

Chapter 14 BUILDINGS AND BUILDING REGULATIONS*

***Cross reference(s)**--Community development, ch. 26; environment, ch. 34; fire prevention and protection, ch. 38; solid waste, ch. 62; streets, sidewalks and other public places, ch. 70; subdivisions and land division, ch. 74; utilities, ch. 86; vegetation, ch. 90; zoning, ch. 98.

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ARTICLE I. IN GENERAL

Sec. 14-1. Building code board of appeals.

There is hereby established a building code board of appeals in accordance with MCL 125.1514, MSA 5.2949(14). Appeals from the decisions of officials charged with the enforcement of this chapter shall be taken to the board under rules and regulations as it may prescribe. (Code 1971, ' 1.87)

Secs. 14-2--14-30. Reserved.

ARTICLE II. STATE CONSTRUCTION CODE*

*State law reference(s)--State construction code, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

Sec. 14-31. Agency designated.

Pursuant to the provisions of the state building code in accordance with Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), the building inspector of the city is designated as the enforcing agency to discharge the responsibilities of the city under the act. The city assumes responsibility for the administration and enforcement of the act throughout its corporate limits. (Ord. No. 99, ' 8.1, 10-11-1995)

Sec. 14-32. Fee computation.

The fee for a building permit shall be based on the cost of the building as estimated by the building inspector, who shall determine such costs on the basis of current standard prices. (Code 1971, ' 118.11)

Sec. 14-33. Fee schedule.

- (a) The building permit fees shall be charged according to the added valuation to an existing building or total valuation of the new structure and shall be set from time to time by the council and is listed in appendix A to this Code.
- (b) The estimate of the cost given in the statement of the applicant shall not be conclusive, but the building inspector may independently determine the reasonable probable cost, which determination shall, for the purposes of this section, take precedence over the estimate of cost filed by the applicant.
- (c) With each permit, there shall be furnished the applicant a building permit card, certifying that the permit has been issued, and bearing the name, date and serial number of the permit. Such card shall be posted in a conspicuous place on the building site and maintained there in good condition until completion of the work authorized. (Code 1971, ' 118.12)

Sec. 14-34. Demolition permits.

The fee for a demolition permit shall be set from time to time by the council and is listed in

appendix A to this Code. (Code 1971, ' 118.4)

Sec. 14-35. Electric fences.

It shall be unlawful for any person to erect, maintain or operate an electric fence within the city limits on any parcel of land of less than ten acres used exclusively for agricultural purposes without written permission from the city manager. (Code 1971, ' 9.23)

Section 14-36. Building Permits.

Any owner or authorized agent who intends to construct, enlarge, alter, move, or demolish a building or structure shall first make application to the Building Official and obtain the required permit. The construction documents shall be prepared by or under the direct supervision of a Registered Design Professional when required by Article 20 of 1980 PA 299, MCL 339.101 et seq. The plans for any commercial building permit application must be stamped by a Registered Design Professional.

Section 14-37. Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance or, if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant in writing one or more extensions of time period for not more than 180 days each. The extensions shall be requested in writing with justifiable cause demonstrated.

Section 14-38. Suspension or Revocation.

The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or, on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Section 14-39. Placement of Permit.

The building permit, or a copy thereof, shall be kept on the work site until the completion of the project.

Secs. 14-40-14-65. Reserved.

ARTICLE III. DANGEROUS BUILDINGS*

*Cross reference(s)--Environment, ch. 34. State law reference(s)--Dangerous building, MCL 125.539, MSA 5.2891(19).

Sec. 14-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous buildings means all buildings or structures which have any or all of the following

defects:

- (1) Those which have 33 percent or more damage or deterioration of the supporting members or 50 percent damage or deterioration of the nonsupporting enclosing, or outside, walls or covering.
- (2) Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used or intended.
- (3) Those which have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or to those persons passing near such building or structure.
- (4) Those that have been damaged by fire, wind or flood, or are dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants or persons other than the owner or the owner's invitees.
- (5) Those which are vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (6) Those which have become so dilapidated, decayed, unsafe or unsanitary that they are unfit for human habitation, or are likely to cause sickness, disease or injury to those persons living therein.
- (7) Those having inadequate facilities for egress in case of fire or panic.
- (8) Those which have parts which are attached in a manner that they may fall and injure members of the public or adjacent property. (Code 1971, ' 8.18; Ord. No. 99-121, 5-26-1999) **Cross reference(s)**--Definitions generally, ' 1-2.

Sec. 14-67. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector in ordering repair, vacation or demolition:

- (1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated.
- (3) In any case where, after compliance by the city with the notice and hearing requirements set forth in this article, neither the owner, mortgagee or any other persons having an interest of record in the property, has repaired the dangerous building within the time set by the council pursuant to section 14-70(e), and, in the case of a residential structure, after the council has determined that the cost of restoring the structure to a condition where such structure would be safe and fit for human habitation or, in the case of a nonresidential structure, where the cost of restoring such structure to a condition where such structure would be suitable for any use for which it was designed, would exceed the current value of the structure, exclusive of the value of the underlying real estate, the building shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of any provision of the city Code or statute of the state, it shall be demolished. The building inspector shall present evidence as to the cost of restoration and the city assessor shall present evidence as to the current value of the structure. (Code 1971, ' 8.19; Ord. No. 99-121, 5-26-1999)

Sec. 14-68. Dangerous buildings; nuisances.

