

**ORDINANCE NO. 11- 585**

**AN ORDINANCE TO AMEND CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS", BY THE ADDITION OF ARTICLE XII, "PROPERTY MAINTENANCE CODE"**

The City of Muskegon Heights hereby ordains:

That Chapter 18, "**Buildings and Building Regulations**", of the Muskegon Heights City Code be amended by the addition of Article XII, "Property Maintenance Code", as set forth below.

**Sec. 18-424. Title and Purpose.**

(a) Title. This article shall be known as the "Muskegon Heights Property Maintenance Code." It may be cited as such and will be referred to herein as the "code", the "chapter", or the "article" of this ordinance.

(b) Purpose. The purpose of this code is to protect the public health, safety and welfare in buildings intended for human occupancy and accessory structures as hereinafter provided by:

(1) Establishing minimum standards for exterior property areas, exterior structure, interior structure, basic facilities, light and ventilation, occupancy requirements, and fire safety. These standards are designed to be reasonably high, but at the same time, practical and attainable, and should not be interpreted as a guarantee to the purchaser.

(2) Fixing the responsibilities of owners, operators and occupants of every building or structure used or intended for commercial or residential use of occupancy, in whole or in part.

(3) Provide for administration, enforcement and penalties.

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

**Sec.18-425. Definitions.**

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

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

Abandoned dwelling: An unoccupied dwelling: Such dwelling is presumed to be abandoned if it is unoccupied for six (6) months.

Administrator: That person appointed by the City Manager charged with the responsibility of administering the provisions of this chapter.

Animal: Any living species other than a human, insect or plant.

Apartment: A dwelling unit located in a multi-family building.

Apartment house: A structure containing three (3) or more dwelling units.

Basement: That portion of a building which is partially below and partially above grade, and having at least one-half (1/2) its height below grade.

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

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

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

Cellar: That portion of a building which is partly or completely below grade and unfinished, having at least one-half (1/2) its height below grade.

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

City: The municipal corporation that is the City of Muskegon Heights including all authorized agents when acting within the scope of their authority.

Deteriorate: To decay, decompose or degenerate.

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

**Dwelling:** Any building or structure occupied or intended to be occupied, in whole or in part, as a dwelling, residing place, living or sleeping space for one (1) or more humans, whether permanently or transiently.

**Dwelling unit:** A building or structure or portion thereof, designed for occupancy by one (1) family for residential purposes as a single housekeeping unit.

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

**Family:** A person living alone or two (2) or more persons living together as a single housekeeping unit in a dwelling unit.

**Finish surfaces:** Materials used for the final covering of basic structural elements. Finish surfaces shall include, but not be limited to, ceilings, walls, wainscoting, kick boards, molding stops and floor coverings.

**Garbage:** All rejected food wastes, refuse and animal or vegetable matter from any kitchen, market or store.

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

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

**Guardrail:** A guardrail is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. It shall be constructed in such a manner that a sphere **four (4)** inches in diameter cannot pass through.

**Hardware:** Shall include, but not be limited to, door handles, hinges, handles, locks, shelving, cabinets and mirrors.

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

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

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

Health officer: The director of the Muskegon County Health Department or any of his authorized representatives.

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

Hotel dwelling: A dwelling containing hotel units. The word shall include motel.

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

Inspector: A housing inspector or any other employee of the City whose responsibilities include enforcement of the provisions of this article.

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

Junk: To include, but shall not be limited to parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff materials of any kind whatsoever, whether or not the same could be put to any reasonable use.

Kitchenette: A room or portion of a room used for the preparation of food containing facilities and equipment provided for in this article and containing less than seventy (70) square feet of floor space.

Nuisance: Any public nuisance commonly known in law or equity.

Occupancy, occupy: The fact or act of a human living or sleeping in a dwelling unit within a dwelling, whether the human is physically present or temporarily absent.

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

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

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

Person: A natural person, firm, partnership, association or corporation.

Premises: Any lot or parcel of land and the building location thereupon.

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

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

Rented or leased: To be legally occupied by a person or family.

Reside: To be domiciled.

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

Rooming dwelling: A dwelling building, dormitory or institutional group quarter containing rooming units.

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

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

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

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

Tenant: Any person other than a legal or equitable title holder, occupying or possessing a dwelling or part thereof.

Unit: A collective term for any dwelling unit.

Unsafe: A condition which is reasonably likely to cause injury to people or property.

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

Window area: The area of glazing of a window, including the area taken up by window pane dividers.

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

### **Sec. 18-425. Structural Maintenance Standards.**

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

1. Maintenance of the exterior of a structure shall be as follows:
  - a. Foundations. A foundation shall be maintained in good repair and shall have proper mortar joints. It shall be reasonably weathertight, watertight, and rodent proof and shall be capable of withstanding applied loads.
  - b. Walls. Walls shall be capable of supporting normal applied loads and shall be maintained in good repair. They shall be free of rot. All surfaces which deteriorate from exposure to weather shall be protected by paint or other weatherizing material. Siding on any one wall shall be complete. Repairs to the exterior portions of walls shall be made with materials that blend with the balance of the structure.
  - c. Exterior attachments. Exterior attachments to structure including, but not limited to, gutters, downspouts, chimneys, vents, antennas, awnings and utility connections shall be maintained in good repair.
  - d. Exterior openings. Windows, storm doors, exterior doors, including basement hatchways shall be reasonably weather tight and rodent proof. They shall be maintained in good repair and sound working condition. Visquene or other temporary window covering may be used on the exterior of windows during the winter months, provided, however that it shall be free of tears and shall be removed by April 30, and not applied before September 15<sup>th</sup>, the exception being that visquene of over ten-mil thick may be applied to windows less than one hundred (100) square inches.
  - e. House number. All houses shall have legible house numbers with a minimum size of three (3) inches in height.

f. Exterior stairways and porches. Exterior porches and stairways shall be constructed so as to be safe and capable of supporting normal loads and shall be maintained in good repair.

