

CHAPTER 12 - BUILDING AND HOUSING

12-1 GENERAL BUILDING REGULATIONS.

12-1.1 City Enforcement of State of Michigan Building, Mechanical and Plumbing Codes. Pursuant to the provisions of the State of Michigan Building, Mechanical and Plumbing Codes in accordance with Section 8b(6) of 1972 PA 230, as amended, the Building Code Official of the City is designated as the enforcing agency to discharge the responsibilities of the City under 1972 PA 230, as amended, in regard to the State of Michigan Building, Mechanical and Plumbing Codes.

12-1.2 State of Michigan Electrical Code Enforcement. The responsibility of administration and enforcement of the State of Michigan Electrical Code is transferred to the Executive Director of the Bureau of Construction Codes, Michigan Department of Energy, Labor and Economic Growth, pursuant to Section 9 of 1972 PA 230, as amended.

12-2 HOUSING REGULATIONS.

12-2.1 Citation. This Section shall be known and may be cited as the "Housing Ordinance" of the City.

12-2.2 Purpose. The purpose of this Section is to promote the health, safety and welfare of the people of the City by establishing minimum standards for the condition, care and maintenance of housing and accessory structures; directing the inspection thereof; establishing enforcement and notice procedure, including registry of responsible persons; creating a Board of Appeals and the procedure therefor; providing for a placarding and posting of dwellings and the procedure for repair, rehabilitation or demolition, fixing the responsibility for condition, care and maintenance of housing; providing for penalties for the violation of this Section, the vacation of dwellings unfit for human habitation, and legal procedures for the enforcement hereof.

12-2.3 Definitions.

Accessory Building means any building or structure not used as a dwelling which is located on the same premises as a dwelling.

Approved means approved in accordance with regulations promulgated by the Building Official.

Basement means that portion of a building below grade but so located that the vertical distance from grade to the floor is not greater than the vertical distance from the grade to the ceiling; provided, however, that if the vertical distance from the grade to the ceiling is six (6') feet or more, such basement shall be counted as a story.

Building Official means an authorized City official designated to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the City of Three Rivers Municipal Ordinance Violations Bureau) as provided by this Code.

Cellar means that portion of a building partly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. Provided, however, that if the vertical distance from the grade to the ceiling is six (6') feet or more, such cellar shall be counted as a story. Except as provided above, a cellar shall not be counted as a story. If any portion of a building constitutes the equivalent of a basement or cellar, the provisions relative to basements and cellars shall apply to such portion of the building.

Construction of Exits means exits shall be constructed in accordance with the provisions of this Code.

Dwelling means any building which is wholly or partly used or intended to be used for living, sleeping, cooking or eating by human occupants.

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

Exit means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, ramps and stairways.

Habitable Room means a room used or intended to be used for living, sleeping, or eating purposes excluding bathrooms, toilet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms, and storage spaces.

Health Officer means the District Health Department and/or his authorized representative.

Mechanical Equipment means and includes heating equipment and water heaters.

Minimum Exit Standards means when two (2) or more exits are required by any Subsection of this Section, they shall be remote from each other and so constructed and arranged as to minimize any possibility that both may be blocked by any one (1) fire or other emergency condition.

Nuisance means and includes:

- (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, outbuilding or structures, lumber, trash, fences, debris, vegetation, mounds of grave, sand or earth which might prove a hazard for inquisitive minors, or 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) Whatever renders air, food or drink unwholesome or detrimental to health as determined by the Health Officer or Building Official.
- (H) Insufficient support, inadequate sewerage, drainage, heating or wiring.
- (I) Any violation of the provisions of this Section relating to the above declared nuisances.

Occupant means any person over one (1) year of age living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

Operator means any person having charge, care, management or control of any dwelling or part of it in which dwelling units or rooming units are let.

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

- (A) Shall have the legal title to a dwelling or part thereof with or without the accompanying actual possession thereof.
- (B) Shall be the land contract purchaser of any premises, dwelling or part thereof.
- (C) Shall have the charge, care, custody, possession or control of any dwelling or part thereof, as owner or agent of the owner, or as fiduciary.

