the site that is used for annual church gatherings. Development plan for the existing bldg was approved in July 2014. The proposed 36 x 26 classroom addition is located on the south side of the existing building. The addition will match the style and architecture of the existing building and meets all dimensional requirements of Article XX Schedule of Regulations.</p>
<p><u>B. Building Design.</u> The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the architectural and building material requirements of this Ordinance.</p>		<p>Bldg elevations have been provided. Proposed building will have white vinyl to match existing and is similar to style and materials found in surrounding neighborhood.</p>
<p><u>C. Preservation of Significant Natural Features.</u> Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Ordinance, in particular wetlands designated /regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, wetlands which are not regulated by the Department.</p>		<p>Bldg will be placed in area of the property that has previously been cleared.</p>
<p><u>D. Streets.</u> All streets shall be developed in accordance with the City of Boyne City Subdivision Control Ordinance and City Municipal Standards, unless developed as a private road in accordance with the requirements of the City.</p>		<p>No new streets are proposed.</p>

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
681 EAST ST NORHTERN MI HOLINESS CAMP**

<p><u>E. Access, Driveways and Circulation.</u> Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Boyne City Comprehensive Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the access management provisions of this Ordinance.</p>		<p>Existing access to be used.</p>
<p><u>F. Emergency Vehicle Access.</u> All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department, Ambulance Department and Police Department.</p>		<p>Plan reviewed by BC Fire Chief no access issued noted.</p>
<p><u>G. Sidewalks, Pedestrian and Bicycle Circulation.</u> The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.</p>		<p>Existing Sidewalk on East Street. No additional sidewalk proposed on site.</p>
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>		<p>Barrier free parking provided in existing parking lot.</p>

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
681 EAST ST NORHTERN MI HOLINESS CAMP**

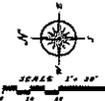
<p><u>L. Parking.</u> The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Ordinance. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Ordinance.</p>		<p>Use requires 39 parking spaces, 39 spaces proposed.</p>
<p><u>J. Loading.</u> All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Ordinance.</p>		<p>No loading area or dumpsters are proposed.</p>
<p><u>K. Landscaping, Screening, and Open Space.</u> The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the landscaping provisions of this Ordinance. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.</p>		<p>Existing vegetation on site will provide screening on the south, west and north. No additional landscaping is proposed.</p>
<p><u>L. Soil Erosion Control.</u> The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Planning Director or City Engineer, and have a valid Charlevoix County Soil Erosion permit.</p>		<p>Soil erosion permit must be obtained if required.</p>

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
681 EAST ST NORHTERN MI HOLINESS CAMP**

<p><u>M. Stormwater Management.</u> Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water. All such measures shall comply with the Charlevoix County Stormwater Ordinance.</p>		<p>25 yr storm water retention area provided.</p>
<p><u>O. Lighting.</u> Exterior lighting shall be arranged so that it is directed preferably downward onto the subject site and deflected away from adjacent properties. Lighting shall not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.</p>		<p>No exterior lighting proposed.</p>
<p><u>P. Noise.</u> The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.</p>		<p>Existing use of property will not change and increase in noise is not anticipated with the new location and structure.</p>
<p><u>Q. Mechanical Equipment.</u> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>		<p>No mechanical equipment is shown on plan.</p>
<p><u>R. Signs.</u> The standards of the City of Boyne City's Sign Ordinance are met.</p>		<p>No signage proposed</p>

**DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT
681 EAST ST NORHTERN MI HOLINESS CAMP**

<p><u>S. Hazardous Materials or Waste.</u> For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.</p>		<p>No hazardous materials will be on site.</p>
<p><u>T. Other Agency Reviews.</u> The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Charlevoix County Drain Commissioner, Northwest Michigan Community Health Agency, Charlevoix County Building Department, and other federal and state agencies, as applicable.</p>		<p>All other applicable permits must be obtained.</p>
<p><u>U. Approval Process.</u> The development plan shall be reviewed by the Planning Commission. If disapproval is recommended, the Planning Commission shall cite reasons for such disapproval. If the Planning Commission finds a development plan not in conformity with this section, it may, at its discretion, return the development plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon resubmission of the modified development plan, the Planning Commission shall review the plan. The Commission may approve, disapprove or approve subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of this Ordinance and other ordinances and resolutions of the City. If disapproved, the Planning Commission shall cite reasons for such disapproval.</p>		