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

Stairways having more than four (4) risers shall be equipped with handrails which shall be thirty (30) to thirty-eight (38) inches above the nose of the tread and installed on the open side of the steps. Handrails projected from walls shall have a space of not less than one and one half (1 ½) inches between the wall and the handrail. An intermediate member shall be required if the stairway is open for more than eight (8) risers.

Guardrail shall be installed on all porches, stoops, landings, and elevated patios more than thirty (30) inches above average grade and shall be maintained in good repair. The top of any guardrail shall be at least thirty (30) inches in height above the floor except that as of November 1, 1995, existing guardrail on such structures where the floor is less than six (6) feet above grade may be twenty-four (24) inches high.

2. Commercial. All required stairs shall have a minimum run of nine (9) inches and a maximum rise of eight (8) inches and shall have a minimum width of thirty (30) inches exclusive of handrails. Every stairway shall have at least one handrail. A landing having a minimum of thirty-six (36) inch run in the direction of travel shall be provided at each point of access to the stairway. Exceptions to this requirement shall be as provided in the Appendix to Chapter 34, Section 3407.4, 1994 Uniform Building Code.

Exterior stairs shall be of noncombustible construction except that for Types III, IV and V buildings as determined by the 1994 Uniform Building Code wood not less than two (2) inches in nominal thickness may be used.

Guardrail, minimum thirty-six (36) inches in height, shall be installed on all porches, stoops, landings, and elevated patios having floors more than thirty (30) inches above the average grade.

g. Roof. Roof structure must be capable of supporting all loading. The roof deck must be free of rot and shall be covered with material in good condition. There shall not be more than one reroof, if loading causes bowing or structural deterioration. Where repairs to an existing roof are made, the material and color shall blend with the balance of the roof.

h. Grounds. All driveways, steps, service walks, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free from debris.

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

a. Walls and ceilings. All interior walls and ceilings shall have a finished surface. They shall be maintained in good repair and shall be reasonably clean. Plaster shall not be loose or missing. Walls finished of other than plaster shall be properly secured. All walls in shower or shower alcoves shall be constructed of waterproof material or shall be covered by a waterproof covering maintained in good condition.

Walls on which a water faucet is located shall be covered with waterproof covering or paint and be maintained in good condition.

b. Interior doors. All doors and hardware shall be maintained in good condition.

All bedrooms and bathrooms shall have privacy doors.

Double keyed deadbolts are prohibited from interior doors.

c. Floors. Floors shall be capable of supporting normal loads and shall be maintained in good condition. Floors in rooms where a water supply is present shall be protected by a waterproof barrier such as tile, carpet, paint or linoleum, unless the floor is of concrete. All flooring shall be complete and easily cleanable. The covering may be of paint, tile, linoleum or carpet. **Floors shall not be painted with the exception of concrete surfaces.**

d. Structure security. All exterior doors shall be equipped with a property installed locking device. Such locking device shall require a key from the outside. Hasp and padlock are prohibited. An exterior key operated deadbolt lock shall be installed on any door not so equipped whenever the door or lock is replaced.

The owner of a dwelling unit shall, upon the request of a legal occupant of the unit, equip the main entry door with a peephole door view provided no other visual opportunity to identify visitors is readily available.

All basement and first floor windows shall have window locks.

e. Trim. Window and door trim and baseboard shall be complete and in good repair.

f. Handrails and stairways. Stairways shall be constructed and maintained so as to be safe and capable of supporting normal loads.

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

2. Stairways having more than four (4) risers shall be equipped with handrails which shall be thirty (30) to thirty-eight (38) inches above the nose of the tread and installed on the open side of the steps.



3. Steps leading to a Michigan cellar or attic are exempt from the height and the rise and run requirements.

4. An intermediate member shall be required if the stairway is open for more than eight (8) risers. Handrails projected from walls shall have a space of not less than one and one-half (1 ½) inches between the wall and the handrail.

5. Guardrails shall be installed and maintained in good repair on all porches, stoops, landings and elevated patios, having floors more than thirty (30) inches above average grade. The top of any guardrail installed before January 1, 1990, shall be at least thirty (30) inches in height above the floor except that such previously installed guardrail on such structures where the floor is less than six (6) feet above grade may be twenty-four (24) inches high. Any guardrail installed on or after January 1, 1990, shall meet current building codes.

6. Steps leading to a basement that do not meet the rise and run requirements may remain provided there are no rooms in the basement used for living space, shall have handrails on both sides **of steps**.

3. Accessory structures. Garages, storage buildings, fences and other accessory structures shall be maintained in good repair and sound structural condition and shall not be allowed to deteriorate to any unsound or unsightly appearance. Fence repairs shall be made with materials that match the balance of the fence.

### **Sec. 18-426. Plumbing Standards.**

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

1. Water system required. All dwelling structures and each dwelling unit shall be connected to the public water supply system, if available, or to a private water system approved by the city and the county health department.

a. All plumbing fixtures shall be connected to hot and cold water except that water closets shall be provided with cold water. Hot water shall be at least one hundred twenty (120) degrees Fahrenheit.

b. Water service and distribution piping shall be protected from backflow contamination from heating boilers, water closets, underground sprinkler systems, or other equipment. Backflow devices are not required for existing sinks, lavatories and hose bibbs if overflow drains are located below the water inlet.

c. Fixtures required. All plumbing fixtures shall be properly supported and installed, be in good condition and reasonably easy to clean, and be maintained in a state of good working order.