Plumbing means and includes all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, toilets, sinks, installed clothes-washing machines, catch basins, drains, vents, and any other supplied fixtures together with all connections to water and sewer lines.

Premises means any improved or unimproved lot or parcel of land and the buildings thereon.

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

Rubbish means any combustible or non-combustible waste materials except garbage, including, but not restricted to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastics, tree branches, yard trimmings, tin cans, metals, automotive parts, mineral matter, glass, crockery, dust, and the residue from the burning of combustible materials.

Service of Notice means the date of personal service of a copy of the notice or the date the notice is mailed to the owner or occupant.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the next floor above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6') feet above grade, such basement or cellar shall be considered a story.

Supplied means paid for, furnished, or provided by or under the control of the owner or operator.

Unfit for Human Habitation means any dwelling or dwelling unit which, because of its condition or the condition of the lot upon which the dwelling or dwelling unit stands, or any accessory structure thereof, renders the same dangerous to life, safety, morals or the general welfare of the occupants or of the public, which shall have any of the following defects:

- (A) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City.
- (B) Those having light, air or sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- (C) Those having inadequate means of egress.
- (D) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (E) Those which, because of their dilapidated conditions, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City.
- (F) Those in which the owner or occupant fails to comply with orders of the Building Official, based on the provisions of this Section or on rules and regulations adopted pursuant thereto.

Yard means all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a dwelling.

Meaning of Certain Words means whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises" are used in this Section, they shall be construed as though they were followed by the words "or any part thereof".

12-2.4 Inspections. The Building Official is hereby authorized and directed to make inspections for the enforcement of this Section. In order to make inspections, the Building Official shall have reasonable right of access. When he knows or shall have reasonable cause to suspect that there is a violation of this Section, he may demand entrance to

any building, structure, house or dwelling on reasonable notice and at a reasonable time for the purpose of inspecting the same. If the structure is a dwelling unit occupied by the owner and entrance is refused, the Building Official shall present to him a written statement signed by the City Manager setting forth the reasons for entry, and the Building Official shall then have the right of entrance.

12-2.5 Minimum Standards for Basic Equipment and Facilities.

- (A) Required Facilities. Every dwelling or dwelling unit shall contain the equipment and facilities specified in this subsection.
- (B) Kitchen Sink. Every dwelling shall contain within the kitchen unit a kitchen sink properly connected to a water and sewer system and in good working condition.
- (C) Toilet, Lavatory and Bath. Every dwelling unit shall contain a room which affords privacy to a person within the room and which is equipped with a flush toilet, a lavatory basin and a bathtub or shower in good working condition properly connected to a water and sewer system.
- (D) Water Heating Facility. Every dwelling shall have properly installed an automatic temperature controlled water heating facility, and every kitchen sink lavatory basin, and bath tub and/or shower shall be properly connected with hot and cold water lines.

12-2.6 Minimum Standards for Light, Ventilation, and Heating.

- (A) Windows. Every habitable room shall have at least one (1) window which faces directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be one-eighth (1/8) of the floor area of such room.
- (B) Ventilation. Every habitable room shall have at least one (1) window or skylight which can easily be opened for adequate ventilation except where there is supplied some other device or method affording adequate ventilation and approved by the Building Official.
- (C) Bathroom Light and Ventilation. Every bathroom and toilet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and toilet compartments equipped with an electric-powered mechanical ventilation system.
- (D) Heating Facilities and Mechanical Equipment. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and toilet compartments in every dwelling unit located therein to a temperature of at least sixty-eight (68EF) degrees Fahrenheit, at a distance five (5') feet above floor level when the outdoor temperature is at or above ten (10EF) degrees Fahrenheit. All other mechanical equipment shall be maintained in a safe and good working condition. Portable heating equipment employing a flame and heating equipment using gasoline or kerosene as fuel are prohibited.
- (E) Electric Service. Every existing kitchen and habitable room shall contain at least two (2) separate floor or wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling or wall-type electrical light fixture. Additional convenience outlets shall be provided in sufficient number to adequately service the electrical devices and or appliances located therein without the use of unapproved wiring methods. Cords to appliances and devices shall not be run through doorways, under rugs or stapled to wood baseboards, door casings, or through holes in partitions or floors. All outlets and fixtures shall be properly installed and shall be maintained in a good and safe working condition and shall be connected to the source of electric power in a safe manner.

