

**CHAPTER 9
HOUSING ORDINANCE**

IN GENERAL:

9.101 SHORT TITLE

This Section and Section 9.200 and 9.300 shall be know as the Housing Ordinance of the City of Lapeer and may be cited as such.

9.102 PURPOSE

The purpose of this Housing Ordinance is to protect the health, safety and welfare of the people of the City by establishing minimum housing standards for dwellings, to provide for the elimination of overcrowding, to provide standards for sanitary conditions in and around structures used for human habitation, to determine the responsibilities of the owners and occupants of dwelling and to provide for the administration and enforcement of this Housing Ordinance.

9.103 APPLICABILITY

The provisions of this Housing Ordinance shall apply to any person owning, occupying, managing or controlling any dwelling in the City.

9.104 DEFINITIONS

History: (Effective Date of Title Change 04-24-91;-)

(A) Except as otherwise provided in this Section, words and phrases shall be construed according to the common usage of the language, provided, however, that the technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

(B) words imparting the masculine shall extend to and be applied to the feminine and neuter genders.

(1) **ACCESSORY**

Structures shall mean a building or structure in which the use is incidental to that of the main building and which is located on the same premises.

(2) **ADMINISTRATOR**

Shall mean the City Manager or authorized representatives charged with the responsibility of administering and enforcing this Housing Ordinance.

- (3) **ANIMAL**
Shall mean any living species other than human, insect or plant.
- (4) **ANNIVERSARY DATE**
Shall mean the date by which the requirements for application, inspection, and certification for the annual rental inspection shall have been met.
- (5) **BASEMENT**
Shall mean that portion of a building which is partly below and partly above grade and which has at least one-half (1/2) of its height above grade.
- (6) **BASIC STRUCTURAL ELEMENTS**
Shall mean the parts of a building which provide the principal strength, stability, integrity, shape and safety, including, but not limited to, plated, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.
- (7) **BOARDING HOUSE**
Shall mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the family, as hereinafter provided, and occupied as a home or family and are leased or rented to persons outside of the family, without any attempt provided there or therewith for cooking or kitchen accommodations.
- (8) **BUILDING MATERIAL**
Shall mean and includes, but is not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, fence posts and fencing.
- (9) **CEILING HEIGHT**
Shall mean the clear vertical distance from the finished floor to the finished ceiling.
- (10) **CELLAR**
Shall mean that portion of a building which has at least one-half (1/2) of its height below grade.

- (11) **CITY**
Shall mean the Municipal corporation that is the City of Lapeer and includes all authorized agents of the City when acting within the scope of their authority.
- (12) **DETERIORATE**
Shall mean to decay, decompose, or degenerate.
- (13) **DETERIORATION or DETERIORATED**
Shall mean the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making a structure, object, or mechanism unsafe, unsanitary, inoperable, unusable, or unsuitable for its intended use, including, but not limited to , the advanced stages of rot, rust, mold, insect ingestion, infestation, or destruction.
- (14) **DWELLING**
Shall mean any structure, including the yard or part thereof, used for residential purposes, whether occupied or not.
- (15) **DWELLING UNIT**
Shall mean a single room or rooms providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (16) **DWELLING, ONE-FAMILY**
Shall mean a building designed exclusively for and occupied exclusively by one (1) family.
- (17) **DWELLING, TWO-FAMILY**
Shall mean a building designed exclusively for occupancy by two (2) families living independently of each other.
- (18) **DWELLING, MULTIPLE-FAMILY**
Shall mean a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
- (19) **EMERGENCY**
Shall mean a condition of imminent danger calling for immediate action to avoid death, injury, or illness to a human or the destruction or severe damage of real or personal property.
- (20) **EXIT**

Shall mean that portion of a means of egress which is separate from all other spaces of a building or structure by construction or equipment.

(21) EXIT ACCESS

Shall mean that portion of a means of egress which leads to an entrance to an exit.

(22) EXIT DISCHARGE

Shall mean that portion of egress between the termination of an exit and a public way.

(23) EXTERMINATION

Shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest eliminative methods approved by the Housing Code Official.

(24) FAMILY

Shall mean an individual or a group of two or more persons related by birth, adoption, or marriage, together with not more than two additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling.

(25) FINISH SURFACES

Shall mean material used for the final covering of basic structural elements. Finish surfaces include, but are not limited to, ceilings, walls, wainscoting, kickboards, moldings, stops and floor coverings.

(26) FIRE HAZARD

Shall mean a condition which may cause loss, damage, or injury to persons or property by reason of fire, explosion, or action of the elements.

(27) FURRED CEILING

Shall mean any ceiling which is installed below the joists which constitute the structural framing of the floor/ceiling assembly or attic floor above.

(28) GARBAGE

Shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(29) GRADE

Shall mean a reference plane representing the average of finished ground level adjoining the building at all exterior walls.

(30) GOOD REPAIR

Shall mean to be properly installed, safe, stable and maintained sufficiently free of defects or deterioration so as to be in compliance with the applicable codes set forth in Section 9.106.

(31) GUEST ROOM

Shall mean any room or rooms used, or intended to be used, by a guest for sleeping purposes.

(32) GOOD WORKMANSHIP

Shall mean completing a task of construction, repair or replacement in compliance with this Housing Ordinance.

(33) HABITABLE FLOOR AREA

Shall mean the net floor area within the enclosing walls of the room excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures that is in compliance with the required minimum ceiling height for a habitable room area.

(34) HABITABLE ROOM

Shall mean any room within a structure for living, sleeping, eating or cooking. [Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms.]

(35) HARDSHIP

Shall mean any factor deemed by the Housing Board of Appeals to permit variation from the provisions of the Housing Ordinance.

(36) HOUSING OFFICIAL

Shall mean the rental inspector designated by the Building Official or by any person designated by the City Manager as a Housing Code Official.

History: (Amended 04-22-10;-)

(37) HOTEL/MOTEL

Shall mean any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

(38) HOUSING BOARD OF APPEALS

A board consisting of five (5) members whose function is to appeal any decision by a building official.

History: (Amended: deleted Housekeeping Unit in its entirety and changed to add Housing Board of Appeals 04-22-10;-)

(39) INFESTATION

Shall mean the presence, within or around the dwelling, of any birds, rodents, cockroaches, fleas, lice, bedbugs, or vermin.

(40) INSPECTOR

Shall mean a housing inspector or any other employee of the City whose responsibilities include enforcement of this Housing Ordinance.

(41) INTERIOR FIXTURES

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

(42) JUNK

Includes any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates.

(43) MEANS OF EGRESS

A continuous and unobstructed path of travel from any point in a building or structure to a public way, and consisting of three (3) separate and distinct parts:

History: (Amended 04-22-10;-)

- a. The exit access,
- b. the exit, and
- c. the exit discharge.

A means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yard.

(44) MOTEL [See Hotel]

(45) NATURAL PERSON

Shall mean a human being.

(46) NUISANCE shall mean:

(a) Any public nuisance known at common law or equity.

(b) Any condition which might attract, and be dangerous to children, whether in a dwelling, on the premises upon which a dwelling is located, or upon an unoccupied lot near a dwelling. This includes, but is not limited to, abandoned wells, cisterns, shafts, basements, excavations, abandoned refrigerators and motor vehicles or parts thereof; structurally unsound fences, outbuildings or structures; lumber, rubbish, fences, debris, vegetation, mounds of gravel, sand or earth which might prove a hazard for inquisitive minors, and whatever is dangerous to human life or is detrimental to health

(c) Overcrowding a room with occupants.

(d) Lack of adequate egress.