1. At least one (1) complete bath facility shall be located in each dwelling unit. It shall be equipped with a flush water closet, a lavatory, and bathtub or shower.

2. Every dwelling unit shall contain a kitchen sink. Such sink does not have to be compartmentalized.

d. A stop valve shall be installed on the service side of the water meter.

e. All pipes and fixtures shall be free of leaks. Leaky faucets or hose bibbs shall not be considered as leaking unless the faucets leak through the stem.

f. Water supply. Water shall be supplied to all fixtures at a rate at least one gallon per minute when all facilities are being used at the same time.

g. Waste lines shall be free of leaks, obstructions, secondary traps and sagging lines. On existing systems, revents shall not be required for multi-fixtured branch lines or extension of trap arms in excess of that allowed by the plumbing code, unless it is shown to be an immediate health hazard.

All fixtures shall be properly connected to the building drain system.

Laundry facilities shall be arranged so that clothes washers shall dispose of waste water into a properly installed and trapped waste line or into a trapped fixture as an indirect waste. Floor drains may be used to drain existing stationary tubs if the floor drain capacity is sufficient to prevent flooding.

h. Each dwelling structure shall have a bibb or working underground sprinkler system on the front or capable of service to the front yard of the dwelling.

i. The hot water heater(s) shall be installed in accordance with the plumbing code.

j. All unused pipes shall be capped.

#### **Sec. 18-427. Electrical standards.**

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

1. Electrical service required. All residential buildings shall have a minimum sixty (60) amp service.

a. Multi-family dwellings shall be provided with additional services so as to provide adequate power to all dwellings.

b. All electrical service systems shall be properly grounded.

c. Circuits are not to be doubled up except when a breaker is used.

2. Over current protection devices required.

a. All circuits shall be protected by over current protection devices rated for the ampacity of the branch circuit conductors. All overloaded circuits, including overfused circuits shall be deemed to be safety hazards.

b. Occupants of each dwelling unit in a dwelling structure shall have access to the over protection devices for his or her dwelling unit.

c. Each disconnect shall be legibly marked to indicate its purpose.

3. All fuses shall be of the S-type.

4. Lighting and power requirements.

a. Every habitable room shall contain at least two (2) supplied electrical convenience outlets or one (1) such outlet and one (1) electrical light fixture. Such outlet and fixture shall be adequate to serve appliances without the use of unsafe wiring methods. Whenever the distance traveled within the room is such that a physical hazard is created, the light shall be controlled by a switch located at the entrance to the room.

b. Bathrooms shall be provided with a light fixture controlled by a wall switch when the supplied switch has a direct contact with the body of the fixture, except when the fixture is protected by a ground fault interrupter, such switch shall not be required.

A duplex receptacle shall be provided for each bathroom except that a receptacle which is part of a light fixture shall be acceptable if the circuit is protected by a ground fault interrupter.

c. Kitchens shall have at least one (1) twenty (20) amp circuit available for major appliances. At least one (1) such circuit shall be separate from the remainder of the dwelling unit.

d. A separate twenty (20) amp electrical circuit shall be provided to all laundry areas. This circuit may be used for lighting the laundry area. Existing fifteen (15) amp laundry circuits shall be deemed to meet the requirements.

e. A separate electrical circuit shall be provided for each furnace. A switch shall be located in close proximity to the furnace. The switch shall be identified.

f. All non-habitable rooms and basements shall be provided with light sufficient to illuminate the room so as not to create a hazard. This shall apply to laundry rooms, basements, cellars, attached garages and attics accessible by stairways.

g. Each entrance shall be provided with a suitable lighting fixture on the outside and shall be operated by a switch conveniently located. When an automatic yard light illuminates, an additional light is not required.

h. Each stairway shall be provided with a switched light. Stairways to the second or higher floors shall be illuminated by a light controlled by a three (3) way switch at the top and bottom of the stairways.

5. Unsafe electrical system.

a. Defective fixtures shall be considered unsafe. Defective fixtures shall include, but not limited to, loose, missing, broken, or rusty parts, but shall not include, fixtures with missing globes, except those which must be protected from dampness or mechanical damage.

b. Wiring not protected from weather or mechanical damage.

c. Open splices and wiring which has rotted or damaged insulation.

d. Overfused circuits including those not protected by S-type fuses.

6. Extension cords.

a. The electrical wiring shall be wired so as to minimize the use of extension cords.

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

**Sec. 18-428. Mechanical, Heating and Ventilation.**

All residential heating equipment, hot and cold duct, fan motor, electric components, and gas piping to all appliances shall be maintained in good condition. It shall be installed so as not

to create a fire, explosion or safety hazard. It shall be free of gas leaks. Proper clearances of heating equipment and vents shall be maintained. Sufficient venting capacity and combustion air shall be provided. All heating devices shall be properly vented with proper material and be properly sealed at the chimney. When the inspector has reasonable grounds to suspect that deficiencies in any of the conditions cited above exist, the inspector may require that the unit be inspected by a licensed heating contract.

1. Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining room temperature of seventy (70) degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms and in bathrooms. All heating devices where heat regulating devices are not in the control of the occupant of a dwelling unit shall be locked, or setback controls shall be set so as to provide required heat in all dwelling units.