SITE PLAN
Proposed Addition at Church
PART OF SECTION 25, T34N, R5W
BOYNE CITY (EVANGELINE TWP.)
CHARLEVILLE COUNTY, MICHIGAN

LEGEND:

- UTILITY POLE
- FOUND SURVEY IRON
- ⊕ WATER VALVE
- ⊞ TELEPHONE PEDESTAL
- ⊞ HYDRANT
- SIGN
- ⊞ CURBSTOP
- ⊞ CATCH BASIN
- ⊞ MAILBOX
- MANHOLE
- ▭ EDGE OF WOODED AREA
- ▭ EX. PAVED SURFACE
- ▭ EX. CONC. SURFACE

SITE NOTES:

SITE ZONING: TRD
SITE AREA: 17.839 ACRES
ENCL. NETWORK: NONE
SITE: 17
SCALE: 1" = 20'

ZONING USE: CHURCH AND CLERGHOUSE (1117 SEATS)
PROPOSED USE: CHURCH AND CLERGHOUSE (1117 SEATS)
BUILDING SIZE: 3,841 SQ. FEET
PARKING REQUIRED: 1 SPACE PER 3 SEATS = 373 - 35 SPACES
PARKING PROVIDED: 42 SPACES ONLY, 1 BARRED SPACE

WOODS: CITY RULES
SEWER: CITY RULES
SITE DRAINAGE: TO SEWER
SOILS: PLACE EXISTING EDEGE ALONG EXISTING PROPERTY LINE
SOILS: SOIL SURVEY INDICATES SANDY LOAM (SOM 4.0%) (S112)

STAMPS: EXISTING AS SHOWN
LIGHTING: NONE PROPOSED

GENERAL NOTES:

UTILITY LOCATIONS SHOWN SHALL BE CONSIDERED APPROXIMATE. CALL MISS DIG (31) FULL BEFORE DIGGING PRIOR TO CONSTRUCTION.

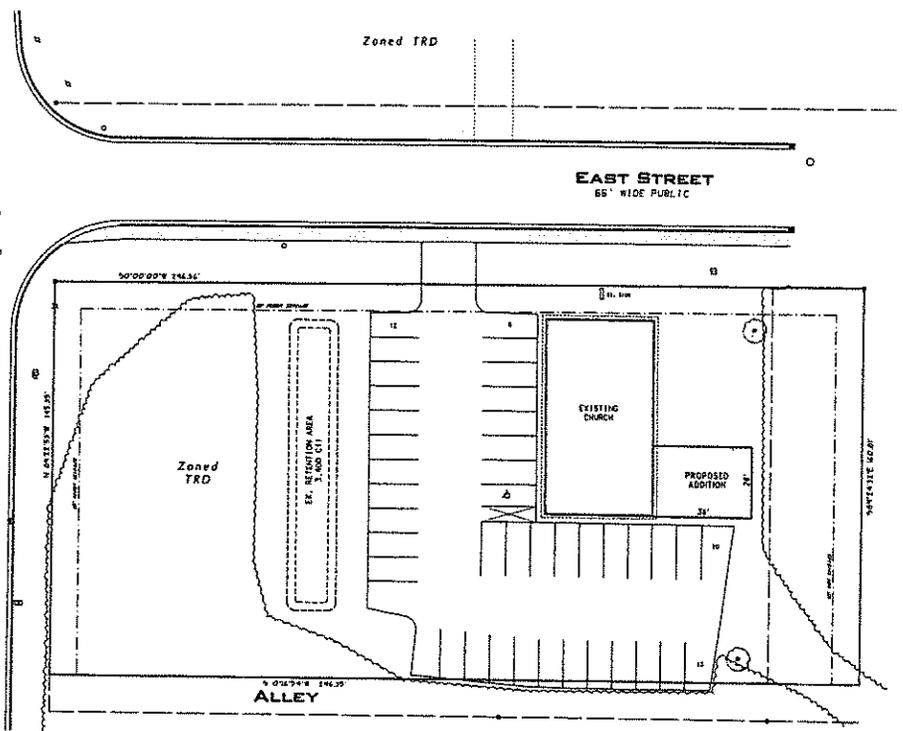
STORMWATER AND SOIL EROSION AND SEDIMENTATION CONTROL PERMITS MAY BE REQUIRED FROM THE CITY AND/OR COUNTY BLDG. DEPARTMENT.