(e) Insufficient ventilation or illumination.

(f) Inadequate or unsanitary sewage or plumbing facilities.

(g) Improper disposal of garbage and rubbish.

(h) Whatever renders air, food, or drink unwholesome or detrimental to health, as determined by the Housing Official.

(i) Insufficient support, inadequate sewage drainage, heating or wiring.

(47) OCCUPANCY or OCCUPY

Shall mean the fact or act of a human being living or sleeping in a dwelling or unit within a dwelling, whether the human being is physically present or temporarily absent.

(48) OCCUPANT

Shall mean a person who occupies a dwelling.

(49) OPEN WINDOW AREA

Shall mean the resulting square footage of open space to the outdoors when a window has been opened to its maximum distance as measured clear of the sash frame.

(50) OWNER or OWNERSHIP

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

(51) PERSON

Shall mean a natural person, firm, partnership, association or corporation.

(52) PREMISES

Shall mean any improved or unimproved lot or parcel of land and its buildings and structures.

(53) REMOTE EXIT

Shall mean a required exit providing a protected way of travel to an exit discharge which is as far removed as practical from the sleeping area.

(54) RENTAL DWELLING

Shall mean a dwelling containing dwelling units which are leased or rented that is not owner occupied, including consumer housing cooperatives and limited dividend housing corporations as defined in M.C.L. 125.1411.

(55) RENTAL UNIT

Shall mean any dwelling unit rented or leased.

(56) RESIDENTIAL

Shall mean all dwellings, structures containing dwelling and rooming units, accessory structures and yards.

(57) RESPONSIBLE LOCAL AGENT

Shall mean a person having his place of residence or principal place of business in the City of Lapeer, who is legally responsible for operating a dwelling in compliance with all the provisions of this Ordinance.

History: (Amended 04-22-10;-)

(58) RESPONSIBLE PARTY

Shall mean any person, including but not limited to owner, land contract holder, land contract vendee, tenant or responsible agent, who has the responsibility to construct and/or maintain a dwelling in compliance with this party shall be determined from information placed on file with the Assessor's Office, Treasurer's Office, and/or County Register of Deeds Office.

(59) ROOMER

Shall mean a person who is provided with living and sleeping, but not for cooking purposes.

(60) ROOMING DWELLING

Shall mean a dwelling containing rooming units.

(61) ROOMING UNIT

Shall mean a room or group of rooms located within a rooming dwelling used or intended to be used for living and sleeping, but not for cooking purposes.

(62) RUBBISH

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

(63) RUBBISH CONTAINER

Shall mean a watertight container with tight fitting lid for the temporary storage of garbage and rubbish that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions.

(64) SANITARY

Shall mean free of grease, excrement, dirt, food residue, garbage, rust or similar matter which can harbor bacteria unsafe to humans or animals, or which produces strong odors or which provides food for, or is an available source of food for animals or insects.

(65) STRUCTURE

Shall mean anything constructed or erected, the use of which requires a permanent location on the ground.

(66) UNFIT DWELLING

Shall mean any dwelling, dwelling unit, or rooming unit, in whole or in part, which shall be found to have any of the following defects:

- (a)** One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or to the public.
- (b)** One which lacks light, ventilation, heating, or sanitation facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this Ordinance.
- (c)** One which does not include a stove or other cooking facilities, a refrigerator, or space for dry food storage; except, however, where said facilities are not required by this Ordinance for a particular type of dwelling unit.
- (d)** One which exposes or could expose the occupants to dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, or other harmful pollutants.
- (e)** One which, because of its location, exposes or could expose the occupants to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards, mudslides, or excessive noise, vibration or vehicular traffic.

(67) UNSAFE

Shall mean a condition which is reasonably likely to do harm to humans or property if not corrected or stopped.

(68) VERMIN

Shall mean rodents, birds and insects which may be destructive of real or personal property or injurious to health.

(69) WINDOW AREA

Shall mean the area of the glazing of a window through which light passes, including the area taken up by the window pane dividers.

(70) YARD

Shall mean all parts of a piece of property lying between a dwelling foundation and the property lines, as well as that portion of public property or a right-of-way lying between that piece of property and the street curb or pavement or lying between the piece of property and the centerline of an alley.

9.105 COMPLIANCE REQUIRED

All dwellings shall meet the standards set forth in this Housing Ordinance.

9.106 APPLICATION OF CODES

All dwellings shall be maintained safe and in compliance with the provisions of this Ordinance. Any alteration shall comply with current applicable state codes, other nationally recognized codes, or local ordinances adopted by the City Commission.

9.107 BASIC STRUCTURAL ELEMENTS

Basic structural elements shall be in good repair and shall be adequate to support the imposed load as required by this Ordinance.

9.108 FOUNDATIONS AND SUPPORTS

Foundations, foundation walls and supporting columns shall be in good repair and shall be adequate to support the imposed load as required by this Ordinance.

9.109 BASEMENT AND CELLAR WALLS AND FLOORS

Walls and floors of basements and cellars shall be in good repair.

9.110 EXTERIOR ATTACHMENTS

Exterior attachments to basic structural elements, including but not limited to gutters, down spouts, screening, vents, antennae, awnings, and utility connections, shall be in good repair.

9.111 DRAINS

All rain water shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceiling or floors of any habitable room, or of any bathroom or water closet compartment.

9.112 EXTERIOR SURFACES

All exterior surfaces shall be weather tight, waterproof, vermin proof and shall be kept in good and sanitary condition. Exterior surfaces which deteriorate from exposure to the weather shall be protected by a property applied water resistant paint, waterproof finish or other weatherization treatments.

9.113 PORCH AND SPLIT-LEVEL RAILING

Any side of a floor, porch, stoop or patio which is more than three (3) steps above the immediate adjacent ground or floor shall be bounded by a railing in good repair.

9.114 STAIRWAY HANDRAILS AND GUARDRAILS

All stairways with three (3) steps or more shall be bounded by railings which are properly installed and in good repair.

9.115 MEANS OF EGRESS GENERALLY

(A) All means of egress from any point in a dwelling to a public way shall be maintained in good repair, available for immediate use and free of all obstructions.

(B) All egress doors shall open from the side in which egress is made without the use of a key or special knowledge or effort when the building or area is occupied.

(C) All interior exit stairway doors shall be operable from either side.

9.116 EMERGENCY ESCAPE REQUIRED

All sleeping rooms in a dwelling unit or a rooming unit below the fourth story shall have a minimum of one (1) operable window or exterior door approved for emergency egress or rescue in accordance with the following:

(A) Where windows are provided as a means of egress or rescue the sill height shall not exceed forty-four inches (44") above the floor;

(B) Bars, grills, or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool, or excessive force;

(C) An emergency escape or window is not required in a one (1) or two (2) family dwelling when a door of a sleeping room discharges directly to a public way.

- (D) All locking devices on exterior windows and doors of individual rental units shall be properly installed and in good repair. All doors which provide entry to rental dwellings from a common hall shall be provided with a properly installed locking device in good repair without interior keyed locks or dead bolts.

History: (Amended 04-22-10;-)

9.117 INTERIOR FIXTURES

All interior fixtures shall be in good repair.

9.118 INTERIOR SURFACES

- (A) All floors in any room where any water faucet is present shall be protected by some unbroken waterproof or water-resistant coating or covering. Such coating or covering such as paint, tile, linoleum, or carpet.

- (B) Any wall in a dwelling unit or rooming unit in which a water faucet is present shall be made of some waterproof material or shall be completely covered by some waterproof or water-resistant coating or covering. Such coating or covering shall be in good repair.