- a. Unused holes in any chimney will be sealed to air tight conditions.
- b. All wood burning equipment shall be approved and installed per manufacturer specifications.
- c. Gas and oil space heaters will not be installed on carpet unless allowed by the manufacturer. If specs are not available, a stove board will be required.
- d. Gas piping shall be installed in accordance with the plumbing code.

2. Ventilation. All guest rooms, dormitories, and habitable rooms shall be provided with natural ventilation by means of openable exterior windows with an area not less than one one tenth ( $1/10^{\text{th}}$ ) of the floor area of such rooms and a minimum opening of five (5) square feet.

Bathrooms and water closet compartments and laundry rooms shall be provided with natural light and ventilation by means of openable exterior windows with an area not less than one twentieth ( $1/20^{\text{th}}$ ) of the floor area of such room with a minimum of one and one-half ( $1\frac{1}{2}$ ) square feet.

Required openings shall open onto a street, alley, or yard located on the same lot in lieu of required openings, a mechanical ventilation system supplying two (2) air changes per hour shall be installed in all rooms except bathrooms. Bathrooms shall be provided with five (5) air changes per hour.

#### **Sec. 18-429. Health and sanitation.**

All dwelling units, buildings and yards shall be maintained in a clean manner. All waste, trash, rubbish and garbage shall be placed and disposed of as provided for by the ordinance of the City of Muskegon Heights. Keeping of animals shall be limited as herein provided.

1. Sanitation. All rooms, surfaces, systems, fixtures, facilities equipment, appliances and furnishings shall be kept in a sanitary condition. Refuse storage, removal and disposal shall be in accordance with all other ordinances.

2. Infestation. Every dwelling shall be kept free of uncaged rodents, uncaged birds, cockroaches, fleas, lice, bedbugs or vermin.

3. Insect screens.

Windows: During the months of May through October, insect screens maintained in good condition shall be provided by the owner for each openable window in a habitable room as provided herein:

a. Openable windows will include the windows that are needed to meet the ventilation requirements of Section 18-428.

b. Habitable rooms that do not meet the ventilation requirements may use exterior door openings to meet the requirements provided the room has a self-closing screen door and has at least one openable window in the room.

c. Provided screens shall fit the full opening or must be sealed half-screen or self-storing storm and screen. Portable expanding screens shall not be deemed to comply.

Doors:

a. Exterior entry doors accessing common halls or stairways to individual living units shall be equipped with self-closing devices, unless the entrance has a self-closing screen door.

b. Exterior doors shall be closed except when entry is gained. If the entrance door is required to be open for ventilation, a self-closing screen door will be required.

4. Animals. Animals kept or allowed within a dwelling shall not be permitted by the occupant to create any unsafe, odorous or unsanitary condition or to cause any damage. Animals kept or allowed in a yard or in an accessory structure shall not be permitted to create any unsafe, odorous or unsanitary condition. Dog pens and dog runs shall not be placed in front yards and shall be located not less than eight (8) feet from adjacent properties, unless an obscuring fence is constructed to separate the pen or run from the adjacent property. All offal shall be removed so as not to create the above conditions. Keeping of animals shall be limited and restricted as provided for in the Code of Ordinances.

#### **Sec. 18-430. Kitchen Facilities.**

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

1. Kitchen appliances required. Every occupied dwelling unit shall contain a stove, oven and refrigerator maintained in good condition by the owner of the appliance.

2. Cooking. Food prepared or cooked indoors shall be in a kitchen so provided; no food cooking or preparation shall be done in a room designed for sleeping.

**Sec. 18-431. Utility Services and Equipment to be Maintained.**

No person, except as provided herein, shall cause any of the following utilities, services or equipment to be shut off, disconnected, removed or otherwise terminated or interrupted when the utility, service, or equipment is being furnished to or used by another person:

1. Water service.
2. Sewage service.
3. Fuel supply.
4. Heating equipment.
5. Ventilation equipment.
6. Hot water equipment.
7. Electrical equipment.

This section shall not apply to a necessary temporary interruption of service required for maintenance, repair or replacement, nor to any such interruption needed to act upon an emergency or hazardous condition. Any termination or interruption of water, sewer, gas or electric utility service by the utility providing the service for non-payment of bills shall be deemed to be caused by the person who contracted with the utility for the service.

**Sec. 18-432. Exits.**

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the building code currently in effect.

Every sleeping room below the third story shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The windows shall be operable from the inside to provide a full clear opening without the use of separate tools.

All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of twenty-four (24) by twenty (20) inches. Where windows are provided as a means of egress or rescue, they shall have a finished sill height not more than forty-four (44) inches above the floor. Sleeping rooms without a complying window, in all respects, may remain, provided hard wired smoke detectors with battery backup power are installed and maintained in the area of the said sleeping room, and connected with detectors on each floor of the dwelling unit, including the basement, so that if one alarm is activated all alarms will sound.

All egress or rescue windows from sleeping rooms in the basement shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four (24) inches and twenty (20) inches in width. Where windows are provided as a means

of egress or rescue, they shall have a furnished sill height not more than forty-four (44) inches above the floor in the basement.

Dwelling units on the third floor or higher floor shall have at least two (2) approved independent means of egress.

**Sec. 18-433. Exits unblocked.**

No exit or other required means of egress shall be totally or partially blocked nor require a key to be opened from the inside. All exits shall comply with the building and fire codes.

All exterior doors shall be provided with a properly installed locking device in good repair. All doors which provide entry to dwelling units from a common hall shall be provided with a properly installed locking device in good repair without interior keyed lock.