12-2.7 General Requirements Relating to the Safe and Proper Maintenance of Parts of Dwellings and Dwelling Units.

- (A) Maintenance. Every part of a dwelling or dwelling unit shall be maintained in a clean condition and in good repair, and no person shall occupy as owner-occupant any part of a dwelling or dwelling unit for the purpose of living which does not comply with the requirements of this Subsection.
- (B) Foundation, Floor, Wall, Ceiling and Roof. Every exterior foundation, wall, and roof shall be weathertight and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair. Every interior floor, wall or ceiling shall be rodent and vermin proof, capable of affording privacy and shall be kept in good repair.
- (C) Exterior Openings. Every window, exterior door and basement hatchway shall be weathertight, watertight, and rodent-proof and shall be kept in sound working condition and good repair.
- (D) Interior Walls, Floors, and Ceilings. Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, kept in reasonably good state of repair and maintained so as to permit them to be kept clean and fit for human habitation.
- (E) Rain Water Damage from Roof. All rain water shall be so drained and conveyed from every roof so as not to cause dampness in any part of a building.
- (F) Protection of Exterior Wood Surfaces. All exterior wood surfaces shall be protected from the elements and against decay, by paint or other approved protective coating applied in a good workmanlike manner and shall be repaired or otherwise protected if more than twenty (20%) percent of the surface is in need of protection.

- (G) Stairs, Porches. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed and maintained as to be safe.
- (H) Plumbing Fixtures. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.
- (I) Floor Surfaces. Every toilet room, bathroom and kitchen floor surface shall be constructed and maintained so as to be water resistant and easily cleanable.
- (J) Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this Section shall be so constructed, installed and maintained as to function safely and effectively.
- (K) Maintenance of Accessory Structures. All accessory structures shall be supported on proper foundations and all parts thereof shall be maintained in good repair.
- (L) Cleanliness of Dwelling. Every dwelling and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the dwelling is located and adjacent lots owned by the owner of the dwellings or by persons other than the owner of the dwelling.

12-2.8 Minimum Space, Use and Location Requirements.

- (A) Minimum Requirements. No person shall occupy any dwelling or dwelling unit which does not comply with the requirements of this Subsection.
- (B) Minimum Living Space. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet of floor space for every additional occupant the floor space to be calculated on the basis of total habitable room area. In no case shall any private dwelling be occupied which does not contain at least four hundred fifty (450) square feet of habitable room area.
- (C) Minimum Sleeping Space. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- (D) Minimum Ceiling Height. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet six (6") inches; and the floor area of that part of any room where the ceiling height is less than five (5') feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (E) Cellar. The cellar space shall not be used as a habitable room or dwelling unit. It is not the intent of this Subsection to prohibit the use of cellar rooms for recreation purposes.
- (F) Basement. No basement space shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The total window area in each room is equal to at least the minimum window area size required in Subsection 12-2.6.
 - (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
 - (4) The total openable window area in each room is equal to forty-five (45%) percent of the minimum window area except where there is supplied by some other device adequate ventilation and approved by the Building Official.
- (G) House Trailers. No house trailer, whether mobile or not, shall be occupied as a dwelling within the City except in legally established mobile home park.
- (H) Temporary Dwellings. It shall be unlawful to erect or occupy any structure which is intended to be occupied in whole or in part as a temporary dwelling unless it complies with all provisions of this Section.

12-2.9 Service of Notices and Orders.

- (A) Notices and Orders. Whenever the Building Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Section or of any rule or regulation adopted pursuant thereto, he shall give notice of such violation and orders for correction of violation to the person(s) responsible, as hereinafter provided. Such notice shall:
 - (1) Be put in writing.
 - (2) Include a statement of the conditions that constitute violations of this Section.
 - (3) Specify that a permit or permits for the performance to correct such violations be taken out.