9.119 PAINT CHIPS

Paint chips lying on the floor of a dwelling or lying on the ground around an occupied dwelling shall be deemed unsafe and shall be removed by the responsible party.

9.120 BATHROOM FACILITIES FOR DWELLING UNITS

Every dwelling unit shall contain a toilet, a lavatory sink, and a bathtub or shower. All such facilities shall be in good repair and shall be located within a completely enclosed room or rooms.

9.121 BATHROOM FACILITIES FOR ROOMING UNITS

At least one (1) water closet, lavatory and bathtub or shower shall be provided for each eight (8) roomers, or portion thereof. All such facilities shall be in good repair and:

- (A) Located in a completely enclosed room or rooms affording privacy which is separate from the habitable rooms;
- (B) Are accessible, from a common hall or passageway, to all roomers sharing such facilities without going outside of the dwelling; and
- (C) Such facilities are not more than one (1) story removed from the roomer's rooming unit.

9.122 KITCHEN FACILITIES REQUIRED

Every dwelling unit shall have a kitchen or kitchenette. A kitchen or kitchenette shall have a sink, cabinets and counter or table, all of which shall be in good repair.

9.123 KITCHEN APPLIANCES REQUIRED

Every occupied dwelling unit shall contain a stove, an oven, and a refrigerator, maintained in good repair.

9.124 PROHIBITED LOCATION OF KITCHEN FACILITIES

Kitchens, kitchenettes or kitchen facilities shall not be permitted in rooming units.

9.125 COOKING

Food prepared or cooked indoors shall be done only in a kitchen or a kitchenette or an area approved by the City's Mechanical Inspector or Fire Official.

9.126 MAINTENANCE OF FACILITIES

All materials, fixtures, equipment, appliances, or facilities required by this Housing Ordinance or otherwise present in a dwelling shall be in good repair.

9.127 SMOKE DETECTOR REQUIRED

A minimum of one (1) single station smoke detector shall be provided and maintained in good repair, in each individual sleeping room and one (1) single smoke detector outside of each sleeping area and every level of a dwelling, including the basement.

History: (Amended 04-22-10;-)

9.128 MAINTENANCE OF UTILITIES, REQUIRED FACILITIES AND SERVICES

No person, except as provided in this section, shall cause any of the following disconnected, removed or otherwise terminated or interrupted when the utility, service, facility or equipment is being furnished to or used by another person:

- (A) Water service;
- (B) Sewage service;
- (C) Fuel supply;
- (D) Heating equipment or facilities;
- (E) Ventilation or air conditioning facilities or equipment;

- (F) Hot water facilities or equipment;
- (G) Electrical facilities or equipment; or
- (H) Garbage pick-up service.

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

9.129 INFESTATION

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

9.130 SANITATION

All rooms, room surfaces, systems, fixtures, facilities, equipment, appliances, and furnishings shall be kept in a sanitary condition.

MINIMUM STANDARDS FOR ELECTRICAL SERVICE:

9.131 ELECTRICAL SYSTEM REQUIRED

Every dwelling shall have an electrical system, components and safety devices which are properly installed and in good repair.

9.132 ELECTRICAL SYSTEM INSPECTION

If visual inspection by the Housing Code Official reveals that the wiring system of an existing dwelling unit is inadequate or if code certification for any reason is required or requested, the following minimum standards shall be complied with:

(A) Entrances and Exits

Where two (2) or more entrances and/or exits exist, at least two (2) shall be illuminated by exterior lights exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

(B) Living Room

The living room shall be provided with a conveniently located wall switch controlled light or receptacle. The switched receptacle may be one of the required receptacles in the room. Duplex receptacles shall

be equally spaced around the walls of the room, one duplex receptacle on each wall; unless the spacing is more than twelve (12) feet.

(C) Kitchen

The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch located for convenient and readily accessible use. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding type duplex receptacle outlets with GFI protection. Two (2) of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20 ampere capacity.

History: (Amended 04-22-10;-)

(D) Bathroom

The bathroom shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. The receptacle shall be not more than thirty (30) inches of the outside edge of each basin and shall be GFI protected.

History: (Amended 04-22-10;-)

(E) All Other Habitable Rooms

Habitable rooms shall be provided with a conveniently located wall switch controlled light or receptacle. A minimum of two (2) additional duplex receptacles are required, equally spaced around the room.

(F) Basement

The basement shall have a minimum of one (1) lighting outlet in each two hundred (200) square feet or major fraction of area for general illumination. All enclosed areas that may be walked into, (except coal bins) shall be provided with a lighting outlet.

(G) Laundry Area

Laundry areas shall be provided with illumination. This light shall be permitted to be connected to the laundry circuit. A wall mounted grounding type duplex receptacle shall be provided adjacent to the laundry equipment, on a separate circuit. New laundry circuits shall be 20 ampere capacity.

(H) Spacing Heating System

Heating equipment that requires electricity for operation of any facet shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the equipment.

Exception: Thermo-pile controlled furnaces

(I) Stairwells

Stairwells shall be adequately illuminated. Lighting outlets shall be controlled by wall switches. Wall switches shall be located for convenient and readily accessible use. Switches shall not be located where it is necessary to use darkened stair sections for their operation. Stairwells connecting finished portions of dwelling shall be provided multiple-switch control: One at the head, the other at the foot of the stairwell.

(J) Service and/or Feeder

The service or feeder to an existing dwelling unit shall be a minimum of three-wired, on hundred (100) ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug type fuses shall be Type S.

Exception: An existing properly installed fifty-five ampere capacity, three-wire service and feeders of thirty ampere, two-wire are acceptable if adequate for the load being served.

(K) Existing Wiring and Equipment

Existing wiring and equipment shall be in good repair. Circuit extensions made with flexible cord wiring in lieu of permanent wiring shall be eliminated.

9.133

EVIDENCE OF ELECTRICAL SYSTEM INADEQUACY

Any of the following shall be considered evidence in inadequacy:

- (1) Use of cords in lieu of permanent wiring.
- (2) Over sizing of over current protection for circuits, feeders or service.
- (3) Unapproved extensions to the wiring system in order to provide light, heat or power.
- (4) Electrical overload.
- (5) Misuse of electrical equipment.
- (6) Lack of lighting fixtures, bathrooms, laundry room, furnace room, stairway or basement.

9.134

JOINT USE AREA LIGHTING

Every hallway, stairway, entryway and joint use area within a dwelling containing three (3) or more dwelling or rooming units shall be lighted at all times.

MINIMUM STANDARDS FOR PLUMBING SERVICE:

9.135 WATER SYSTEM REQUIRED

Every dwelling shall have a water system which is in good repair and free of leaks. The water system shall connect each sink, water closet, basin, bathtub, or shower facility present in the dwelling to the public water supply or to a private water supply approved by the City.

9.136 HOT AND COLD WATER SUPPLY

Every sink basin, bathtub, or shower facility required by this Housing Ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected to and supplied from an approved hot water source which is properly installed and maintained in a safe and good working condition.

History: (Amended 04-22-10;-)

9.137 SEWER SYSTEM REQUIRED

Every dwelling shall have a sewage disposal system which is in good repair and free of leaks. A sewage disposal system shall connect each sink, water closet, basin, bathtub, shower, and floor drain to a public sanitary or combined sewer or to a private sewage disposal system approved by the City.

MINIMUM STANDARDS FOR HEATING

9.138 HEATING SYSTEM REQUIRED

Every dwelling shall have a heating system. Every heating system shall be properly installed, in good repair and free of leaks and obstructions.