**Sec. 18-434. Space and area requirements.**

a. Floor area. Every dwelling unit shall have at least one (1) room which shall have not less than one hundred forty-four (144) square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than seventy (70) square feet. When more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

Exception: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than two hundred twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area shall be provided for each occupant in such unit in excess of two (2).

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliances and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

b. Width. No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.

c. Ceiling heights. A dwelling or addition to a dwelling erected after January 1, 1990, shall have ceiling heights in all rooms as required by the appropriate building code. In dwellings or portions thereof existing before January 1, 1990, habitable rooms shall have a ceiling height of not less than seven (7) feet except as otherwise permitted in this section.



1. Bedrooms may have a ceiling height of six and one half (6 1/2) feet or more in dwellings where at least one (1) bedroom has a ceiling heights of seven (7) feet or more.

2. Other rooms or areas may have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the floor area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area referred to.

4. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds (2/3) of the floor area thereof, but in no case shall the height of the furred ceiling be less than seven (7) feet.

**Sec. 18-435. Use of basement or cellar as habitable room.**

a. No basement or cellar shall be used as habitable room unless:

1. The floors and walls are impervious to leakage of underground surface run-off water and are insulated against dampness.

2. The total window area in each room is equal to at least the minimum window area size as required elsewhere in this code.

3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area.

4. The total operable window area in each room is equal to forty-five (45%) percent of the minimum required window areas, except where there is supplied an approved mechanical ventilation system capable of providing one air change every thirty (30) minutes.

b. No habitable room located in the basement shall be used as a sleeping or bedroom if it does not meet energy escape requirements elsewhere in Sec. 18-432 of this article.

**Sec. 18-436. Fire protection.**

a. All buildings used as dwellings or portions thereof shall be provided with the degree of fire-resistant construction for the appropriate occupancy and type of construction. They shall be provided with fire extinguishing systems and/or equipment required by Chapter 9 of the Uniform Building Code.

b. All equipment, devices or apparatus required shall be maintained in good condition.

c. All buildings shall be kept clean of equipment, combustible waste or vegetation, which is in the opinion of the fire chief, or a designee of the fire department, and/or building official, in a condition so as to cause a fire or explosion or ready fuel for an existing fire.

d. Smoke detectors shall be maintained near all entrances to/and in all bedrooms so that the alarm may be heard by those occupying the sleeping room. The basements shall have a smoke detector installed within the basement.

e. A separation wall or normal construction and having a five-eighths (5/8) inch type drywall covering the entire wall surface inside the garage shall be installed on any wall separating the garage from any dwelling area where the garage is attached to the dwelling, or unattached but closer than ten (10) feet to the dwelling at any point. No opening in the said wall shall be permitted except one door.

f. Abandoned fuel tanks located in the basement shall be capped.

g. All wall and ceilings that separate units shall have completed plaster or drywall. If drop ceiling is installed, holes in plaster ceiling may be patched by applying five-eighth (5/8) inch fire code drywall over the hole without finish.

h. All buildings that are balloon construction shall be sealed at the bottom of the wall cavity.

#### **Sec. 18-437. Security.**

Windows and exterior doors shall have locks. Locks on doors shall comply with Sec. 18-433 of this code.

#### **Sec. 18-438. Prohibited Uses.**

a. Uninhabitable or useless structures. No person shall maintain, or permit to be maintained, any structure or part of a structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

b. Securing buildings. No person shall maintain or permit to be maintained any vacant building, garage, or other outbuilding, unless they are kept securely locked with windows that are glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public. Such maintenance of a secured building shall be limited by the dangerous building code.

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

d. Dangerous buildings. No person shall maintain a "dangerous building."

**Sec. 18-439. General Maintenance Requirements.**

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

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

Storage of trash, garbage, waste materials, and appliances shall be prohibited on open front porches.

b. Responsibilities of owners of dwellings as to maintenance.

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

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

3. Whenever infestation of insects, rodents or other pests exist in two (2) or more of the dwelling units in any building, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, or is caused by the failure of the owner to maintain the dwelling in a reasonable rodent proof and insect proof condition, extermination thereof shall be the responsibility of the owner.

c. Responsibilities of occupants of dwellings as to maintenance.

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

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

3. No occupant of any dwelling unit shall allow any filth, rubbish, garbage or other debris to accumulate in their dwelling unit, or any other area which it can be shown that said occupant has exclusive use and possession. Occupants shall make proper use of receptacles as required by the ordinances of the City of Muskegon Heights.

**Sec. 18-440. Enforcement Procedures.**

The standards of this code are to be enforced by inspection of dwellings, the units within buildings and dwellings, accessory structures and yards.

1. Basis for inspections. Inspections will be made to obtain and maintain compliance with the standards of this code based upon one or more of the following:

- a. A complaint received by the City indicating that there is a violation of the standards of this code.
- b. An observation by the City of a violation of the standards of this code.
- c. A report or observation of a dwelling that is unoccupied and unsecured, or a dwelling that is fire damaged.
- d. The registration and certification of a rental dwelling as required by Sec. 18-444 of this code.
- e. The need to determine compliance with a notice or an order issued by the City.
- f. Designation by the City Council of an area where all buildings, dwellings, accessory buildings or yards are to be inspected uniformly or intensively or for specific violations.
- g. An emergency observed or reasonably believed to exist.
- h. A request for an inspection by an owner, occupant or responsible agent.
- i. Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.
- j. Sale.

2. Enforcement process. Except for emergency or hazardous situations, enforcement of the standards of this code will normally consist of the following four steps:

- a. An informal notice of complaint.

- b. An informal notice to repair.
- c. An official violation notice entitled as a final notice to repair.
- d. Prosecution or other appropriate legal action under civil infraction.