PERMITS FOR CURB CUTS MAY BE REQUIRED FROM THE CITY.

SEWERAGE AND WATER MAIN DEPT. SHALL BE IN ACCORDANCE WITH CITY STANDARDS AND THE OWNER SHALL BE RESPONSIBLE FOR PAYMENT OF APPLICABLE TAP FEES.

THIS IS NOT INCORPORATED OR REPRESENTED TO BE A FINAL SURVEY. NO WARRANTY OR LIABILITY IS MADE BY THE ENGINEER. THE PROPERTY RESTRICTIONS ARE SHOWN, AND NO CHECK OF THIS RESTRICTIONS SURVEY, RECORDS OF OCCUPATION HAS BEEN PERFORMED AS PART OF THIS DESIGN.

Scale of Benchmark is 1" = 20.00'



STORMWATER CALCULATIONS

EXISTING PROPERTY CALCULATIONS	
DRAINAGE AREA	16,437 S.F. = 0.37 AC
24 HR RAINFALL	1.41 INCHES (DETENTION)
24 HR RAINFALL	1.41 INCHES
PROPOSED PROPERTY CALCULATIONS	
DRAINAGE AREA	2,880 S.F. = 0.066 AC
24 HR RAINFALL	1.41 INCHES (DETENTION)
24 HR RAINFALL	1.41 INCHES
RELEASED RAINFALL (24 HR) = 3,439 GPD	
RETENTION VOLUME	1,469 GPD
RETENTION VOLUME	1,469 GPD = 1.00 CU YD
TOTAL RETENTION VOLUME	1,469 CU YD



BENCHMARK ENGINEERING INC.
SURVEYORS • CIVIL ENGINEERS

11000 WOODLAND AVENUE
PO BOX 1100
BOYNE CITY MI 49711
PH: 517-761-1100
WWW.BENCHMARKENGINEERINGINC.COM

DATE SUBMITTED BUILDING PERMIT	
DATE	11/2011
BY	STEPHEN A. HOLSEN
DATE SUBMITTED ZONING PERMIT	
DATE	11/2011
BY	STEPHEN A. HOLSEN

SITE PLAN
PROPOSED ADDITION AT CHURCH - BOYNE CITY



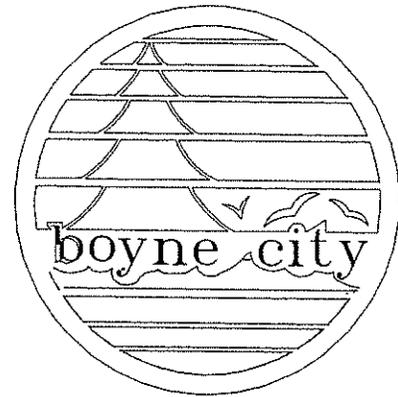
CITY OF BOYNE CITY

To: Aaron Place and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: November 18, 2019

Subject: International Property Maintenance Code



Background

Currently the City does not have any type of property maintenance code. The only tool the City has to take action against dilapidated properties is the City's Dangerous Building's Ordinance. To take action using the Dangerous Building Ordinance a structure has to be significantly damaged, usually to the point that it is economically unfeasible to repair or restore the structure. While this ordinance has been used to remove dangerous structures in the past, it would be beneficial to have the ability to intercede prior to a structure becoming dangerous. Over the years the City has discussed the possible adoption of a property maintenance code, however, it appears an actual ordinance has never been developed and submitted to the City Commission for adoption.