9.139 HEAT SUPPLY

Every heating system shall provide sufficient heat to maintain a temperature of sixty-eight degrees (68°) Fahrenheit in every bathroom and required habitable room, as measured three feet (3') above the floor.

9.140 HEAT

Where the heat regulator of a heating system is not within the direct control of the occupant, the owner or responsible party shall be responsible for maintaining the temperature within all habitable rooms and bathrooms of occupied units at or above sixty-eight degrees (68°) Fahrenheit, as measured three feet (3') above the floor.

9.141 MECHANICAL SYSTEMS

History: (Amended: Mechanical Systems added 04-22-10;-)

- (A) Dryer's shall be vented to the outside and maintained. Gas piping shall be maintained so as not to create a hazard to the occupants and or the structure.
- (B) Water heaters shall be installed and maintained. A water pressure relief valve must be located within four (4) inches of the floor for Rental Rehab and within six (6) inches of the floor for Housing Choice Voucher Inspections.

RESIDENTIAL GARBAGE AND RUBBISH STORAGE AND DISPOSAL:

9.142 GARBAGE/RUBBISH

History: (Amended: renumbered (formerly 9.141) 04-22-10;-)

- (A) It shall be the responsibility of the owner of every dwelling to provide garbage/rubbish removal service a minimum of once weekly.
- (B) Every occupant of a dwelling regulated by this Ordinance shall dispose of all his garbage/rubbish in a clean and sanitary manner by placing it in the rubbish facility provide by the owner.
- (C) It shall be the responsibility of the owner to supply garbage/rubbish containers with lids for all one-family and two-family rental dwellings.
- (D) It shall be the responsibility of the owner to supply a dumpster for all multiple family rental dwellings.
 - (1) The dumpster shall be of a size and type approved by the Health Officer.
 - (2) The dumpster shall be located within the side or rear yard and shall be screened by an obscuring barrier from the public view.
 - (3) The obscuring barrier shall not be more than eight feet (8') above ground level and shall always be at least one foot (1') above the height of the dumpster.
 - (4) The obscuring barrier shall be constructed of materials which are durable, weather resistant, rust proof, fire resistant, and shall be maintained in good condition by the owner or responsible party.
 - (5) all obscuring barriers shall meet the requirements for wind pressure provided for in Section 7.17.J.1.a. of the Lapeer City Zoning Ordinance.

- (6) Wood or wood products when utilized, shall be treated and/or painted and shall be so maintained at all times. Chain link or other wire fence utilizing metal, plastic, or wood slats, shall not be considered an obscuring barrier for the purpose of this section.
- (7) No obscuring barrier shall be used as a sign or otherwise for advertising purposes.

MINIMUM SPACE, USE AND LOCATION REQUIREMENTS:

9.143 HABITABLE ROOMS REQUIRED

History: (Amended: renumbered (formerly 9.142) 04-22-10;-)

Every dwelling shall have one (1) or more habitable rooms which together contain the habitable floor area required by Section 9.143.

9.144 HABITABLE FLOOR AREA REQUIRED

History: (Amended: renumbered (formerly 9.143) 04-22-10;-)

- (A) Every dwelling unit shall have at least one hundred and fifty (150) square feet of habitable floor area for each occupant. In no case shall any private dwelling be occupied which does not contain at least for hundred and eighty (480) square feet of habitable room area, nor shall it exceed the occupancy set forth by the Building Code.
- (B) Every rooming unit occupied by one (1) occupant in a rooming dwelling shall contain at lease eighty (80) square feet of floor area and every rooming unity occupied by more than one (1) occupant shall contain at least forty-five (45) square feet of floor area for each additional occupant.

9.145 SLEEPING ROOM REQUIRED

History: (Amended: renumbered (formerly 9.144) 04-22-10;-)

- (A) Any room used as a bedroom or for sleeping purposes shall contain at least eighty (80) square feet of habitable floor area and a minimum of forty-five (45) square feet of habitable floor area for each additional person who sleeps in that room.
- (B) Every room occupied for sleeping purposes shall be located so as to afford privacy of access not requiring passage through another bedroom or bathroom.

9.146 CEILING HEIGHT REQUIRED

History: (Amended: renumbered (formerly 9.145) 04-22-10;-)

- (A) Habitable rooms, except kitchens, shall have a ceiling height of not less than seven feet (7') six inches (6") for at least fifty percent (50%) of the required area may have a sloped ceiling less than seven feet (7') six inches (6") in height with no portion of the required areas less than five feet (5') in height.
- (B) If any room in a building has a sloping ceiling which provides an area of less than five feet (5') it 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 thereof or the required habitable floor area.
- (C) Hallways, corridors, bathrooms, water closet rooms, and kitchens shall have a minimum ceiling height of seven feet (7') measured to the lowest projection from the ceiling.

9.147 MINIMUM STORAGE FACILITIES

History: (Amended: renumbered (formerly 9.146) 04-22-10;-)

Each dwelling unit shall be provided, for its exclusive use, storage in an amount no less than ten percent (10%) of the gross floor area of the dwelling unit. There shall be direct access to the storage area without entry into another dwelling unit. Each storage unit shall be lockable and separate for each unit. In no instance shall existing garages be utilized for the required storage.

MINIMUM STANDARDS FOR VENTILATION:

9.148 WINDOWS, DOORS AND SCREENS

History: (Amended: deleted Insect Screens Required in its entirety and replaced with Windows, Doors and Screens (formerly 9.147) 04-22-10;-)

All windows and exterior doors, including storm windows and doors, shall be weather tight and in good repair. All existing screen doors and screens shall be in good repair.

9.149 REQUIRED WINDOW AREA VENTILATION REQUIRED

Each habitable room shall contain windows or skylights which have a combined area equal to or exceeding eight percent (8%) of the floor area of

the room. The required window area in a basement or cellar being used as a habitable room shall be located entirely above grade. Bathroom ventilation shall have a minimum of four percent (4%) openable area or mechanical ventilation in compliance with Michigan Building Code or Michigan Residential Code.

History: (Amended 04-22-10;-)

9.150 NATURAL LIGHTING

All required windows or skylights specified in Section 9.149 must be maintained in working order as to be able to open and close safely.

9.151 MECHANICAL VENTILATION

Permanently and properly installed mechanical ventilation controlled by the occupant may be used in place of required natural ventilation in any habitable room. Such mechanical ventilation shall be maintained in good repair.

9.152 KITCHEN VENTILATION

Kitchens and kitchenettes shall have a minimum of one required window opening directly to the outdoors or be provided with mechanical ventilation. When the kitchen is not provided with required natural ventilation, mechanical ventilation shall be provided

- a. in the ceiling or wall close to the range and not more than four feet (4') from the center line of the range off the side or front of the range; or
- b. In the wall directly above the range between wall cabinets and range, provided a metal collector hood is installed.

9.153 BATHROOMS, SHOWER ROOMS AND TOILET ROOMS

Bathrooms, shower rooms, and toilet rooms shall contain one (1) window, not less than three (3) square feet in area, opening directly to the outdoors or shall be ventilated by one (1) of the following methods:

- (A) Individual vents or ducts installed in accordance with the State Mechanical Code;
- (B) A skylight with not less than three (3) square feet in area of ventilating opening; or
- (C) By any system of mechanical ventilation operable by the occupant which is capable of exhausting quantities of air as specified by the State Mechanical Code.