All dangerous buildings within the terms of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this article.
(Code 1971, ' 8.20; Ord. No. 99-121, 5-26-1999)

Sec. 14-69. Duties of building inspector.

The building inspector shall:

- (1) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (2) Inspect any building, wall or structure reported by the fire or police department of this city as probably existing in violation of the terms of this article.
- (3) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building as shown by the land records of the register of deeds of the county of any building found by him to be a dangerous building within the standards of this article, that:
 - a. The owner must vacate, repair or demolish the building in accordance with the terms of the notice and this article;
 - b. The occupant or lessee must vacate the building or may have it repaired in accordance with the notice and remain in possession;
 - c. The mortgagee, agent or other persons having an interest in the building may at his own risk repair, vacate or demolish the building or have such work or act done.

Any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do or have done the work or act required by the notice provided for in this subsection.

- (4) Set forth in the notice provided for in subsection (3) of this section a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the building or structure to be put in such condition as to comply with this Code within such length of time, not exceeding 30 days, as is reasonable.
- (5) Report to the council any noncompliance with the notice provided for in this section.
- (6) Appear at all hearings conducted by the council and testify as to the condition of dangerous buildings.
- (7) Place a notice on all dangerous buildings reading as follows:

This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in the building as shown by the land records of the register of deeds of the county. It is unlawful to remove this notice until such notice is complied with. (Code 1971, ' 8.21; Ord. No. 99-121, 5-26-1999)

Sec. 14-70. Council hearing.

- (a) Upon receipt of a report of the building inspector as provided for in section 14-69, the city clerk shall give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building as shown by the land records of the county to appear before the city on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for in this article.
- (b) On the date provided, the council shall hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in the building shall offer relative to the dangerous building.
- (c) The council shall make findings of fact from the testimony offered as to whether or not the building in question is a dangerous building within the terms of this article, which the city clerk shall reduce to writing.
- (d) The council shall issue an order based upon findings of fact made pursuant to subsection (c) of this section commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building as shown by the land records of the register of deeds of the county to repair, vacate or demolish any building found to be a dangerous building within the terms of this article.
- (e) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (d) within ten days, the building inspector shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards provided for in this article, and shall with the assistance of the city attorney cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a special assessment against the land upon which the building stands or did stand in accordance with chapter 1 of this Code, or such costs may be recovered in a suit at law against the owner. The lien arising from the costs incurred by the city to bring the property into conformance with this article shall not take effect until notice of the lien has been recorded with the register of deeds and such lien does not have priority over previously filed or recorded liens and incumbrances. Such lien shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, being MCL 211.1 to 211.157, MSA 7.1 to 7.214.
- (f) The city clerk shall report to the city attorney the names of all persons not complying with the order provided for in subsection (d). (Code 1971, ' 8.22; Ord. No. 99-121, 5-26-1999)

Sec. 14-71. Violations; penalty for disregarding notices or orders.

Any owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish the building given by any person authorized by this article to give such notice or order shall be guilty of a violation of this Code. Any occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair the building in accordance with any notice given as provided for in this article shall be guilty of a violation of this Code.

(Code 1971, ' 8.23)

Sec. 14-72. Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated or demolished, the building inspector, with the approval of the city manager, shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous

building shall be collected in the same manner as provided in section 14-70(e). (Code 1971, ' 8.24)

Sec. 14-73. Where owner absent from the city.

In all cases, except emergency cases, all notices or orders provided for in this article shall be sent as provided in section 1-12. (Code 1971, ' 8.25)

Sec. 14-74. Administrative liability.

No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney at the expense of the city. (Code 1971, ' 8.26; Ord. No. 99-121, 5-26-1999)

Sec. 14-75. Appeals.

An owner aggrieved by the final order of the council under section 14-70(d) may appeal the order to the county circuit court within 21 days from the date of such decision or order. (Ord. No. 99-121, ' 8.23, 5-26-1999)

Sec. 14-76. Duties of fire department.

The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this article. Such reports must be delivered to the building inspector within 24 hours of the discovery of such buildings by any employee of the fire department. (Code 1971, ' 8.27)

Sec. 14-77. Duties of police department.

All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this article. Such reports must be delivered to the building inspector within 24 hours of the discovery of such buildings by any employee of the police department. (Code 1971, ' 8.28)

Secs. 14-78--14-110. Reserved.

ARTICLE IV. NUMBERING BUILDINGS AND STRUCTURES*

*Cross reference(s)--Streets, sidewalks and other public places, ch. 70.

Sec. 14-111. Street numbers required.

All premises shall bear a distinctive street number on the front at or near the front entrance of the

premises in accordance with and as designated upon the street plan map on file in the city clerk's office. (Code 1971, ' 1.23)

Sec. 14-112. Numbering buildings.

The owners and occupants of all buildings in the city shall cause the correct numbers to be placed on the buildings in accordance with the street plan map. No person shall display other than the officially designated numbers on any house or building. (Code 1971, ' 1.24)

Secs. 14-113--14-145. Reserved.

ARTICLE V. HOUSING CODE FOR RENTAL PROPERTY*

*Cross reference(s)--Businesses, ch. 18.

DIVISION 1. GENERALLY

Sec. 14-146. Applicability.

This article shall apply to all persons who let, rent or hire one or more dwellings, dwelling units or rooming units to one or more persons. This article shall not apply to any institution or entity declared by state or federal law to be exempt from local regulations. (Ord. No. 96, ' 6.50, 3-8-1995)

Sec. 14-147. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Whenever the words "building," "dwelling," "dwelling unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Basement means a portion of a building located partly below grade and having less than half its floor-to-ceiling height below the average grade of the adjoining ground.