Discussion

Given our experiences with dilapidated buildings over the past couple of years, and the time and effort required to enforce the dangerous building ordinance, a property maintenance code could offer a more efficient and less time consuming enforcement tool. A property maintenance code would provide the City the ability to take action to have small defects corrected prior to becoming unfixable issues. Locally, the City of East Jordan and the City of Petoskey have adopted property maintenance codes. I have reached out to officials at both jurisdictions and hopefully will be able relay their experiences and methods of enforcing code when the Commission discusses this issue at the June 12th meeting. These codes are customized versions of the International Property Maintenance Code. For your reference a copy of the Petoskey code has been provided.

As can be seen in the example provided, a property maintenance code is comprehensive and covers all aspects of a property to include the exterior, interior, plumbing, mechanical, and electrical and fire safety among other things. The code details the methods for administration and enforcement to include the duties and powers of the code official, methods of notification and appeals processes. When considering a property maintenance code some of the details that need to be considered are the methods of enforcement, penalties and appeals board. While existing staff could enforce some aspects of the a property maintenance code, such as deficiencies to the exterior of a structure and grounds, other areas such as plumbing, mechanical, electrical and fire safety would take a level of expertise beyond our current capabilities. The penalty provision for violations of the property maintenance code could be a misdemeanor or a civil infraction. Currently in the City the penalty provisions for most other similar type ordinances is a civil infraction. The appeal process for the property maintenance code starts with an appeal to a board of appeals. This board could be comprised a newly appointed board just to hear appeals regarding the property maintenance code, or the authority could be given the existing zoning board of appeals. In the sample ordinance from Petoskey the zoning board of appeals was given the authority to hear appeals of the property maintenance code.

This issue is being brought to the Planning Commission for review and recommendation. It is anticipated that a draft ordinance will be brought to the City Commission for review and consideration in December.

ARTICLE II. - INTERNATIONAL PROPERTY MAINTENANCE CODE^[3]

DIVISION 1. - SCOPE AND ADMINISTRATION

SUBDIVISION I. - SCOPE AND APPLICATION

Sec. 13-21. - General.

- (a) *Title.* These regulations shall be known as the International Property Maintenance Code of the City of Petoskey, hereinafter referred to as "this code."
- (b) *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.
- (c) *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.
- (d) *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.

(Ord. No. 716, § 1(§ 101), 7-19-2010)

Sec. 13-22. - Applicability.

- (a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- (b) *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. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. 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.
- (c) *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 International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.
- (d) *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 insanitary.
- (e) *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.
- (f) *Historic buildings.* The provisions of this code shall not be mandatory for existing buildings or structures designated as

historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

- (g) *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.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

- (h) *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, 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.

- (i) *Application of references.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

- (j) *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 716, § 1(§ 102), 7-19-2010)

Sec. 13-23. - Definitions.

(a) *General.*

- (1) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (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.
- (3) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- (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.
- (5) *Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

(b) *General definitions.*

Anchored. Secured in a manner that provides positive connection.

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 in either a dwelling or sleeping unit.

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.

Detached. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

Equipment support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snigger, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

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

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.

Housekeeping unit. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent danger. 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, vermin or other pests.

Inoperable motor vehicle. A vehicle which cannot be driven upon the public streets for reason including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Labeled. Equipment, materials or products to which have 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 whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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.

Neglect. The lack of proper maintenance for a building or structure.

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.

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.

Pest elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.

Public way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

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.

[B] Sleeping unit. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Strict liability offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a 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.

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

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.

Ultimate deformation. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

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.

(Ord. No. 716, § 1(ch. 2), 7-19-2010)

Secs. 13-24, 13-25. - Reserved.

SUBDIVISION II. - ADMINISTRATION AND ENFORCEMENT

Sec. 13-26. - Department of property maintenance inspection.

- (a) *General.* The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.
- (b) *Appointment.* The code official shall be appointed by the City Manager for the City of Petoskey.

- (c) *Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.
- (d) *Liability.* The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, 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 or by reason of an act or omission 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.
- (e) *Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be determined by resolution of the city council from time to time as adopted.

(Ord. No. 716, § 1(§ 103), 7-19-2010)

Sec. 13-27. - Duties and powers of the code official.

- (a) *General.* The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- (b) *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.
- (c) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.
- (d) *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- (e) *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.
- (f) *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 for the period required for retention of public records.