- (4) Notify the owner or his agent or the occupant, as the case may require, of the time within which the violation shall be corrected. If he finds that the work cannot be completed within the time specified, or for any other reason, he may appeal to the Housing Board of Appeals as set forth in this Section.
- (5) Be served upon the owner or his agent or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant if a copy is served upon him personally, or if the copy is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this State. The time for performance shall commence on the date of personal service or date of posting or mailing whichever is later.
- (6) Emergency Clause. Whenever the Building Official finds that an emergency exists which required immediate action to protect the public health and safety, he shall without notice or hearing issue an order reciting the existence of an emergency and requiring that action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Section, such order shall be effective immediately. Any person to whom such order is directed shall comply immediately.

12-2.10 Housing Board of Appeals. The Zoning Board of Appeals established pursuant to Section 30-35 of Chapter 30 of this Code shall be and act as the Housing Board of Appeals.

- (A) Duties of the Housing Board of Appeals. The Housing Board of Appeals shall act as an advisory committee to the City Commission and shall have the further powers and duties.
- (1) Provide interpretations of the provisions of this Chapter.
 - (2) Hear and decide appeals from and review any order, requirement, decision or determination made by officials charged with the enforcement of this Section.
 - (3) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Section, the Housing Board of Appeals shall have the power in passing upon appeals to vary or modify the rules, regulations and provisions of this Code so that the spirit of the Section is observed, public safety secured and substantial justice done, and it is hereby empowered to promulgate and issue regulations to such effect.
 - (4) Act, decide, and examine and determine as authorized and directed by this Section.
 - (5) Prepare an annual report to the City Commission by January 15.
- (B) Procedure for Appeals. Appeals from rulings of any official charged with the enforcement of this Section or the Housing Law of Michigan may be made to the Board within such time as shall be prescribed by the Board or by this Section. The applicant shall file with the Building Official from whose decision the appeal is taken and with the Board a notice of appeal specifying the ground therefor and stating the address of the appellant. The official from whom the appeal is taken shall transmit to the Board a summary report of all previous action taken. The Housing Board of Appeals shall fix a reasonable time. Within the limits of its jurisdiction, hereinabove prescribed, the Board of Appeals may reverse or affirm, in whole or part, or may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Official from whom the appeal is taken. The final disposition of the appeal shall be in writing and shall state the grounds therefor and shall be mailed to the last known address of the appellant. Any person, including the Building Official, may file with the Housing Board of Appeals requests for interpretation, approval of methods or materials or any other matter provided for under the powers and duties of the Board in the same manner as provided for appeals herein. The Housing Board of Appeals may make such other and further procedural rules as shall be necessary to perform their duties and exercise their powers.
- (C) Decisions. The decision of the Board shall be final after five (5) days following decisions.
- (D) Meetings, Rules and Procedure, Quorum. The Board of Appeals shall meet at such times as the Board may determine. There shall be a fixed place of meeting, and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and the vote of each member upon each question considered. The presence of five (5) voting members shall be necessary to constitute a quorum. It shall take a majority of the Board of Appeals present and voting to make a determination.
- (E) Secretary, Records. The member of the Housing Board of Appeals elected as Secretary shall serve as recording secretary and shall record and maintain an official record of all of the Board's transactions.

12-2.10A Construction Board of Appeals. A Construction Board of Appeals is hereby created consisting of not less than three nor more than seven members.

- (A) The members of the Construction Board of Appeals shall be appointed for 2-year terms by the City Manager with approval of the City Commission. A member of the Board shall be qualified by experience or training to perform the duties of members of the Construction Board of Appeals.
- (B) If the Building Code Official refuses to grant an application for a building permit or if the Building Code Official makes any other decision pursuant or related to the Michigan Building Code or Public Act 230 of the Public Acts of 1972 as amended, an interested person, or the person's authorized agent, may appeal in writing to the Construction Board of Appeals. The Board shall hear the appeal and render and file its decision with a statement of reasons for the decision with the Building Code Official and with the party taking the appeal not more than 30 days after submission of the appeal. Failure by the Board to hear an appeal and file a decision

with a statement of the reasons for the decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal by the party taking the appeal.