GENERAL REQUIREMENTS AND RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

- 9.154 RESPONSIBILITY OF OWNERS**
It shall be the responsibility of the owner to keep and maintain each dwelling so as to comply with the minimum basic requirements of this Housing Ordinance. If the owner is prevented from complying with such requirements by the actions of a tenant, it shall be the right of the owner to terminate the tenancy and evict the tenant in accordance with applicable state law.
- 9.155 RESPONSIBILITY OF OCCUPANTS**
Every occupant shall cooperate with the owner or responsible party and shall be responsible for keeping and maintaining the dwelling in a safe and sanitary condition, except for the normal wear and tear, and for meeting the minimum requirements of this Housing Ordinance. Any occupant who fails to comply with this Section shall be subject to prosecution by the appropriate authorities pursuant to this Housing Ordinance, and where applicable, to eviction from the dwelling by the owner or responsible party in accordance with state law.
- 9.156 KEEPING OF ANIMALS LIMITED**
No person shall keep, maintain or house any animal or fowl, except as permitted in Section 3.08 of the General Ordinances of the City of Lapeer.
- 9.157 ANIMALS IN DWELLINGS**
Animals kept or allowed within a dwelling shall not be permitted by the occupant or responsible party to create any unsafe, odorous or unsanitary condition or to cause any damage to the dwelling or structure.
- 9.158 ANIMAL NUISANCES**
Animals kept or allowed in a yard or in an accessory structure shall not be permitted by the occupant or responsible party to create any unsafe, odorous or unsanitary condition.
- 9.159 IMPROVEMENTS IN YARDS**
All improvements located in a yard, including, but not limited to walkways, driveway, steps, fences and walls shall be in good repair.
- 9.160 TREES, SHRUBS AND PLANTS**
Trees, shrubs and plant which have damaged a dwelling or which are diseased or create an unsafe condition shall be trimmed or removed by the responsible party.
- 9.161 STORAGE OR ACCUMULATION PROHIBITED**
No person shall accumulate or permit to be accumulated junk, except in a wholly enclosed structure provided that such storage does not harbor vermin or pose a fire hazard to the occupants of the dwelling.

9.162 BUILDING MATERIALS

Except as may otherwise be permitted by the holding of a specific business license or by other City of Lapeer Ordinance, no person shall store, accumulate, or permit the storage or accumulation of any building materials on party owned, leased, rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.

9.163 PARTIALLY COMPLETED DWELLINGS

No person shall maintain or allow to be maintained any partially completed dwelling unless it is in the course of construction in accordance with an existing building permit issued by the City.

9.164 SECURING DWELLINGS

No person shall maintain or permit to be maintained any vacant dwelling unless it is made safe by having all broken or missing panes of glass replaced and all openings secured, or that all openings have sheathing, cut to fit and set into the outside casings and nailed to the jamb properly.

9.165 UNSAFE DWELLING

No responsible party shall keep or maintain a dwelling that is an unsafe condition due to, but not limited to the following:

- (A) Unsanitary conditions
- (B) Inadequate exit facilities
- (C) Existence of a fire hazard
- (D) Any condition which is dangerous to human life or the public welfare

The responsible party shall make the dwelling safe by repairing or removing it in accordance with the Housing Ordinance and other pertinent provisions of Lapeer City Ordinances.

9.166 UNFIT DWELLING

Any dwelling, dwelling unit, rooming house, or rooming unit, in whole or in part, which shall be found to have any of the following defects shall be deemed to be unfit for human habitation:

- (A) One which is damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested so that it creates a serious hazard to the health or safety of the occupants or to the public.

- (B) One which lack light, ventilation, heating or sanitary facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this Housing Ordinance.
- (C) One which does not include a stove or other cooking facilities, a refrigerator, or space for dry goods storage; except, however, where said facilities are not required by this Housing Ordinance for a particular type of dwelling unit.
- (D) One which exposes or could expose the occupants to dangerous levels of air pollution from carbon monoxide, sewer gas, dust, or other harmful pollutants.
- (E) One which because of its location, exposes or could expose the occupants to serious adverse environmental conditions, natural manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazard, mud slides, or excessive noise, vibration, or vehicular traffic.

SECTION 9.200 ADMINISTRATION, ENFORCEMENT AND PENALTY

9.201 BASIS OF INSPECTIONS

Inspections will be made to obtain and maintain compliance with the standards of this Housing Ordinance based upon one or more of the following:

- (A) Probable cause to believe there is a violation of the standards of this Housing Ordinance.
- (B) An observation by the City of a violation of the standards of this Housing Ordinance.
- (C) A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire damaged.
- (D) The need to determine compliance with an order or notice issued by the City.
- (E) Designation by the City Commission of an area where all dwellings are to be inspected uniformly or intensively or for specific violations.
- (F) An emergency observed or reasonably believed to exist.
- (G) A request for an inspection by a responsible party.

(H) Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.

(I) Rental Dwelling Inspection. Except for facilities operated and maintained pursuant to Chapter 25 of the General Ordinances of the City of Lapeer, the Housing Official shall inspect each dwelling unit of residential rental property in the City.

History: (Amended 04-22-10;-)

(J) Exemptions:

History: (Amended: deleted section J and replaced with Exemptions (formerly (K) 04-22-10;-)

(1) All newly constructed rental dwelling units shall be exempt from annual inspections for a period of two years from the issuance of certificate of occupancy.

(2) All existing rental dwelling units which have been inspected and certified as being in compliance of this Housing Ordinance, shall be certified for a period not to exceed two (2) years. Compliance shall mean that no violations of this Housing Ordinance exists that would require a re-inspection.

History: (Amended 04-22-10;-)

(3) Any exemption as set forth above may be revoked, restricted or modified by the Housing Official for violations of this ordinance. An owner may appeal a loss of exemption to the Housing Board of Appeals as described herein."

History: (Effective Date: 10-12-94;-)

9.202 RE-INSPECTION

If said dwelling unit or dwelling does not comply with the Housing Regulations, the Housing Code Official shall notify the applicant and re-inspect the dwelling or dwelling unit for compliance within a reasonable time considering the circumstances, but not to exceed ninety (90) days. The method for determining the conditions that require re-inspection will be determined on the severity of the non-compliant conditions.

History: (Amended 04-22-10;-)

9.203 FEES FOR INSPECTIONS AND RE-INSPECTIONS

Fees for inspections and re-inspections required by this Ordinance and all administrative fees shall be in accordance with the fee schedule adopted by the City Commission of the City of Lapeer and are not subject to appeal to the Housing Board of Appeals.

9.204 RIGHT OF ENTRY GENERALLY

Authorized inspections inside a dwelling shall be made during reasonable hours. Entry without the consent of an occupant or responsible party shall

require and administrative search warrant.

9.205

ADMINISTRATIVE SEARCH WARRANT

If the owner or occupant fails to comply with the City of Lapeer's Housing Ordinance inspection requests for a dwelling unit or residential rental property, the enforcing agency shall obtain a search warrant from a court of competent jurisdiction. The enforcing agency shall prepare the affidavit and warrant stating:

- (A) the address of the building to be inspected;
- (B) the nature of the inspection as defined in the Housing Ordinance;
- (C) the reasons for the inspections;
- (D) that it is issued pursuant to Section 9.205.

9.206

ORDER TO REPAIR OR CORRECT CONDITIONS

Upon observing the existence of a violation of the standards of this Housing Ordinance, the Housing Code Official shall issue an Order to Repair or Correct Conditions to the responsible party. The Order to Repair or Correct Conditions shall be issued:

- (A) By delivering the Order to the responsible party personally.
- (B) By sending the Order by regular mail to the responsible party.