Failure of the City to reach the owner, occupant or responsible local agent, through the utilization of any informal step of the enforcement process, shall not invalidate any required step of the process, nor shall such failure be used as a ground for appeal to the Housing Board of Appeals or as a defense to any legal action brought for violation of this code.

3. Notice of complaint.

a. When an alleged violation of the standards of the code is reported, and the owner has a valid certificate of compliance, the City shall send a notice of complaint to the owner, occupant or responsible local agent. A copy of the notice of complaint may be mailed to the complainant when appropriate. The notice shall state:

1. That a complaint has been made.
2. The nature of the alleged violation.
3. The provision of this code indicated as being violated.
4. That the owner is to look into the matter and if the problem exists, correct them and give a time period of when they are to be corrected.

b. When an alleged violation of the standards of this code is reported, and the owner does not have a valid certificate of compliance, the city shall send a notice of complaint to the owner, occupant or responsible local agent. A copy of the notice of complaint may be mailed to the complainant when appropriate. The notices shall state:

1. That a complaint has been made.
2. That an inspection will be made and give a date and time of the inspection.

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

- a. Specify the date of the inspection.
- b. Specify the address where the violation was found.

- c. Include the description and the location of each violation observed by the inspector.
- d. State that each violation is a separate punishable offense.
- e. Order the owner, occupant or responsible local agent to correct all listed violations by a specific date.
- f. State that a re-inspection will be made to determine whether all violations have been corrected by the date specified, and to set a date and time for the next inspection.
- g. Notify the owner, occupant or responsible local agent of the right of appeal before the Housing Board of Appeals.

5. Time to correct violation. All notices to repair or to correct violations of this code shall provide a specified time for achieving compliance in relation to the seriousness of the violation. The following time limits shall be used:

- a. Not more than twenty-four (24) hours for an emergency or for any violation of Sec. 18-431, and not more than forty-eight (48) hours for any violation of Sec. 4-439.
- b. Not more than seven (7) days after notice is mailed for securing vacant buildings, and seventy-two (72) hours for removing domestic refuse from the interior of the structure.
- c. Not less than thirty (30) days, nor more than ninety (90) days for all other violations, except as stated otherwise in this section further, only the immediate interior hazards and all exterior violations shall be required to be repaired.
- d. Repair orders issued between October 31 and April 1 for exterior painting, or for any other exterior work adversely affected by cold or snow, shall provide additional time for the completion of such work, but in no case longer than June 30.
- e. The city manger or designee may approve the increasing of the time provided in a written notice when there are extenuating circumstances of where the owner, occupant or responsible local agent has made a substantial documented effort of time to correct violations.
- f. No other extensions or further extensions shall be permitted, except by orders of the Housing Board of Appeals for good cause shown.

6. Final notice to repair. Upon observing the continued existence of a violation of the standards of this chapter as stated in a notice to repair, the city shall send a final notice to repair to the owner, occupant or responsible local agent. The final notice to repair shall be sent

by mail to the last known address of the residence or business of the owner, occupant or to the responsible local agent. The notice shall:

- a. Specify the date of the inspection.
- b. Specify the address where the violation was found.
- c. Include the description and the location of each violation observed by the inspector.
- d. State that each violation is a separate punishable offense.
- e. Order the owner, occupant, or responsible local agent to correct all listed violations by a specified date.
- f. State that a reinspection will be made to determine whether all violations have been corrected by the specified date.
- g. State the failure to comply with the notice will result in prosecution.
- h. Inform the owner, occupant or responsible local agent of the right to appeal before the Housing Board of Appeals.

7. Prosecution. Upon failure of the owner, occupant or responsible local agent to comply with a final notice to repair, the administrator may refer the matter to the city attorney for prosecution, or the administrator may issue a civil infraction ticket for such violation(s).

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

9. Abatement of emergency. If the owner, occupant or responsible local agent cannot be contacted or fails to correct an emergency condition within the time order, the administrator, or his authorized representative may authorize corrective actions to abate the emergency.

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

11. Emergency entry authorized. When an emergency is reasonably believed to exist, or is known to exist within a unit, dwelling, or accessory structure, the city shall have the right to enter immediately and at any time without a warrant or without requesting permission. Entry must be for the sole purpose of determining that an emergency exists or to abate an emergency condition known to exist.

12. Change in ownership. An owner or responsible person of a property cited as being in violation of a provision of this Chapter shall notify the city in writing within ten (10) days of transferring ownership of the cited property to another person. The notice to the city shall include the name, address and phone number of the new owner and the effective date of the transfer of ownership.

The city shall immediately issue a new final notice to repair to any person assuming the ownership or the status of responsible person for any dwelling which has been cited in a final notice to repair. An owner or responsible person who has failed to comply with a final notice to repair shall not be relieved of the responsibility of having violated any provision of this chapter by transferring ownership or responsible person status.

13. Recurrent violation. The occupant, owner or responsible local agent who violates a specific provision or standard of this chapter, in or about the same building three (3) times in any twelve (12) month period, or who does not correct a cited violation after being notified with a notice to repair and a final notice to repair or after being convicted for the violation, shall be considered to be willfully violating the provisions of this code and to be causing undue cost to the city in administering this code. In these cases:

- a. The city shall issue a final notice to repair after determining that a violation still or again exists.
- b. The city shall use the shortest time period permitted for correction of the violation.