Building means any structure, framework or housing, public or private.

Building inspector means the legally designated building inspection authority of the city.

Cellar means a portion of a building located partly or wholly below grade, and having half or more than half of its floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling means any house, building, structure, shelter, trailer or vehicle which is occupied or intended for occupancy in whole or in part as the home, residence, living or sleeping place of one or more human beings, either permanently or transiently. A house trailer or other vehicle, when occupied or used as a dwelling, shall be subject to all the provisions of this article; except that house trailers or other vehicles,

duly licensed as vehicle, may be occupied or used as a dwelling for reasonable periods or lengths of time without otherwise being subject to the provisions of this article for dwellings, when located in the park or place designated for the purpose by the city; provided such parking sites are equipped with adequate safety and sanitary facilities.

Dwelling unit means any room or group of rooms located within a dwelling, having one kitchen sink and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

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

Guest means any person who patronizes a hotel for purposes within the scope of the business that is conducted in the hotel, including nonpaying guests.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

Hotel means a building or structure kept, used, maintained, advertised or offered to the public as an inn or place where sleeping accommodations are furnished for rent, lease or hire, whether with or without meals. A room or suite of rooms shall constitute a rooming unit. The term "hotel" shall include motels and motor courts.

Human habitation means the use of any room, rooming unit, dwelling, dwelling unit, apartment unit, building or premises for living, sleeping, cooking or eating purposes by one or more persons.

Infestation means the presence of any insects, rodents or other pests within or around a dwelling, building or premises.

Occupant means any person living, sleeping, cooking or eating in or having actual possession of a dwelling, dwelling unit or rooming unit.

Operator means any person who has charge, care or control of a building in which dwelling units or rooming units are let.

Owner means any person who, alone or jointly or severally with others, shall have:

- (1) Legal title to any dwelling, dwelling unit, rooming unit, building or premises with or without accompanying actual possession thereof; or
- (2) Charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the owner, or as executor, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant to this article, to the same extent as if he were the owner.

Plumbing means and includes all the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed

dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Premises means any lot or piece of land inclusive of the buildings and shall include parking lots, tourist camps, airports, junkyards or other places or enclosures however owned or occupied.

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

Roominghouse or lodginghouse means a dwelling having one kitchen and used for the purpose of providing prepared meals or lodging or both prepared meals and lodging for compensation of any kind, computed by day, week or month.

Rubbish means combustible and noncombustible waste materials except garbage; and the term shall include but not be restricted to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and the residue from the burning of combustible materials.

Supplied means paid for, furnished or provided by or under control of the owner or operator.
(Ord. No. 96, ' 6.51, 3-8-1995)

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

Sec. 14-148. License and inspection.

- A. *License required.* No owner or operator shall let, rent or hire to another any dwelling, dwelling unit or rooming unit in the city without first licensing each such dwelling, dwelling unit or rooming unit with the city. License forms may be obtained from and completed registration forms shall be submitted to the City Code Enforcement Officer. The authority to issue initial licenses is vested in the City Rental Housing Board.
- B. *Renewal.* The authority to issue renewal licenses for properties that have gone through a plan of development to become a licensed residential dwelling, to issue renewal licenses, and to issue licenses to prospective owners of currently licensed properties or previously licensed properties where the license expired is vested in the Chief Code Official unless referred to the City Rental Housing Board by the Chief Code Official pursuant to the provisions of this Code. All dwelling units and rooming units that are subject to this Article shall be re-licensed on January 1 of each year.
- C. *Requirements for Issuance of a Rental Unit License:* Properties that have paid their inspection fee prior to June 1, 2004 may renew the license annually. Any new Rental Property (The ones without a current license) must apply for a license from the City Rental Housing Board by following this procedure.
 1. **Scheduling of Review Hearing:** A City Rental Housing Board review hearing shall take place within twenty (20) working days from the date the Code Enforcement Officer certifies that all inspections required by this Code and other appropriate provisions of the City Code have been performed and the supporting documentation as listed under 4 have been received unless:

- (a) The applicant needs additional time to satisfy such requirements; or
 - (b) Practical difficulties necessitate the City Rental Housing Board having an additional ten (10) working days;
 - (c) The applicant requests deferral; or
 - (d) The applicant fails to appear at the scheduled hearing.
- 2. Notice: At least (10) working days prior to the hearing, the Code Enforcement Officer shall have notices of the date, time, and place of the hearing sent to:
 - (a) The owner/applicant and legal agent, along with copies of all documents provided to the City Rental Housing Board;
 - (b) All owners of record of the dwelling within a three hundred foot (300') radius of the proposed rental unit;
 - (c) The Neighborhood Association whose boundaries encompass the properties of the owners of record.
 - (d) Any person who has submitted written comment since receipt of the application concerning issuance of the license or who has requested notification.
- 3. Owner=s Presence Required. The owner must be present at the hearing unless excused by the City Manager in which case a legal agent must be present. Where the owner is a corporation, partnership, limited liability company, or trust, an individual with operational responsibilities of the rental unit must appear. An unexcused failure of the owner to appear shall result in the hearing being adjourned, and shall constitute a withdrawal of the application and forfeit of the processing fees.
- 4. Scope of Hearing: The Commission shall consider and review:
 - (a) The application and supporting documentation including floor plans and site plans, which must include parking and landscaped areas, when required;
 - (b) The inspection report(s);
 - (c) The lease or proposed lease which shall include:
 - (i.) Set forth the maximum occupancy of the rental unit and shall contain a provision that every person executing the lease as a tenant agrees to be jointly and severally responsible for assuring that the maximum occupancy limits established by the City for the rental unit are not exceeded. Violations of occupancy limits are major violations which can result in substantial dollar fines and the suspension or revocation of the rental license.
 - (ii.) State the name and address of the individual who is responsible for lawn care, litter, garbage and snow removal.
 - (iii.) Contain description of the off-street parking areas.
 - (iv.) Contain statement that pods (an enclosed sleeping unit) are not allowed.
 - (v.) State the name and address of the owners, or owner=s representative, who will be responsible for compliance with the

provisions of the Houghton City Code.