9.207

ORDER TO REPAIR OR CORRECT CONDITIONS

The Order to Repair or Correct Conditions shall:

- (A) Specify the date of the inspection.
- (B) Specify the address where the violation was found.
- (C) Include the name, telephone number and signature of the inspector.
- (D) Include a description and the location of each violation observed by the inspector.
- (E) State that each violation is a separate punishable offense.
- (F) Order the responsible party to correct all listed violations by a specified date and to contact the Building Department to determine if the necessary work requires a permit or that the work be performed by a licensed contractor.

- (G) State that re-inspection will be made to determine whether all violations have been corrected by the date specified.
- (H) Notify the responsible party that orders or notices issued for violations of the following ordinance sections may not be appealed to the Housing Board of Appeals.
 1. “Emergency Orders” as stated in Section 9.212
 2. “Storage or Accumulations Prohibited” as stated in Section 9.161.
 3. “Maintenance of Utilities, Required Facilities and Service” as stated in Section 9.128.
 4. “Securing Dwellings” as stated in Section 9.164.

9.208

POSTING AN ORDER TO REPAIR OR CORRECT CONDITIONS

If the Housing Code Official violations exist at a dwelling, and is unable to personally serve the responsible party with an Order to Repair or Correct Conditions, the Housing Code Official shall post an Order to Repair or Correct Conditions in a conspicuous place on or near the affected dwelling. The Order shall state the following:

- (A) The address of the dwelling.
- (B) The names of the owner, occupant or responsible party ordered to make repairs.
- (C) Date by which the violations are to be corrected.
- (D) How further information can be obtained.

9.209

DATE OF SERVICE OF ORDERS AND NOTICES

Except as otherwise provided in Section 9.213 a responsible party shall be deemed to receive an Order or Notice:

- (A) On the date personal service is made.
- (B) The day following the date the Order or Notice is mailed to the responsible party.

All notices and orders of the Housing Code Official served on the responsible

local agent shall be deemed to have been served upon the responsible party.

9.210 JURISDICTIONAL COOPERATION

The assistance and cooperation of police, fire, health department and all other officials shall be available as deemed necessary by the Housing Code Official.

9.211 EMERGENCY ENTRY AUTHORIZED

When an emergency is reasonably believed to exist or is known to exist within a dwelling, the City shall have the right to enter immediately and at any time without an administrative search warrant or without requesting permission.

9.212 EMERGENCY ORDERS

If the Housing Code Official determines that a condition exists or is likely to exist which is an emergency, the Housing Code Official shall immediately attempt to verbally inform the responsible party and all occupants of the dwelling of the nature of the emergency condition. The Housing Code Official shall immediately attempt to verbally order the responsible party to correct the condition. Such an order shall be effective immediately. Written notice called for by this Housing Ordinance shall be prepared and mailed to the responsible part as soon as practical after verbal notice has been attempted.

Failure to comply with an emergency order with an emergency order is a violation of this Housing Ordinance.

9.213 TIME TO CORRECT VIOLATIONS

(A) All orders issued regarding violations of this Housing Ordinance shall provide a specified time for achieving compliance in relation to the seriousness of the violation. The following time limits shall be used:

1. Twenty-four (24) to seventy-two (72) hours after an Order is mailed for an emergency violation of Section 9.128.
2. Not more than seven (7) calendar days after an Order is mailed for securing a vacant dwelling as per Section 9.164 or for providing adequate heat pursuant to Sections 9.139 and 9.140.
3. Not more than thirty (30) calendar days for all other violations, except as stated in Subsections (B), (C) and (D) below.

(B) Orders to Repair or Correct Conditions issued between October 31st and April 1st for exterior work adversely affected by cold or snow may provide additional time for the completion of such work, but in no case longer than June 30th.

- (C) The Housing Official may extend the re-inspection time provided in a written notice when there are extenuating circumstances or where the responsible party has made a substantial documented effort to correct violations. In no instance shall the re-inspection time provided extend beyond two thirty (30) day extensions or ninety (90) days beyond the date of initial inspection.
- (D) The Housing Board of Appeals may grant one thirty (30) day extension if a finding of substantial progress is made. Any additional extension of time may be granted only by the City Commission of the City of Lapeer.

9.214 NONCOMPLIANCE WITH AND ORDER OR NOTICE

Upon failure of the responsible party to comply with an Order or Notice, the Housing Official shall issue an appearance ticket or refer the matter to the City Attorney for prosecution or other appropriate legal action.

9.215 REMOVAL OF POSTED SIGNS OR NOTICES

No person shall remove, damage, deface, interfere with, move or conceal any Order or Notice posted pursuant to this Housing Ordinance without first obtaining written permission of the Building Official. Any sign or notice posted pursuant to this Housing Ordinance shall include a statement of this provision.

9.216 CHANGE IN OWNERSHIP

The Housing Official shall immediately issue a new Order to Repair or Correct Conditions to any person assuming ownership or the status of responsible party for any dwelling which has been cited in an Order to Repair or Correct Conditions. A responsible party who has failed to comply with an Order to Repair or Correct Conditions shall not be relieved of the responsibility of having violated an provision of this Housing Ordinance by transferring title to another person.

9.217 DECLARING A DWELLING UNSAFE

The Housing Official may declare a dwelling unsafe when the responsible party has failed to comply with Section 9.165.

9.218 NOTICE OF UNSAFE CONDITIONS

The Notice of Unsafe Conditions shall:

- (A) Specify the date of the inspection;
- (B) Specify the address where the violation was found;
- (C) Include the name, telephone number and signature of the inspector;

- (D) Include a description and the location of each violation observed by the inspector;
- (E) State that each violation is a separate punishable offense;
- (F) Order the responsible party to correct all listed violations by a specified date;
- (G) State that a re-inspection will be made to determine whether all violations have been corrected by the date specified;
- (H) Specify that the responsible party shall make the dwelling safe by repairing or removing it in accordance with this Housing Ordinance and other pertinent provisions of Lapeer City Ordinances;
- (I) State the date in which the unsafe conditions are to be repaired or the dwelling removed;
- (J) Specify that the City may demolish or make the dwelling safe if the responsible party has failed to comply with a Notice of Unsafe Conditions. Any costs incurred by the City shall be a personal debt of the responsible party to the City and shall be assessed as a lien against the property; and
- (K) Shall inform the responsible party where to obtain the applicable building, electrical, mechanical and plumbing permits for repair, construction or demolition.

9.219

POSTING OF DWELLING DECLARED UNSAFE

If the Housing Official declares a dwelling unsafe and is unable to personally serve the responsible party with a Notice of Unsafe Conditions, the Administrator shall send the responsible party the Notice by regular mail and shall post a sign in a conspicuous place on or near the affected premises. The sign shall state the following:

- (A) Address of the dwelling;
- (B) Date by which the violations are to be corrected; and
- (C) How further information may be obtained.

9.220

ORDER TO VACATE

The Housing Official may issue an order to vacate when the Housing Official has declared a dwelling unsafe pursuant to Section 9.217. Such an order may be served personally on the responsible party or by regular mail. A copy of the Order shall be posted in a conspicuous place on or near the affected

dwelling and shall state the following:

- (A) Date of which the dwelling shall be vacated;
- (B) Address of the dwelling;
- (C) How further information may be obtained.

9.221 OCCUPANCY OF UNSAFE DWELLING PROHIBITED

No person shall occupy or permit or allow another person to occupy a dwelling which has been declared unsafe under Section 9.217.

9.222 FAILURE TO VACATE

If a responsible party fails to comply with an Order to Vacate, the Housing Official may issue an appearance ticket or refer to the City Attorney's office for prosecution or other appropriate legal action.