(Ord. No. 716, § 1(§ 104), 7-19-2010)

Sec. 13-28. - Approval.

- (a) *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 upon application of the owner or owner's representative, 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.

- (b) *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of 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 proposal 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.
- (c) *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 authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.
 - (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 be permitted to approve appropriate testing procedures performed by an approved agency.
 - (2) *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.
- (d) *Used material and equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.
- (e) *Approved materials and equipment.* Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.
- (f) *Research reports.* Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(Ord. No. 716, § 1(§ 105), 7-19-2010)

Sec. 13-29. - Violations.

- (a) *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.
- (b) *Notice of violation.* The code official shall serve a notice of violation or order in accordance with section 13-30.
- (c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 13-30 shall be deemed responsible for a municipal civil infraction, pursuant to [this] section, subject to payment of a civil fine pursuant to the City of Petoskey Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the City of Petoskey Municipal Infraction Ordinance and other applicable laws), 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. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (d) *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 offense.
- (e) *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.

(Ord. No. 716, § 1(§ 106), 7-19-2010)

Sec. 13-30. - Notices and orders.

- (a) *Notice to person responsible.* Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in subsections (b) and (c) to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with subsection 13-31(c).
- (b) *Form.* Such notice prescribed in subsection (a) shall be in accordance with all of the following:
 - (1) Be in writing.
 - (2) Include a description of the real estate sufficient for identification.
 - (3) Include a statement of the violation or violations and why the notice is being issued.
 - (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
 - (5) Inform the property owner of the right to appeal.
 - (6) Include a statement of the right to file a lien in accordance with subsection 13-29(c).
- (c) *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:
 - (1) Delivered personally;
 - (2) Sent by certified or first class mail addressed to the last known address; or
 - (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- (d) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.
- (e) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in subsection 13-29(d).
- (f) *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 such dwelling unit or structure 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.

(Ord. No. 716, § 1(5 107), 7-19-2010)

Sec. 13-31. - Unsafe structures and equipment.

- (a) *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 structure shall be condemned pursuant to the provisions of this code.
 - (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.
 - (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.
 - (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 insanitary, 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.

- (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.
- (5) *Dangerous structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
- a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
 - b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
 - c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
 - d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of 1½ the original designed value.
 - e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
 - f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
 - g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
 - h. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
 - i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 - j. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
 - k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
- (b) *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy, and is not in post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive 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 and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (1) *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of

utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in subsection 13-22(g) in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

- (c) *Notice.* Whenever the code official has condemned a structure or equipment 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 subsection 13-30(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in subsection 13-30(b).
- (d) *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 or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
 - (1) *Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.
- (e) *Prohibited occupancy.* Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (f) *Abatement methods.* The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.
- (g) *Record.* The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(Ord. No. 716, § 1(§ 108), 7-19-2010)

Sec. 13-32. - Emergency measures.

- (a) *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: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." 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.
- (b) *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.
- (c) *Closing streets.* When necessary for 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.

- (d) *Emergency repairs.* For the purposes of this section, the code official shall employ the necessary labor and materials to perform required work as expeditiously as possible.
- (e) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- (f) *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.

(Ord. No. 716, § 1(§ 109), 7-19-2010)

Sec. 13-33. - Demolition.

- (a) *General.* The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary 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 board up and hold for future repair 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 years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.
- (b) *Notices and orders.* All notices and orders shall comply with section 13-30.
- (c) *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.
- (d) *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, for 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.

(Ord. No. 716, § 1(§ 110), 7-19-2010)

Sec. 13-34. - Means of appeal.

- (a) *Application for appeal.* Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the City of Petoskey Zoning Board of Appeals, provided that a written application for appeal is filed within 20 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.
- (b) *Membership of board.* The board of appeals shall be appointed consistent with the Michigan Zoning Enabling Act, being MCL 125.3101 et seq. and Article XX of the City of Petoskey Zoning Ordinance, as amended from time to time.
 - (1) *Fees for appeals.* The fee for an appeal shall be \$100.00 to be paid upon application for an appeal. The city council may from time to time prescribe and amend by resolution an alternative reasonable fee charged for an appeal under this code.
 - (2) Reserved.
 - (3) *Disqualification of member.* A member shall not hear an appeal in which that member has a personal, professional or financial interest.