- (d) Any public comment and/or written communications;
 - (e) The report of the Code Enforcement Officer;
 - (f) Any relevant documentation including any building and/or zoning variances either applied for or granted, any easements, and any site plan or special use permit conditions;
 - (g) Any prior inspection reports and a history of any Code violations associated with such property;
 - (h) A projected income and expense report for the property;
 - (i) Any documentation or comment submitted by, or on behalf of, the owner.
5. Hearing Procedures: The hearing on any license may be adjourned without new notices as required by Paragraph (2)(b), (c), and (d) if upon adjournment the date, place, and time for the new hearing is announced.
6. Property Review Standards: No initial Rental Unit License shall be recommended for issuance by the City Rental Housing Board until the rental unit is found to be in compliance with the following.
- (a) The rental unit is served adequately by essential public facilities and services.
 - (b) The use of the rental unit does not cause traffic congestion or movement or on-street parking demands out of proportion to those normally prevailing in the area within the neighborhood and in the same zoning district.
 - (c) The use of the rental unit conforms to the building height, area, and yard requirements of the zone in which it is located.
 - (d) The rental unit provides facilities for the on-site parking of motor vehicles/recreation vehicles in compliance with the requirements of this Chapter and Chapter 98-192(10) of the City Code.
 - (e) The use of the rental unit is consistent with the zone in which it is located.
 - (f) Appropriate arrangements or procedures are in place for maintenance of the rental unit to ensure that the proposed use as a rental unit does not present an unreasonable risk to the health, safety, or welfare of the residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (g) The rental unit is not the situs of any continuing or unresolved public nuisance as defined by Chapters 62 (Litter) and Chapter 34 (Nuisances) of this Code or State law.
7. Owner Review Standards: No initial Rental Unit License shall be issued to any person who was an officer, director, or controlling shareholder of a corporation, limited liability company or other business entity; or to any corporation, limited liability company or other business entity whose officers, directors, or controlling shareholders; or to any corporation, limited liability company or other business entity, partnership, or individual that has.

- A. Continued to fail to comply with any order of a Hearings Officer issued to abate a dangerous building pursuant to Section 14-66 of the City Code;
- B. Been found responsible of a violation of the maximum occupancy provisions of the Zoning of the City Code, within one (1) year of the date of application;
- C. Been found responsible of a violation of this Chapter related to the illegal use of non-habitable or occupiable space for sleeping purposes within one (1) year of the date of application; or
- D. Had a Rental Unit License suspended or revoked within one (1) year of the date of the application and is not currently subject to a license suspension.

8. Off Street Parking. Any off-street parking lot construction after June 1, 2004 must:

- A. The owner or operator must apply for a building permit from the City of Houghton.
- B. The parking lot and driveway shall be paved with one of the following driving courses;
 - (i.) Concrete with a minimum thickness of 4 (four) inches, or
 - (ii.) Bituminous paving with a minimum thickness of two inches over four inches of gravel, or
 - (iii.) Brick pavers manufactured for use as a driving course, or
 - (iv.) Other paving materials as approved by the Rental Housing Board.

Such materials shall cover the entire width of the driveway.

9. Fees: The fee for licensing a new rental unit after June 1, 2004 is \$750. Of that fee, \$400 is for processing which must be paid when submitting an application. The balance of \$350 must be paid when the license is issued. The fee may be changed by Resolution of the Houghton City Council.

D. *Commission Action on Initial License Application.* At the conclusion of the hearing of the initial license application, the City Rental Housing Board shall by majority vote:

- 1. Authorize the issuance of a regular Rental Housing License of appropriate occupancy if there is compliance with all requirements of this Article.
- 2. In the event that the proposed rental unit does not meet all of the code requirements, the Board may grant a license contingent on the property meeting all of the requirements as set forth by the Board. The Houghton Code Enforcement Officer may certify that all conditions have been met and issue the license. The applicant does not have to reapply for the license once all the requirements are met.
- 3. Deny the application and set forth the reasons for the denial.

E. *Exceptions.* A Rental Unit License is not required under the following circumstances:

- 1. Family Occupancy: Any member of a family, as defined by Chapter 98, Zoning, may occupy a dwelling as long as any other member of that family is the owner of that dwelling.
- 2. House-Sitting: During the temporary absence of the owner and the owner=s family of a

domicile for a period not to exceed two (2) years in any five (5) year period, the owner may permit up to two (2) unrelated individuals or a family to occupy the premises without a rental license by notifying the Code Enforcement Department, on a form provided by the Department, of the address of the owner=s temporary domicile, the projected duration of the owner=s absence, and the identity of the unrelated individual or family who will occupy the premises during the owner=s absence.