- (C) The City Commission may grant the Construction Board of Appeal additional powers or duties not inconsistent with the Construction Code Act or establish procedures to be followed by the Board insofar as the procedures do not conflict with the Construction Code Act. The Construction Board of Appeals may, by rules, establish its own procedures that are not in conflict with the Construction Code Act, the City Code, or other laws.
- (D) The business which the Construction Board of Appeals may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meetings Act. Public notice of the time, date, and place of each meeting shall be given in the manner required by the Open Meetings Act.
- (E) A record of the decisions made by the Construction Board of Appeals, property indexed, and any other writing prepared, owned, used or in the possession of or retained by the Board in performance of its official functions shall be made available to the public in compliance with the Freedom of Information Act.

12-2.11 Designation of Dwellings Unfit for Human Habitation and Legal Procedure for Condemnation.

- (A) Order to Vacate, Repair or Demolish. Any dwelling or dwelling unit or accessory structure unfit for human habitation shall be ordered repaired or rehabilitated or demolished to correct the conditions rendering the same unfit for human habitation.
- (B) Notices. The Building Official shall give notice to the owner that the dwelling or dwelling unit or accessory building is unfit for human habitation. Such notice shall:
 - (1) Be in writing.
 - (2) Include a description of the real estate sufficient for identification (this may be by street number or other description).
 - (3) Include a description of the defects, conditions, and/or violations of the provisions of this Section and any rules or regulations adopted pursuant thereto.
 - (4) Set a reasonable time limit for making the repairs, rehabilitations or to demolish the building.
 - (5) State that the owner may appeal the ruling of the Building Official to the Housing Board of Appeals in accordance with the provisions of this Section and the procedure and rules promulgated by the Housing Board of Appeals.
 - (6) Be served upon the owner as provided in this Section for the service of notices.
- (C) Placarding. If the owner fails to make the repairs, rehabilitations and improvements, or if he fails to demolish the building as required within the time limit specified, the Building Official shall post in a conspicuous place or places a placard bearing the following words: "CONDEMNED AS UNFIT FOR HUMAN HABITATION."
- (D) Re-Use. No dwelling or dwelling unit which has been condemned for human habitation shall again be used for human habitation until written approval is secured and said placard is removed by the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the condemnation was based have been eliminated.
- (E) Vacation of Condemned and Placarded Dwellings and Dwelling Units. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the Building Official shall be vacated within a reasonable time, as required by the Building Official. No owner operator shall let to any person for human habitation, and no person shall occupy nor permit anyone to occupy any dwelling unit or dwelling which has been condemned and placarded by the Building Official after the date on which the Building Official has required the affected dwelling or dwelling unit to be vacated.
- (F) Removal of Vacating Order and Placard. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- (G) Defacing of Placard. No person shall deface or remove the placard from any dwelling or dwelling unit except the Building Official as above provided.
- (H) Order to Demolish. When the condition of a dwelling or accessory building is such that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds one hundred (100%) percent of the assessed valuation of the building at the time when the repairs and rehabilitations are to be made, the building shall not be repaired or rehabilitated unless made to comply in all respects with this Code provisions pertaining to new structures or conversion of old structures. In case such dwelling or building is not so repaired or rehabilitation within the time limit ordered by the Building Official, it shall be demolished and removed.
- (I) Failure to Comply with Order. If the owner fails to comply with the order to demolish, the Building Official may apply to the proper court for an order authorizing the Building Official to demolish the building.
- (J) Recovery of Expenses of Demolition. In the event of expense being incurred by the Building Official in the work of demolishing and removing any dwelling or building, the Building Official shall report the amount to the

City Clerk who shall collect the amount from the owner. If the bill is not paid, it shall be assessed against the property involved.

12-2.12 Boarding up of Dwellings.