- (4) *Secretary.* The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall maintain a detailed record of all proceedings in the office of the chief administrative officer.
- (5) *Compensation of members.* Compensation of members shall be determined by law.
- (c) *Notice of meeting.* The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.
- (d) *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 not less than two-thirds of the board membership.
 - (1) *Procedure.* The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- (e) *Postponed hearing.* When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (f) *Board decision.* The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.
 - (1) *Records and copies.* The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.
 - (2) *Administration.* The code official shall take immediate action in accordance with the decision of the board.
- (g) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by Section 606 of the Zoning Enabling Act following the filing of the decision in the office of the chief administrative officer.
- (h) *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.

(Ord. No. 716, § 1(§ 111), 7-19-2010)

Sec. 13-35. - Stop work order.

- (a) *Authority.* Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.
- (b) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
- (c) *Emergencies.* Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.
- (d) *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the civil fine for a third offense of a violation of chapter 13 of the Code of Ordinances, as more particularly established by the City of Petoskey Civil Infraction Ordinance, as amended.

(Ord. No. 716, § 1(§ 112), 7-19-2010)

Secs. 13-36—13-40. - Reserved.

DIVISION 2. - GENERAL REQUIREMENTS

Sec. 13-41. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) *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, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (c) *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.

(Ord. No. 716, § 1(§ 301), 7-19-2010)

Sec. 13-42. - Exterior property areas.

- (a) *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.
- (b) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

- (c) *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.
- (d) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. 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. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with subsection 13-29(c) and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.
- (e) *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.
- (f) *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.
- (g) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (h) *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. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

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.

- (i) *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.

(Ord. No. 716, § 1(§ 302), 7-19-2010)

Sec. 13-43. - Swimming pools, spas and hot tubs.

- (a) *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- (b) *Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

(Ord. No. 716, § 1(§ 303), 7-19-2010)

Sec. 13-44. - Exterior structure.

- (a) *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.
 - (1) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:
 - a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
 - b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
 - c. Structures or components thereof that have reached their limit state;
 - d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
 - e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
 - f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
 - g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
 - h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
 - i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
 - j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all

load effects;

- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

- (b) *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. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- [F] (c) *Premises identification.* 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 contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *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.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) *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.
- (h) *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.
- (i) *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 the 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.
- (j) *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.
- (k) *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.

- (l) *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.
- (m) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.
 - (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
 - (2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (n) *Insect screens.* During the period from May 1 to October 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 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

- (o) *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with subsection 13-87(c).
- (p) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- (q) *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.
- (r) *Building security.* Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
 - (1) *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
 - (2) *Windows.* Operable windows located in whole or in part within six feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
 - (3) *Basement hatchways.* Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(Ord. No. 716, § 1(§ 304), 7-19-2010)

Sec. 13-45. - Interior structure.

- (a) *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
 - (1) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing

buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- c. Structures or components thereof that have reached their limit state;
- d. Structural members are incapable of supporting nominal loads and load effects;
- e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

- (b) *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (c) *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.
- (d) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- (e) *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.
- (f) *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.

(Ord. No. 716, § 1(§ 305), 7-19-2010)

Sec. 13-46. - Component serviceability.

- (a) *General.* The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
 - (1) *Unsafe conditions.* Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:
 - a. Soils that have been subjected to any of the following conditions:
 1. Collapse of footing or foundation system;
 2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 4. Inadequate soil as determined by a geotechnical investigation;
 5. Where the allowable bearing capacity of the soil is in doubt; or
 6. Adverse effects to the footing, foundation, concrete or other structural element due to the groundwater

table.