3. One (1) and Two (2) Family Dwelling Sales: The sale of any one (1) or two (2) family dwelling intended for occupancy by the owner or owners of record which are to be occupied by the seller under a rental agreement for a period of less than ninety (90) days following closing. The sale of any one (1) or two (2) family dwelling intended for occupancy under a lease with Option to Purchase Agreement, Life Estate Agreement or any other form of conditional sale agreement, shall require a Rental Unit License if legal or equitable ownership is not transferred in its entirety within ninety (90) days of execution of the conditional sales agreement.
 4. Exchange Student, Visiting Clergy, Medical Caregiver, Child Care: For an owner occupied dwelling, additional occupancy by exchange students placed through a recognized education exchange student program, one visiting clergy or clerical aide to a local church or congregation, or one person to provide child care or medically prescribed care.
 5. Estate Representative: Occupancy by a personal representative, trustee, or guardian of the estate and their family where the dwelling was owner-occupied for the last year prior to the owner=s death, and the occupancy does not exceed two (2) years from the date of death of the owner by notifying the Code Enforcement Department on a form provided by the Department of the owner=s name, date of death, and name of the person occupying the premises.
- F. *Inspections*. The City Code Enforcement Officer, so far as may be necessary for the performance of his duties, shall, upon presentation of proper credentials, have the right to seek permission from the owner of any dwelling, dwelling unit or rooming unit or from the occupant of any dwelling, dwelling unit or rooming unit to inspect, at reasonable times, such dwelling, dwelling unit or rooming unit for determining compliance with the requirements of the Houghton Housing Code for Rental Property. However, the City Code Enforcement Officer shall, at the time that he seeks such permission, advise the owner or occupant of such dwelling or the occupant of such dwelling, dwelling unit or rooming unit that such owner or occupant of such dwelling, dwelling unit or rooming unit that such owner or occupant has the right to refuse entry to the City Code Enforcement Officer in the absence of the City Code Enforcement Officer obtaining a search warrant.
- G. *Search Warrants*. In the absence of obtaining permission from the owner or occupant of a dwelling or the occupant of a dwelling, dwelling unit or rooming unit to inspect said dwelling, dwelling unit or rooming unit to determine compliance with the provisions of the Houghton Housing Code for Rental Property, the City Code Enforcement Officer shall seek a search warrant from the Houghton County District Court authorizing entry into such dwelling, dwelling unit, or rooming unit, which shall be at a reasonable time, to determine compliance with the Houghton Housing Code for Rental Property.
- H. *Basis for Inspection*. All known rental housing will be inspected at least once per year. The City Code Enforcement Officer shall conduct his inspections on a per-block basis, starting with those

dwelling located in the eastern portion of the City and then proceeding toward the west. An inspection shall also be conducted at the request of the owner of a dwelling, dwelling unit or rooming unit or of an occupant of a dwelling unit or rooming unit, or where probable cause exists to conclude that a condition exists in such dwelling, dwelling unit or rooming unit that constitutes a health or safety hazard to the occupants thereof.

- I. *Inspection/License Fees.* At the time of renewing a rental license, the owner of the dwelling, dwelling unit or rooming unit shall pay an annual inspection/license fee, to defray the actual costs of inspection, in accordance with the following schedule. No inspection fee shall be required from any person exempt by State or Federal law.

Annual Fees are as follows:

Per House	\$100.00
Per Apartment	\$ 30.00 (minimum \$100.00 per complex) (maximum \$300.00 per complex)

- J. *License Revisions.* An owner of a rental dwelling that has a current rental license may request a hearing of the Rental Housing Board to discuss a revision of the rental license to increase the amount of tenants permitted by following this procedure:

- Requesting an inspection of the property by the Code Enforcement Officer.
- Providing proof to the Code Enforcement Officer that the rental dwelling provides sufficient facilities, based on the additional number of tenants, for the on-site parking of motor vehicles/recreation vehicles in compliance with the requirements of this Chapter and Chapter 98-192(10) of the City Code.

Following the inspection of the Code Enforcement Officer, and if the property meets the parking requirements for additional tenants, the Code Enforcement Officer will schedule a hearing of the Rental License Board. There shall be no fee charged to the property owner for this hearing. This hearing shall be noticed in the same manner as outlined in C-2 above.

At least 14 days prior to the hearing, the Rental Housing Board shall be provided with a copy of the parking plan for the rental property showing the amount of on-site parking spaces on the property in compliance with this Chapter and Chapter 98-192(10) of the City Code.

Sec. 14-149. Penalty.

Every person convicted of a violation of any provision of this article or any order, rule or regulation adopted or issued in pursuance of this article, shall be punished in accordance with section 1-7. Each act of violation and every day upon which any such violation shall occur or continue to exist shall constitute a separate offense. If the person violating this article is a copartnership, each of the partners shall be deemed guilty of violating this article; in case of a joint venture, unincorporated association or club, each of the members shall be deemed guilty of violating this article. (Ord. No. 96, ' 6.62, 3-8-1995)

Secs. 14-150--14-170. Reserved.

DIVISION 2. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

Sec. 14-171. Applicability; scope.

No owner or operator shall let, rent or hire to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating, which does not comply with the requirements of this division. (Ord. No. 96, ' 6.53(1), 3-8-1995)

Sec. 14-172. Kitchen sink.

Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewerage system. (Ord. No. 96, ' 6.53(2), 3-8-1995)

Sec. 14-173. Water closet, lavatory and bath.