9.223 ORDER TO SECURE

The Housing Official may issue an Order to Secure when he has declared a dwelling unsafe pursuant to Section 9.217. Such an order may be served personally on the responsible party or by regular mail. The Housing Official shall post an Order to Secure on or near the affected premise. The Order shall state:

- (A) The address of the dwelling;
- (B) The name of the responsible party ordered to secure the dwelling;
- (C) The date by which the dwelling is to be secured; and
- (D) How further information may be obtained.

9.224 SECURING BY THE CITY

Where the responsible party has failed to comply with an Order to Secure, the City may secure the dwelling. Any costs incurred by the City for securing the dwelling shall be a personal debt of the responsible party to the City and may be assessed as a lien against the property.

9.225 COST OF DEMOLITION OR MAKING A DWELLING SAFE

If the City demolished or repairs an unsafe dwelling, the cost of demolition or making a dwelling safe pursuant to the provisions of this Housing Ordinance shall be a personal debt of the responsible party of the City and may be assessed as a lien against the property.

9.226 REGISTRATION INFORMATION

Application for registration shall be made on such forms and in accordance with such instructions as may be provided by the City’s Building Department and shall include:

- (A) The address of the rental dwelling or rooming dwelling;
- (B) The total number of dwelling units or room units;
- (C) The identification of each dwelling unit by letter or number;
- (D) The name, residence address, business address, business telephone number of the property owner.
- (E) The name, residence address, business address, business telephone number of a responsible party if other than the owner;
- (F) The address where the Owner/responsible party will accept notices or orders from the City;
- (G) The date of registration;
- (H) Identification of any dwelling unit or rooming units not to be rented;
- (I) Date of birth of the owner;
- (J) Date of birth of the responsible party; and
- (K) Tenant’s name and apartment (unit) number.

History: (Amendment to (K) 04-24-91;-)

9.228 REGISTRATION FEES

Fees for registration required by this Ordinance and all administrative fees shall be in accordance with the fee schedule adopted by the City Commission of the City of Lapeer and are not subject to appeal to the Housing Board of Appeals.

9.229 INACCURATE OR INCOMPLETE REGISTRATION INFORMATION

No responsible party shall provide inaccurate or incomplete information for the registration of rental dwelling and rooming dwelling or fail to provide information required under Section 9.227. In those cases in which the responsible part is not a natural person, the information required for the

registration shall be provided for the organization owning the rental dwelling or rooming until and for the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each person.

9.230 CHANGE IN REGISTRATION INFORMATION

History: (Amended: deleted Registration Acknowledgment in its entirety and replaced with Change In Registration Information (formerly 9.231) 04-22-10;-)

If any change occurs in registration information provided under Section 9.227 the responsible party shall file an amended registration form with the Building Department within thirty (30) days after the change occurs. A new Owner of a registered rental or rooming dwelling shall re-register the dwelling within thirty (30) days of assuming ownership.

9.231 CERTIFICATE OF COMPLIANCE

History: (Amended: renumbered (formerly 9.232) 04-22-10;-)

The name, residence address, business address, business telephone number of the property owner.

- (A)** The Housing Official shall issue a Certificate of Compliance for rental dwellings and rooming dwelling when:
 - (1)** A proper registration application has been filed; and
 - (2)** The responsible party has paid all fees to the administrative agency; and
 - (3)** The rental dwelling or rooming dwelling has been inspected by the Housing Official and complies with the provisions of this Ordinance.

- (B)** The Housing Official may issue a temporary or conditional certificate of compliance for rental dwellings and rooming dwellings when:
 - (1)** A proper registration application has been filed; and
 - (2)** The responsible party has paid all fees to the administrative agency; and
 - (3)** The rental dwelling or rooming dwelling has been inspected by the Housing Official and found to be safe, sanitary, and generally fit for human occupancy even though it may not totally comply with all the provisions of this Ordinance, and that

the temporary occupancy thereof would not pose a threat to the public health, safety and welfare.

History: (Amended (B): 04-24-91;-)

- (C)** The Housing Official may revoke a certificate of compliance, or a temporary or conditional certificate of compliance, when the rental dwelling or rooming dwelling no longer complies with the provisions of this Ordinance and/or when the conditions attached to the temporary or conditional certificate of compliance have not been met.

History: (Amended (C): 04-24-91;-)

- (D)** No responsible party shall let or rent to any person a vacant dwelling until unless it has been inspected or granted a certificate of compliance, or a temporary or conditional certificate of compliance, by a duly appointed inspector of the City.

History: (Amended (D): 04-24-91;-)

- (E)** No responsible party shall let or rent to any person a vacant dwelling unit unless it is safe, clean and fit for human occupancy and complies with all of the applicable provisions of this Ordinance.

History: (Amended (E): 04-24-91;-)

- (F)** It shall be unlawful for any person to occupy any rental dwelling unit unless a certificate of compliance, or temporary or conditional certificate of compliance, has been issued with respect to said dwelling unit.

History: (Amended (F): 04-24-91;-)

- (G)** It shall be unlawful for any person to occupy any rental dwelling unit if the certificate of compliance, or temporary or conditional certificate of compliance, has been revoked by the Housing Official.

History: (Amended (G): 04-24-91;-)

- (H)** A certificate of compliance shall expire one year from the date of its anniversary date, unless an exemption is granted per Section 9.201 (J). A temporary or conditional certificate of compliance shall expire on the date specified thereon, but in no event more than one year from the date of its issuance.

History: (Amended (H): 04-24-91; Amended 04-22-10;-)

9.232 CERTIFICATE OF COMPLIANCE - MIXED USES

History: (Amended: renumbered (formerly 9.233) 04-22-10;-)

Mixed uses, dwelling and commercial, business or otherwise, must obtain a Certificate of Compliance for both dwelling use and the other mixed use or uses.

9.233 APPEALS TO THE HOUSING BOARD OF APPEALS

History: (Amended: renumbered (formerly 9.234) 04-22-10;-)

A responsible party may appeal an Order or notice issued pursuant to this Housing Ordinance, except those matters for which this Ordinance does not allow an appeal, if such person:

- (A) believes that the Order or Notice is an incorrect interpretation of the Housing Ordinance;
- (B) proposed an alternative method equal to or more stringent than the provisions cited in the Order or Notice.

9.234 PROCEDURE FOR FILING APPEAL

History: (Amended: renumbered (formerly 9.235) 04-22-10;-)

Any person wishing to make an appeal to the Housing Board of Appeals shall file a completed appeal form with the City Administration within fourteen (14) calendar days from the date of issuance of the Order or Notice on the appellant. If a Notice is not personally served on the appellant, it may be sent to the appellant by regular mail. Failure of the appellant to receive notification when sent to the address stated on the appeal form will not render such notice defective. The City shall notify the appellant and other interested parties including the occupants of the affected dwelling of the time and date of the Housing Board of Appeals hearing pursuant to Section 9.304(A) and Section 9.304(B).

9.235 CONTINUATION OF EXISTING USE

History: (Amended: renumbered (formerly 9.236) 04-22-10;-)

The legal use and occupancy of a dwelling existing on the date of adoption of this Ordinance may be continued without change unless the Building Official determines compliance with this Ordinance is necessary for the safety and welfare of the occupants and/or the public.

9.236 RECORDS TO BE MAINTAINED

History: (Amended: renumbered (formerly 9.237) 04-22-10;-)

Adequate inspection records indicating the condition of all rental dwelling units shall be kept on file in the Building Department.

9.237 RELEASE OF RECORDS

History: (Amended: renumbered (formerly 9.238) 04-22-10;-)

Release of records generated and maintained by the Building Department of the City of Lapeer shall be regulated pursuant to the Freedom of Information

Act, P. A. 442 of 1976, as amended.