- b. Concrete that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Ultimate deformation;
 - 3. Fractures;
 - 4. Fissures;
 - 5. Spalling;
 - 6. Exposed reinforcement; or
 - 7. Detached, dislodged or failing connections.
- c. Aluminum that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Corrosion;
 - 3. Elastic deformation;
 - 4. Ultimate deformation;
 - 5. Stress or strain cracks;
 - 6. Joint fatigue; or
 - 7. Detached, dislodged or failing connections.
- d. Masonry that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Ultimate deformation;
 - 3. Fractures in masonry or mortar joints;
 - 4. Fissures in masonry or mortar joints;
 - 5. Spalling;
 - 6. Exposed reinforcement; or
 - 7. Detached, dislodged or failing connections.
- e. Steel that has been subjected to any of the following conditions:
 - 1. Deterioration;
 - 2. Elastic deformation;
 - 3. Ultimate deformation;
 - 4. Metal fatigue; or
 - 5. Detached, dislodged or failing connections.
- f. Wood that has been subjected to any of the following conditions:
 - 1. Ultimate deformation;
 - 2. Deterioration;
 - 3. Damage from insects, rodents and other vermin;
 - 4. Fire damage beyond charring;
 - 5. Significant splits and checks;
 - 6. Horizontal shear cracks;
 - 7. Vertical shear cracks;
 - 8. Inadequate support;
 - 9. Detached, dislodged or failing connections; or
 - 10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

(Ord. No. 716, § 1(§ 306), 7-19-2010)

Sec. 13-47. - Handrails and guardrails.

- (a) *General.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

(Ord. No. 716, § 1(§ 307), 7-19-2010)

Sec. 13-48. - Rubbish and garbage.

- (a) *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.
- (b) *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.
 - (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.
 - (2) *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- (c) *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.
 - (1) *Garbage facilities.* The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.
 - (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.

(Ord. No. 716, § 1(§ 308), 7-19-2010)

Sec. 13-49. - Pest elimination.

- (a) *Infestation.* All structures shall be kept free from insect and rodent 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.
- (b) *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (c) *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- (d) *Multiple occupancy.* The owner of a structure containing two 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 occupant and owner shall be responsible for extermination.

- (e) *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.

(Ord. No. 716, § 1(§ 309), 7-19-2010)

Secs. 13-50—13-55. - Reserved.

DIVISION 3. - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Sec. 13-56. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- (b) *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.
- (c) *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

(Ord. No. 716, § 1(§ 401), 7-19-2010)

Sec. 13-57. - Light.

- (a) *Habitable spaces.* Every habitable space shall have at least one 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 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 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 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

- (b) *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 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 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 footcandle (11 lux) at floors, landings and treads.
- (c) *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.

(Ord. No. 716, § 1(§ 402), 7-19-2010)

Sec. 13-58. - Ventilation.

- (a) *Habitable spaces.* Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in subsection 13-57(a).

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 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

- (b) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (a), 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.
- (c) *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 the rooming unit or dormitory unit.

Exceptions:

- 1. Where specifically approved in writing by the code official.
 - 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.
- (d) *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.
 - (e) *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

(Ord. No. 716, § 1(§ 403), 7-19-2010)

Sec. 13-59. - Occupancy limitations.

- (a) *Privacy.* Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (b) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (c) *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 feet (2,134 mm).

Exceptions:

- 1. In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six 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 feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.
 - 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 feet (2,134 mm) over not less than one-third 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 feet (1,524 mm) or more shall be included.
- (d) *Bedroom and living room requirements.* Every bedroom and living room shall comply with the requirements of subsections (1) through (5).
 - (1) *Room area.* Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

- (2) *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable space serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

- (3) *Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (4) *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
- (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 division 4; the heating facilities and electrical receptacle requirements of division 5; and the smoke detector and emergency escape requirements of division 6.
- (e) *Overcrowding.* The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.
- (f) *Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:
- (1) Unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7m²). These required areas shall be exclusive of the areas required by subsection (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 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.
- (g) *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.

(Ord. No. 716, § 1(§ 404), 7-19-2010)

Secs. 13-60—13-65. - Reserved.

DIVISION 4. - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Sec. 13-66. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- (b) *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.

(Ord. No. 716, § 1(§ 501), 7-19-2010)

Sec. 13-67. - Required facilities.

- (a) *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.

- (b) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- (c) *Hotels.* Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (d) *Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
 - (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.
- (e) *Public toilet facilities.* Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(Ord. No. 716, § 1(§ 502), 7-19-2010)

Sec. 13-68. - Toilet rooms.