Every dwelling unit (except as otherwise permitted under section 14-174) shall contain a room which affords privacy to a person within that room and which is equipped with a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and properly connected to a water and sewerage system. (Ord. No. 96, ' 6.53(3), 3-8-1995)

Sec. 14-174. Shared sanitary facilities.

In multiple-unit dwellings where additional sanitary facilities must be installed to conform to section 14-173 and practical difficulties prevent the installation of such facilities within the dwelling unit, the housing board of appeals may permit sanitary facilities to be shared, provided at least one flush water closet, one lavatory basin, and one bathtub or shower shall be supplied for each two dwelling units. Where more than one flush water closet or more than one bathtub or shower is supplied within one room, they shall be separated by partitions or walls which afford privacy to a person using each facility. The provisions of this section shall in no way supersede or alter the requirements of the building code pertaining to new structures or conversions of old structures. (Ord. No. 96, ' 6.53(4), 3-8-1995)

Sec. 14-175. Water connections.

Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of sections 14-172, 14-173 and 14-174 shall be connected with both hot and cold water lines. (Ord. No. 96, ' 6.53(5), 3-8-1995)

Sec. 14-176. Water heating facilities.

Every dwelling shall have supplied water heating facilities which are properly installed, maintained in safe and good working condition and properly connected with the hot water lines required under the provisions of section 14-175. Such supplied facilities are to be capable of providing an adequate amount of water at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied facilities shall remain capable of meeting the requirements of this section when the dwelling unit heating facilities required under the provisions of section 14-175 are

not in operation. (Ord. No. 96, ' 6.53(6), 3-8-1995)

Sec. 14-177. Means of egress.

Every dwelling unit shall have two completely separate, remote means of egress, each of which shall provide safe unobstructed egress leading to the open space at ground level; and this open space shall lead to a public street or alley. (Ord. No. 96, ' 6.53(7), 3-8-1995)

Sec. 14-178. Fire, smoke and carbon monoxide detectors and fire extinguisher

Every dwelling unit shall be equipped with a fire extinguisher and carbon monoxide detector. Each bedroom and hallway shall be equipped with a smoke and fire detector and there shall be at least one smoke and fire detector on each floor. All detectors shall remain operational. All detectors installed in any new construction shall be hard-wired; likewise, when any existing structure is remodeled so as to expose the electrical wiring, new, hard-wired detectors shall be installed in the remodeled area.

Secs. 14-179--14-200. Reserved.

DIVISION 3. MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING

Sec. 14-201. Applicability; scope.

No owner or operator shall let, rent or hire to another for occupancy any dwelling or dwelling unit, for the purpose of living in such dwelling or dwelling unit, which does not comply with the requirements of this division. (Ord. No. 96, ' 6.54(1), 3-8-1995)

Sec. 14-202. Windows.

Habitable attics, habitable basements and every sleeping room shall have at least one window facing directly to the outdoors. The minimum total window area must meet the window requirements in the State of Michigan Building code under the Section Emergency Escape and Rescue Openings. (Ordinance 2011-235)

Sec. 14-203. Ventilation.

Every habitable room shall have at least one window or skylight which can be easily opened to the outdoors. (Ord. No. 96, ' 6.54(3), 3-8-1995)

Sec. 14-204. Bathroom lights and ventilation.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in sections 14-202 and 14-203; except that no window or skylight shall be required in ventilated bathrooms and water closet compartments equipped with a fan-operated ventilation system which is kept in continuous operation and which exhausts directly to the outdoors. (Ord. No. 96, ' 6.54(4), 3-8-1995)

Sec. 14-205. Heating facilities.

Every dwelling shall have heating facilities which are properly installed; are maintained in safe and good working condition; and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit to a temperature of at least 70 degrees Fahrenheit at a distance of five feet above floor level. (Ord. No. 96, ' 6.54(5), 3-8-1995)

Sec. 14-206. Electrical outlets.

Every room shall contain at least two separate electrical convenience outlets or one such convenience outlet and one lighting fixture. Additional convenience outlets shall be provided in sufficient number to adequately service the electrical devices and/or appliances without the use of unapproved wiring methods. Cords to appliances and devices shall not be run through doorways, under rugs or stapled to woodbase boards, door casings, or through holes in partitions or floors. All installations and repairs are to be made in a manner that conforms to all applicable county and state codes. (Ord. No. 96, ' 6.54(6), 3-8-1995)

Sec. 14-207. Lighting public halls and stairways.

Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting. (Ord. No. 96, ' 6.54(7), 3-8-1995)

Sec. 14-208. Screens, basement or cellar windows.

Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance. (Ord. No. 96, ' 6.54(8), 3-8-1995)

Secs. 14-209--14-230. Reserved.

DIVISION 4. MINIMUM MAINTENANCE REQUIREMENTS

Sec. 14-231. Applicability; scope.

No owner or operator shall let, rent or hire to another for occupancy any dwelling or dwelling unit, for the purpose of living in the dwelling or dwelling unit, which does not comply with the requirements of this division unless otherwise provided in this article. (Ord. No. 96, ' 6.55(1), 3-8-1995)

Sec. 14-232. Foundation, floor, wall, ceiling and roof.

Every exterior foundation, wall and roof shall be weathertight and animalproof, shall be capable of affording privacy, and shall be kept in good repair. Every interior floor, wall or ceiling shall be animalproof, capable of affording privacy and shall be kept in good repair. (Ord. No. 96, ' 6.55(2), 3-8-1995)

Sec. 14-233. Exterior openings.