9.238 COMPLAINT CONFIDENTIALITY

History: (Amended: renumbered (formerly 9.239) 04-22-10;-)

The City shall not release any information regarding the name, address or telephone number of any person who reports a violation of the Housing Ordinance except:

- (A) By consent of the complainant;
- (B) Pursuant to the Freedom of Information Act, P. A. 442 of 1976, as amended; or
- (C) By court order.

9.239 COVENANTS OF LESSOR OR LICENSOR: CONSTRUCTION

History: (Amended: renumbered (formerly 9.240) 04-22-10;-)

- (A) In every lease or license of residential premises, the lessor or licensor covenants:
 - (1) That the premises and all common areas are fit for the use intended by the parties.
 - (2) To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the local unit of government where the premises are located, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants willful or irresponsible conduct or lack of conduct.
- (B) The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least one (1) year.
- (C) The provisions of this section shall be liberally construed and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat any right to have the benefit of the covenants established herein.

9.240 ENFORCEMENT GENERALLY

History: (Amended: renumbered (formerly 9.241) 04-22-10;-)

This Housing Ordinance may be enforced jointly and severally by the City's Fire Official, the Chief Building Official and the City administration, by and

through their agents. An owner or occupant of the premises upon which any violation exists may bring an action to enforce the provisions of this Ordinance in his own name. Upon application by the City may be substituted for, or joined with, the complainant in the discretion of the court.

9.241 CIVIL REMEDIES FOR VIOLATIONS

History: (Amended: renumbered (formerly 9.242) 04-22-10;-)

- (A) If a dwelling is constructed, altered, converted or maintained in violation of any provision of this Housing Ordinance or of any order or notice given hereunder, or if a nuisance exists at any dwelling, the City may institute an action in the Circuit Court to prevent such unlawful construction, alteration, conversion or maintenance, or restrain, correct or abate such violation of any illegal act of the conduct of any business in or about such dwelling. The procedure for such action shall be the same as for an injunction or abatement of a nuisance under Circuit Court rules, under the statutes made and provided in such cases, or under the common law. The judgment of the Court in such cause may direct the correction, repair or rehabilitation of the dwelling or the abatement and may authorize the City to carry out the provisions of the judgment in case of default by the defendant. Whenever the City has incurred any expense for the enforcement of this Housing Ordinance or the judgment of the Court, the City may institute and maintain a suit against the responsible party of the dwelling in respect to which such expense was incurred and may recover the amount of such expense in addition to the costs of the suit. The judgment of the Court may order the vacation of the dwelling until the corrections, rehabilitations or abatements are completed.

- (B) The City shall have a lien upon the premises for the expenses necessarily incurred in the execution of such judgment, which lien shall have priority over all other liens or encumbrances, except taxes, assessments or mortgages recorded previous to the existence of such lien. Such a lien may be foreclosed as in the case of foreclosure of mortgages in Circuit Court.

9.242 DELAYING OR TERMINATING PROSECUTION

History: (Amended: renumbered (formerly 9.243) 04-22-10;-)

Nothing in this Section shall delay or be cause for terminating the criminal prosecution of a responsible party for violation of this Housing Ordinance.

9.243 PENALTY

History: (Amended: renumbered (formerly 9.244) 04-22-10;-)

Whoever violates or fails to comply with any such provision shall be fined not more than five hundred dollars (\$500) or imprisoned not more than ninety (90) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

SECTION 9.300 HOUSING BOARD OF APPEALS

9.301 CREATION

A Housing Board of Appeals is hereby established which shall perform its duties and exercise its powers in such a way that the objectives of this ordinance shall be observed, public safety secured, and substantial justice done.

9.302 MEMBERSHIP AND APPOINTMENT

(A) The Board shall consist of five (5) members who shall be appointed by the Mayor and confirmed by the City Commission for a term of three (3) years. Any vacancies shall be filled by appointment by the Mayor for the remainder of the unexpired term and confirmed by the City Commission. The Housing Board of Appeals shall annually elect its own chairman, vice-chairman, secretary and other such officers as it may deem necessary.

(B) The secretary shall maintain a permanent official record of all its transactions; such records shall be public records.

(C) The compensation of the appointed member of the Housing Board of Appeals shall be fixed by the City Commission.

9.303 MEETINGS [HEARINGS]

(A) All meetings of the Housing Board of Appeals shall be at the call of the chairman and at reasonable times as the Board may determine.

(B) All hearings conducted by said Board shall be open to the public.

(C) Three members of the Board shall constitute a quorum for the conduct of its business.

History: (Amended 04-22-10;-)

(D) The Board shall adopt its own rules of procedure.

(E) The City Clerk, or his representative, shall keep minutes of its

proceedings showing the vote, indicating such fact and shall also keep records of its hearing and other official action.

- (F) The Board shall have the power to subpoena and require the attendance of witnesses, officials, administer oaths, compel testimony, and the production of books, papers, files and other evidence pertinent to the matters before it.
- (G) The Board shall make no decision except in a specific case.

9.304

NOTICE

- (A) The Board shall either by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which, in all cases shall include those persons to whom any real property within three hundred (300) feet of the premises in question shall be assessed, according to the latest assessment records of the City of Lapeer, and the occupants of all single and two-family dwellings within three hundred (300) feet of said premises in question.
- (B) Such notice may be delivered either personally or by mail addressed to said respective owners as disclosed by the most current assessment records contained in the office of the City assessor and to the tenants at the address given for the property in the latest assessment record. If the tenants name is not known, the term "occupant" may be used.

9.305

APPEALS

- (A) Appeals from the rulings of any official charged with the enforcement of this Chapter may be made to the Board by the person, firm or corporation or by any officer, department, board or bureau affected by any such decision.
- (B) Any person may appeal and testify at a meeting (hearing) either in person or by a duly authorized agent or attorney.
- (C) Such appeals shall be taken within such time as shall be prescribed by the Board of Appeals.
- (D) The appellant shall file with the City Administration a notice of appeal specifying the grounds of the appeal.
- (E) The officer from whom such appeal is taken shall forthwith transmit to

the Board all the papers constituting the record together with a summary report of all previous action taken.

- (F) An appeal shall stay all proceedings in furtherance of the action appealed from unless any official, department, board or commission of the City of Lapeer certifies to the Board of Appeals after notice of appeal has been filed, that by reason of facts stated in the certificate, a Stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be Stayed, otherwise than by a Restraining Order granted by a Court of Record.

9.306 FEES

The City Commission may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charge to applicants for appeals to the Housing Board of Appeals. At the time of the notice of appeal is filed, said fee shall be paid to the City Treasurer to the credit of the General Revenue Fund of the City of Lapeer.

9.307 DECISIONS

- (A) The Housing Board of Appeals shall render a decision on the appeal without unreasonable delay in the form of a resolution, either reversing, modifying or affirming, wholly or partly, the decision appealed from or may make such orders, requirements, or determination as ought to be made, and to that end shall have the powers of any officer, or department, board or commission of the City of Lapeer,

- (B) The concurring vote of three (3) members of the Board shall be necessary to reverse any Order, requirements, decisions, or determination of any officer or department, board, or commission of the City of Lapeer, or to decide in favor of the applicant in the manner upon which it is authorized by this Ordinance to render a decision.

History: (Amended 04-22-10;-)

- (C) Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance; such power and authority being reserved to the City Commission of the City of Lapeer in the manner provided by law.

- D) Appeal to Circuit Court by an unsuccessful appellant to the Housing Board of Appeals shall be made within twenty-one (21) days of the date of the meeting at which the vote was taken.