

## **CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS**

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## ARTICLE I. IN GENERAL

**Secs. 14-1 to 14-30. Reserved**

## ARTICLE II. STATE CONSTRUCTION CODE

### **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, the applicant shall be given 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.

**Sec. 14-40. Penalty.**

A person who violates this article is responsible for a municipal civil infraction.

**Secs. 14-41-14-59. Reserved.**

**ARTICLE III. PROPERTY MAINTENANCE CODE**

**Sec. 14-60. Adopted by Reference.**

The International Property Maintenance Code, 2012 edition, including all amendments,

supplements, and revisions thereto, as promulgated by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Houghton for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Houghton are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, deletions and changes, if any, prescribed in Section 14-61 of this ordinance.

**Sec. 14-61. Revision.**

The following sections are hereby revised to read as follows:

Section 101.1 Title. These regulations shall be known as the *International Property Maintenance Code of the City of Houghton*, hereinafter referred to as “this code”.

Section 103.5 Fees. The fees, if any, for activities and services performed by the department in carrying out its responsibilities under this code shall be **indicated in Appendix A to this Code**.

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than **\$50 or more than \$500**.

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

Section 304.14 Insect screens. During the period from **May 1 to October 31**, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from **September 1 to May 31** to maintain a minimum temperature of 68°F in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from **September 1 to May 31** to maintain a minimum temperature of 65° during the period the spaces are occupied.

**Sec. 14-62. Code Official.**

The city manager will be the Code Official.

**Secs 14-63 – 14-139. Reserved.**

**Sec. 14-140. Penalty.**

A person who violates this article is responsible for a municipal civil infraction.

**Secs. 14-141 – 14-145 Reserved.**

**ARTICLE V. HOUSING CODE FOR RENTAL PROPERTY**

**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)

#### **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. Failure to allow or set up a time for the code enforcement officer to inspect the property will result in a violation of this ordinance. See 14-180 Penalty. (Ordinance 2014-261)
- G. 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 dwellings 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.
- H. 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)

I. 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. (Ord 2012-243)

**Sec. 14-149. Maintenance.**

All rental properties must comply with the International Property Maintenance Code as stated in Article III.

**Sec. 14-150. Fire, smoke, carbon monoxide detectors and fire extinguisher.**

Every dwelling unit shall be equipped with a fire extinguisher, and if there is a combustible material used for heating (natural gas, oil, wood, etc) then at least one carbon monoxide detector shall be present in a location where the alarm can be heard throughout the

living quarters. 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 an existing structure is remodeled so as to expose the electrical wiring, new, hard-wired detectors shall be installed in the remodeled area.

**Sec. 14-151. Emergency Egress**

Habitable attics, habitable basements and every sleeping room shall meet the egress requirements in the State of Michigan Building code under the Section *Emergency Escape and Rescue Openings* or the State of Michigan Residential Building Code as applicable. (2014-265)

**Secs. 14-152 – 14-179. Reserved**

**Sec. 14-180. Penalty.**

A person who violates this article is responsible for a municipal civil infraction.

**Secs. 14-151--14-200. Reserved.**