Every window, exterior door and basement hatchway shall be weathertight, watertight and animalproof and shall be kept in sound working condition and good repair.
(Ord. No. 96, ' 6.55(3), 3-8-1995)

Sec. 14-234. Stairs, porches.

Every inside and outside stair, every porch, and all their appurtenances shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed on the stair or porch, and shall be kept in sound condition and good repair.
(Ord. No. 96, ' 6.55(4), 3-8-1995)

Sec. 14-235. Plumbing fixtures.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
(Ord. No. 96, ' 6.55(5), 3-8-1995)

Sec. 14-236. Floor surfaces.

Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be water resistant and so as to permit such floor to be easily kept in a clean and sanitary condition. (Ord. No. 96, ' 6.55(6), 3-8-1995)

Sec. 14-237. Supplied facilities.

Every supplied facility, piece of equipment or utility which is required under this division shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition. (Ord. No. 96, ' 6.55(7), 3-8-1995)

Sec. 14-238. Facilities not to be shut off.

No owner or operator shall cause or permit any service, facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building inspector. (Ord. No. 96, ' 6.55(8), 3-8-1995)

Sec. 14-239. Public areas.

Every owner and operator of a dwelling containing one or more dwelling units shall be responsible for maintaining the public areas of the dwelling in a clean and sanitary condition.
(Ord. No. 96, ' 6.55(9), 3-8-1995)

Secs. 14-240--14-260. Reserved.

DIVISION 5. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

Sec. 14-261. Applicability; scope.

No owner or operator shall let, rent or hire to another for occupancy any dwelling or dwelling unit for the purpose of living in such dwelling or dwelling unit, which does not comply with the requirements of this division unless otherwise provided in this article. (Ord. No. 96, ' 6.56(1), 3-8-1995)

Sec. 14-262. Minimum living space.

Every dwelling unit shall contain at least 350 square feet of floor space for the first bedroom and at least 150 additional square feet of floor space for every additional bedroom, the floor space to be calculated on the basis of total habitable room area. In no case shall any private dwelling be occupied which does not contain at least 350 square feet of habitable room area. (Ord. No. 96, ' 6.56(2), 3-8-1995)

Sec. 14-263. Minimum sleeping space.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 20 square feet of floor space for each additional occupant. (Ord. No. 96, ' 6.56(3), 3-8-1995)

Sec. 14-264. Room arrangement.

No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. (Ord. No. 96, ' 6.56(4), 3-8-1995)

Sec. 14-265. Cooking, sleeping in same room.

Where more than two persons occupy any dwelling unit, food shall not be prepared or cooked in any room used for sleeping purposes. (Ord. No. 96, ' 6.56(5), 3-8-1995)

Sec. 14-266. Ceiling height.

At least half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than four feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy. (Ord. No. 96, ' 6.56(6), 3-8-1995)

Sec. 14-267. Cellar and/or basement.

No cellar and/or basement space shall be used as a habitable room or dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water

- and are insulated against dampness;
- (2) The total of window area in each room is equal to at least the minimum window area sizes as required in section 14-202;
 - (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
 - (4) Openable window area in each room is provided as required under section 14-203, except where there is supplied some other device affording adequate ventilation and approved by the building inspector. (Ord. No. 96, ' 6.56(7), 3-8-1995)

Secs. 14-268--14-290. Reserved.

**DIVISION 6. MINIMUM STANDARDS AND REQUIREMENTS FOR ROOMINGHOUSES, HOTELS
AND MOTELS**

Sec. 14-291. Applicability; scope.

No owner or operator shall own or operate a roominghouse or hotel, or shall let, rent or hire to another for occupancy any rooming unit in any roominghouse or hotel except in compliance with the provisions of every section of this article except the provisions of sections 14-171--14-176. (Ord. No. 96, ' 6.57(1), 3-8-1995)

Sec. 14-292. Minimum basic facilities.

At least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight persons residing within a roominghouse, including members of the operator's family whenever they share the use of the facilities. In a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than half the required number of water closets. All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Any roominghouse where food is served shall comply with all applicable laws, rules and regulations. (Ord. No. 96, ' 6.57(2), 3-8-1995)

Sec. 14-293. Minimum space.

Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 20 square feet of floor space for each additional occupant. (Ord. No. 96, ' 6.57(3), 3-8-1995)

Sec. 14-294. Means of egress.

Every rooming unit shall have two completely separate remote means of egress from the rooming unit, one of which may be a window that conforms to this division; and each means of egress shall provide safe unobstructed egress leading to an open space at ground level, and this open space shall lead to a public street or alley. (Ord. No. 96, ' 6.57(4), 3-8-1995)

Sec. 14-295. Responsibility for maintenance.

The owner and operator of every roominghouse, hotel and motel shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the roominghouse; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator. (Ord. No. 96, ' 6.57(5), 3-8-1995)

Sec. 14-296. Inclusion of hotels.

Every provision of this division which applies to roominghouses shall also apply to hotels/motels, except to the extent that any such provision may be found in conflict with the laws of the state or with the lawful regulations of any state board or agency. (Ord. No. 96, ' 6.57(6), 3-8-1995)

Sec. 14-297. Maximum occupancy.