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

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

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



16. Civil remedies for violation.

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

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

b. The city shall have a lien upon the premises for all fees due and amounts expended to correct, repair, rehabilitate or abate a condition or nuisance thereon and for expenses necessarily incurred in the obtaining and executing of a judgment, which lien shall have priority over all other liens or encumbrances except taxes, assessments or mortgages recorded previous to the existence of such lien. Such lien may be enforced by levy as in the case of real property taxes, by person action or judicial foreclosure. The lien shall be effective on the date billed by the city.

c. In any action instituted by the city under this section, the city attorney may file in the office of the register of deeds of the county a notice of the pendency of the actions or proceedings. A notice may be filed at the time of the commencement of the action or proceeding, or at any time thereafter before final judgment or order, or at any time after the service of any notice or order issued by the city. Then notice shall have the same force and effect as a lis pendens. Such notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending, or by consent in writing of the city or the city attorney.

17. Prosecution not delayed. Nothing in this article shall delay or be a cause of terminating the prosecution of a defendant for failure to correct violations of this code noted in a final notice to repair or an emergency.

**Sec. 18-441. Violations and penalties.**

a. Violations. Any person violating any provision of this property maintenance code, being sections 18-424 through 18-439 of the city ordinances, shall be responsible for a

civil infraction. Each day that a violation continues to exist may be charged as a separate civil infraction which shall subject the violator to a separate civil fine and other penalties.

**Sec. 18-442. Reserved.**

**Sec. 18-443. Certification of compliance required for occupancy of single family dwellings.**

a. Certificate. No owner shall occupy a single family dwelling unless a certificate of compliance or a temporary certificate of compliance has been issued by the director of inspections.

b. Issuance of certificate of compliance. The city shall issue a certificate of compliance for a single family dwelling unit when it is found that the unit, its accessory structure, and yard complies with the standards of this code.

c. Temporary certificate authorized. The director of inspections may authorize the issuance of a temporary certificate of compliance when:

1. An acceptable timetable of repairs has been provided by the owner.
2. Weather conditions prevent the repair of exterior conditions.
3. The director of inspections may require progress inspections to monitor the repairs by setting a date and time for the inspections.

**Sec. 18-444. Registration of rental dwellings.**

a. Registration of dwelling required. All rental dwellings shall be registered with the city. If the owner does not reside within thirty (30) miles of the city, he or she shall designate a responsible local agent who shall be legally responsible for operating such dwelling in compliance with the law, including this code. All official notices may be served on the responsible local agent and any notice so served shall be deemed to have been served upon the owner of record. Each owner or responsible local agent shall maintain a current list of the number of occupants of each rental dwelling for which he is responsible. A rental unit certificate of compliance shall not be issued if the registration provisions of this article are not complied with.

b. Time to register existing rental dwellings. All rental dwellings existing as of the effective date of this chapter shall be registered no later than six (6) months after the effective date of this ordinance. The city shall order registration prior to that date for any dwelling cited in a notice required by this code. Failure to comply with such an order is a violation of this code.

c. Registry of new rental dwellings. The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental units.

d. Change in register information. The owner of rental dwellings already registered with the city, or his responsible local agent, shall reregister within sixty (60) days after any change occurs in registration information. A new owner of a registered dwelling shall reregister the dwelling within sixth (60) days of assuming ownership.

e. Reserved.

f. Register of rental dwellings. Application for registration shall be made in such forms and in accordance with such instruction as may be provided by the administrator and shall include:

1. The address of the rental dwelling.
2. The number of dwelling units, the number of rooming units and the number of hotel units in the dwelling.
3. The name, residence address, business address, business phone number, business facsimile number, and personal phone number of the owner.
4. The name, residence address, business address, business phone number and personal phone number of the manager and responsible local agent designated by the owner.
5. The address where the owner or responsible local agent will accept notices or orders from the city.

g. Inaccurate or incomplete register information. It shall be a violation of this chapter for an owner or a responsible local agent to provide inaccurate information for the register of rental dwellings or to fail to provide information required by the city under subsection (f) of this section. In those cases in which the owner or responsible local agent is not a natural person, the information required for the register shall be provided for the organization owning the rental dwelling and for the president, general manager, or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

#### **Sec. 18-445. Certification of rental dwellings.**

a. Certificate of compliance required. Rental dwellings shall not be occupied without a certificate of compliance or a temporary certificate of compliance.

b. Issuance of certificate of compliance. The city shall issue a certificate of compliance for a rental dwelling when the city finds the rental dwelling, its units and accessory structures and yards, comply with the standards set forth in this code. The owner or responsible local agent must have paid all fees and debts to the city, resulting from the provisions of this chapter prior to the issuance of a certificate.

c. Temporary certificate authorized. Where a certificate of compliance is required, the city may issue a temporary certificate of compliance due to weather conditions.

d. Validity of certificate of compliance. A certificate of compliance shall be valid for two (2) years for all rental units, unless suspended.

e. Reserved.

f. Expiration of certificate of compliance. Certificates of compliance and temporary certificates of compliance may not be extended beyond their expiration dates except as may be permitted in subsection (c) or (d) above to enable the department of inspections to balance inspection workloads.

g. Reissuance of certificate of compliance. Any new certificate of compliance issued to an owner for a dwelling shall have an expiration date two (2) years from the date of issuance, except that if a temporary certificate has been previously issued, the certificate shall expire six (6) months from the date the said temporary certificate was issued.

h. Suspension of certificate of compliance. The director of inspections shall suspend a certificate of compliance if the owner or responsible local agent has not complied with a complaint notice. The administrator shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible local agent:

1. That the certificate of compliance has been suspended as of the date of the notice.
2. Of the reason for the suspension.
3. That it is unlawful for any rental unit to continue to be occupied for more than thirty (30) days after the date of suspension of the certificate of compliance.
4. That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the certificate of compliance is reinstated or a new certificate of compliance is issue.