- (a) *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.
- (b) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
- (c) *Location of employee toilet facilities.* Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public 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 500 feet (152 m) from the employees' regular working area to the facilities.

- (d) *Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. No. 716, § 1(§ 503), 7-19-2010)

Sec. 13-69. - Plumbing systems and fixtures.

- (a) *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.
- (b) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) *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.

(Ord. No. 716, § 1(§ 504), 7-19-2010)

Sec. 13-70. - Water system.

- (a) *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 International Plumbing Code.

- (b) *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.
- (c) *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.
- (d) *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 110°F (43°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 combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. No. 716, § 1(§ 505), 7-19-2010)

Sec. 13-71. - Sanitary drainage system.

- (a) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (b) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (c) *Grease interceptors.* Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the code official.

(Ord. No. 716, § 1(§ 506), 7-19-2010)

Sec. 13-72. - Storm drainage.

- (a) *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.

(Ord. No. 716, § 1(§ 507), 7-19-2010)

Secs. 13-73—13-75. - Reserved,

DIVISION 5. - MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 13-76. - General.

- (a) *Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- (b) *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.

(Ord. No. 716, § 1(§ 601), 7-19-2010)

Sec. 13-77. - Heating facilities.

- (a) *Facilities required.* Heating facilities shall be provided in structures as required by this section.

- (b) *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 61°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

- (c) *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

- (1) 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 Appendix D of the International Plumbing Code.

- (2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

- (d) *Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (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.

- (e) *Room temperature measurement.* The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(Ord. No. 716, § 1(§ 602), 7-19-2010)

Sec. 13-78. - Mechanical equipment.

- (a) *Mechanical appliances.* All mechanical appliances, fireplaces, 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.
- (b) *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.

- (c) *Clearances.* All required clearances to combustible materials shall be maintained.
- (d) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (e) *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.
- (f) *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.

(Ord. No. 716, § 1(§ 603), 7-19-2010)

Sec. 13-79. - Electrical facilities.

- (a) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 13-80.
- (b) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
- (c) *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.

(1) *Abatement of electrical hazards associated with water exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

- a. *Electrical equipment.* Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panel boards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

(2) *Abatement of electrical hazards associated with fire exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

- a. *Electrical equipment.* Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

(Ord. No. 716, § 1(§ 604), 7-19-2010)

Sec. 13-80. - Electrical equipment.

- (a) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- (b) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
- (c) *Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(Ord. No. 716, § 1(§ 605), 7-19-2010)

Sec. 13-81. - Elevators, escalators and dumbwaiters.

- (a) *General.* Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.
- (b) *Elevators.* In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

- (c) *General—Duct systems.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 716, § 1(§§ 606, 607.1), 7-19-2010)

Secs. 13-82—13-85. - Reserved.

DIVISION 6. - FIRE SAFETY REQUIREMENTS

Sec. 13-86. - General.

- (a) *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.
- (b) *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.

(Ord. No. 716, § 1(§ 701), 7-19-2010)

Sec. 13-87. - Means of egress.

- (a) *General.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the way. Means of egress shall comply with the International Fire Code.
- (b) *Aisles.* The required width of aisles in accordance with the International Fire Code shall be unobstructed.
- (c) *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 where the door hardware conforms to that permitted by the International Building Code.
- (d) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices 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 escape and rescue opening.

(Ord. No. 716, § 1(§ 702), 7-19-2010)

Sec. 13-88. - Fire-resistance ratings.

- (a) *Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- (b) *Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(Ord. No. 716, § 1(§ 703), 7-19-2010)

Sec. 13-89. - Fire protection systems.

- (a) *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 International Fire Code.
 - (1) *Automatic sprinkler systems.* Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.
- (b) *Smoke alarms.* Single- or multiple-station smoke alarms shall be installed and maintained in all residential dwellings, regardless of occupant load at all of the following locations:
 - (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - (2) In each room used for sleeping purposes.
 - (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.
- (c) *Power source.* In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

- (d) *Interconnection.* Where more than one smoke alarm is required to be installed within an individual dwelling unit, the smoke shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

- (1) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
- (2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

(Ord. No. 716, § 1(§ 704), 7-19-2010)