Every roominghouse and hotel/motel registration shall contain the names and addresses of the owner and operator, the type of accommodation for which issued, the maximum number of rooms which may be rented, together with the maximum number of persons that may occupy such premises at one time. No person shall rent a greater number of rooms than is specified in his registration filed with the city clerk, nor shall accommodations be rented to a greater number of persons than is specified in the registration. (Ord. No. 96, ' 6.57(7), 3-8-1995)

Sec. 14-298. Register.

Every roominghouse and hotel/motel operator shall provide and maintain a book in which shall be entered in ink the name and home address of any person other than members of the family of the owner or operator as listed in the registration filed with the city clerk, occupying the premises. This register shall be maintained on the premises and shall be submitted upon demand to any official or police officer of the city or to any police officer of the state. The register shall constitute a public record. It shall be a violation of this division for any person to inscribe in such register or to give for the purpose of being inscribed in such register any false information. (Ord. No. 96, ' 6.57(8), 3-8-1995)

Secs. 14-299--14-320. Reserved.

DIVISION 7. INSPECTIONS

Sec. 14-321. Inspection of premises.

- (a) *Inspection authorized.* The building inspector is authorized to make inspections to determine the condition of any dwelling, dwelling unit or rooming unit governed by the terms of this article upon receiving the written request from the owner, operator or occupant. Following such an inspection, the building inspector shall provide the person requesting such inspection with a brief report identifying any repairs or alterations as he determines are necessary to effect compliance with the provisions of this article or with any lawful rule or regulation adopted or any lawful order issued

- pursuant to the provisions of this article.
- (b) *Certificate of compliance.* Upon completion of an inspection of the dwelling or unit and after determination that the dwelling or unit complies with the requirements of this article, the building inspector shall issue a certificate of compliance to the owner or operator of such dwelling or unit.
 - (c) *Fees for inspection/license.* Inspection/license fees shall be set from time to time by the council and are listed in appendix A to this Code. (Ord. No. 96, ' 65.8, 3-8-1995)

Sec. 14-322. Service of notice and orders.

- (a) *Notice and orders.* Whenever the building inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this article or of any rule or regulation adopted pursuant to this article, other than the failure of the owner and operator to comply with the registration requirements contained in this article, he shall give notice of such alleged violation and orders for correction of violation to the responsible person. Such notice shall:
 - (1) Be put in writing;
 - (2) Include a statement of the conditions that constitute violations of this article and what must be done to correct the violation;
 - (3) Direct that such violation be corrected within 30 days of the date of personal service or mailing of such notice or order, except for violations for failure to comply with any of the registration requirements, which shall be corrected within ten days;
 - (4) Notify the owner or his agent, or the occupant as the case may require, of his right to appeal from the notice or order to the housing board of appeals as set forth in this article; and
 - (5) Be served upon the owner, his agent, operator or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner, his agent or operator, or upon such occupant, if a copy is served upon him personally or if a copy is sent by certified mail to his last known address.
- (b) *Emergency clause.* Whenever the building inspector finds that an emergency exists which requires immediate action to protect the public health, he shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately. (Ord. No. 96, ' 6.59, 3-8-1995)

Secs. 14-323--14-345. Reserved.

DIVISION 8. HOUSING BOARD OF APPEALS*

 *Cross reference(s)--Boards, commissions and committees, ' 2-201 et seq.

Sec. 14-346. Created.

Pursuant to the provisions of state law, and in order that provisions of this article may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this article, a housing board of appeals is created. The duty of the board shall be to consider appeals from the decision of the officials charged with the enforcement of this article, and to determine in particular cases whether any deviation from the strict enforcement of this article will violate the intent of this article. (Ord. No. 96, ' 6.60(1), 3-8-1995)

Sec. 14-347. Membership and appointment.

The housing board of appeals shall consist of seven members, who, unless otherwise provided for, shall be the council. (Ord. No. 96, ' 6.60(2), 3-8-1995)

Sec. 14-348. Appeals and hearings.

The housing board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice to interested parties and decide the appeals within a reasonable time. Within the limits of its jurisdiction, the board may reverse or affirm, in whole or in part, or may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the official from whom the appeal is taken. Any owner or operator of a dwelling, dwelling unit or rooming unit may appeal a determination of the building inspector of the violation of one or more provisions of this article as set forth in a notice or order of the building inspector. Such appeal must be made within 21 days of the date of such notice or order by leaving written notice of such appeal at the office of the city clerk. (Ord. No. 96, ' 6.60(3), 3-8-1995)

Sec. 14-349. Decisions.

The decision of the housing board of appeals shall be final, except that the board or its members may be required under proper mandamus proceedings to show cause why certain actions were taken or decisions rendered. (Ord. No. 96, ' 6.60(4), 3-8-1995)

Sec. 14-350. Meetings; rules of procedure; quorum.

The housing board of appeals shall meet such times as the board may determine. There shall be a fixed place of meeting, and all meetings shall be open to the public. The board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the board, and the vote of each member upon each question considered. The presence of four members shall be necessary to constitute a quorum. (Ord. No. 96, ' 6.60(5), 3-8-1995)

Sec. 14-351. Notices.

The housing board of appeals may prescribe such notice to any interested person and the neighbors surrounding the structure in connection with which the appeal is taken, as shall be deemed reasonable by the housing board of appeals. (Ord. No. 96, ' 6.60(6), 3-8-1995)

Sec. 14-352. Officers; records.

The housing board of appeals shall elect from its membership a chair and vice-chair. A secretary shall be appointed, whose duty it shall be to maintain a permanent official record of all of its transactions; such records shall be public records. (Ord. No. 96, ' 6.60(7), 3-8-1995)