Failure to comply with the terms of suspension, as set out in this section, shall be a violation of this code.

i. Reinstatement of suspended certificate of compliance. A suspended certificate of compliance shall be reinstated if the city determines that a rental dwelling has been brought into compliance with the standards of this article. The city shall notify the owner or responsible local agent by mail, noting the reinstatement of the certificate of compliance of the rental dwelling. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. A reinstatement fee and all inspection fees and amounts to be determined by the city council shall be paid by the owner prior to reinstatement of the certificate.

j. Appeal. Suspension of a certificate of compliance may be appealed to the Housing Board of Appeals, as provided for in this code.

k. Notifying tenants of suspended certificate. The city shall send a copy of a notice of suspended certification to each dwelling unit within a certified rental dwelling. The copy shall be addressed to occupant and shall be sent by regular mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this chapter.

l. Certification fees. The director of inspections, subject to approval by the city council, shall establish and charge a uniform and reasonable fee for certification from time-to-time.

#### **Sec. 18-446. Housing board of appeals.**

a. Creation and purpose. A Housing Board of Appeals is created for the purpose of hearing and deciding appeals concerning the application or interpretation of the provisions of the standards of this code, as provided herein.

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

c. Time period for filing an appeal. An appeal must be filed within twenty (20) days of the date of any order or ruling being appealed. However, if any order required the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period. The Housing Appeal Board shall not have the power to extend the time limits provided for in this section.

d. Effect on appeal on correction time limits. An owner, occupant or responsible local agent who has been ordered to correct a violation within a specified period of time shall not be held accountable for any time which elapses between the time of filing an appeal and the time a decision is made by the Housing Board of Appeals.

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

notice in the entryway of the dwelling unit. Any person requesting a claim of appeal form shall be notified of the standards for board decisions set out in subsection (j) below.

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

g. Meeting. Meeting of the Housing Board of Appeals shall be scheduled at least once a month. All meetings and notices of meetings of the board and its committees shall comply with the Open Meetings Act.

h. Hearing procedures. At any hearing of the Housing Board of Appeals, the following procedures shall be followed:

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

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

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

1. Include any necessary special conditions to carry out the intent of the provisions being appealed.
2. Determine that the decision is necessary to avoid causing undue hardship to the appellant, which is not applicable to others to whom the same provision is applied.

3. Determine that the order or ruling was an incorrect interpretation of a standard of this chapter.

4. Determine that an alternative proposed by an appellant meets the minimum standards for housing, as expressed in this code.

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

l. Interest conflicts. No member of the Housing Board of Appeals shall speak or vote on any appeal in which the member has any direct personal or financial interest, nor shall any member participate in any matter where participation is prohibited by the city charter or state law.

m. Summary of rulings. The Housing Board of Appeals shall report a summary of its findings and rulings to the city council annually. The report shall include a summary of recurrent appeals or recurrent problems along with resultant recommendations for modifications of this chapter.

n. Membership, appointments and terms of the housing board of appeals. The Housing Board of Appeals for the city shall have the general duties and powers conferred upon it by law and this code. This board shall consist of seven (7) members appointed by the mayor and confirmed by the city council. The director of inspections shall act as secretary to the board. Each member shall be a resident of the city during his or her entire terms. Terms of members shall be for three (3) years. Members first appointed during formation of the original board shall consist of two (2) members for three (3) years and three (3) members appointed for four (4) years so as to achieve staggered three (3) years terms.

o. Board officers. Housing Board of Appeals member will annually elect a chairman, vice-chairman, and such other officers as are deemed desirable by the board.

p. Board rules of procedure. The Housing Board of Appeals may adopt rules of procedure as required to carry out the responsibilities and the provisions of this article.

q. Compliance with board decisions. It shall be a violation of this code for an owner, occupant or responsible local agent to fail to comply with special conditions which are a part of a Housing Board of Appeal decision modifying or reversing an order or ruling of the city.

r. Permanent waiver. The board may grant a structure a permanent waiver from a specified provision of this Chapter, provided:

1. The board has determined there is undue hardship as set forth in subsection (j) above;

2. The board finds there is an original structural arrangement which cannot be brought into compliance without unreasonable reconstruction; and

3. The board determines that the continuation of the existing condition will not constitute a threat to the health of the occupants.

**Sec. 18-447. Fees.**

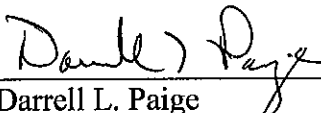
Fees for inspections, certification, appeals and any activity of the city in administering or enforcing this code shall be determined by resolution of the city council. Any fee which is unpaid shall be a lien against the premises and collected as in the case of real property taxes or by foreclosure or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

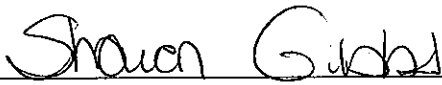
This ordinance amendment will become effective ten (10) days after publication.

Adopted: March 14, 2011

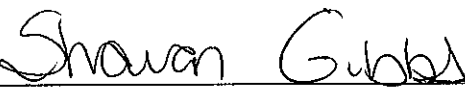
Published: March 21, 2011

Effective: March 31, 2011

  
\_\_\_\_\_  
Darrell L. Paige  
Mayor

  
\_\_\_\_\_  
Sharon Gibbs  
City Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council of the City of Muskegon Heights, Muskegon County, Michigan, at a regular meeting held on March 14, 2011, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

  
\_\_\_\_\_  
Sharon Gibbs  
City Clerk