- (A) Casual Entry. No person shall permit any vacant dwelling to remain open to casual entry.
- (B) Time Limit. No person shall permit any dwelling or accessory building to be boarded up for a period of longer than six (6) months.
- (C) Boarding up of Openings. Any boarding up of openings in a dwelling or accessory building shall be done with plywood of minimum thickness of one-half (½) inch, free of holes. It shall fully cover each opening and be securely fastened. All exposed edges and surfaces shall be painted.
- (D) Extension. The period of six (6) months may be extended by the Building Official upon filing by the owner, or person responsible for the premises of an application for required permits to comply with this Code.
- (E) Hearing. If any person shall permit a dwelling or accessory building to be boarded up for longer than six (6) months without an extension as authorized in Subparagraph (D) above, the Building Official shall give the owner notice of hearing before the Housing Board of Appeals to show cause why the dwelling or accessory building should not be repaired or razed. The hearing shall be held at a time and place set out in the notice, which time shall be at least ten (10) days after the date of service of the notice. Service may be by personal service or by mailing to the last known address of the owner or person responsible for the premises and notice shall be considered served on the date of personal service or the date of mailing.
- (F) Show Cause. At the hearing, the owner may appear in person or by his attorney or both and show cause as provided above.
- (G) Finding. If the Housing Board of Appeals shall find that this Chapter is being violated, it shall set a specific time within which the dwelling or accessory building shall be repaired or razed. If there are practical difficulties or unnecessary hardships in the way of repairing or razing the dwelling or accessory building, the Housing Board of Appeals may permit the dwelling or accessory building to remain boarded up for a further period of time, or order emergency repairs, if public safety is served and substantial justice is done.
- (H) Non-Compliance. If the owner does not comply with the order of the Housing Board of Appeals, the Building Official may have the owner prosecuted for violation of this Section, or other applicable provisions of this Code or may apply to the Circuit Court for an injunction or order directing the owner to comply therewith or both.
- (I) Lien Against Property. If the Housing Board of Appeals shall have determined that the condition of the house or accessory building is such as to render the dwelling dangerous to public health, safety or welfare, or to persons residing in the neighborhood, the City Commission may direct the Building Official to immediately raze the dwelling or accessory building and the costs shall be a lien against the property and collected in the same manner as special assessments against the property as provided in This Code and in Section 10.59 of the City Charter.
- (J) Existing Buildings. This Section shall apply to existing boarding up or open dwellings and accessory buildings as well as those which may be boarded up or open in the future.

12-2.13 Penalty, Enforcement and Remedies.

- (A) Penalties and Enforcement. Any person who shall violate any provision of this Section shall upon conviction in any court of competent jurisdiction be subject to a fine of not to exceed Five Hundred (\$500) Dollars or to imprisonment in the County jail for a period of not to exceed ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each week that a violation is permitted to exist shall constitute a separate offense.
- (B) Enforcement.
 - (1) In case any dwelling is constructed, altered, converted or maintained in violation of any provision of this Section or of any order or notice hereunder, or in case a nuisance exists in any such dwelling or upon the lot on which it is situated or within an accessory structure, the Building Official may institute an action in the Circuit Court to prevent such unlawful construction, alteration, conversion or maintenance to restrain, correct or abate such violation or nuisance; to prevent the occupation of the dwelling, building or structure; or to prevent any illegal act or conduct a business in or about such dwelling or lot. The procedure for such action shall be the same as for an injunction or abatement of nuisance under Circuit Court rules or the statutes in such case made and provided, or the common law.
 - (2) The judgment of the court in such cause may direct the correction, repair or rehabilitation of the dwelling or building or the abatement of the nuisance; may authorize a reasonable time within which the defendant may make such correction or abatement; and may authorize the Building Official to execute and 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 Section or the judgment of the court, the City may institute and maintain a suit against the owner of the premises in respect to which such expense shall have been incurred and may recover the amount of such expense in addition to the costs of suit. The judgment of the court may order the vacation of the premises until the corrections, rehabilitations or abatements are completed.

- (3) 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 lien may be foreclosed as in the case of foreclosure of mortgages by court action as established by the Circuit Court Rules and the Statutes of the State in such case made and provided.
- (C) Alternative Enforcement - Unsafe Structures. In addition to any enforcement procedures herein contained, the following procedures may be used in any case where an unsafe structure is involved. An unsafe structure is hereby declared to be a public nuisance and a hazard to the public health, safety and welfare.
- (D) Unsafe Structure shall mean any one of the following:
- (1) Any building which shall become vacant and open at door or window, leaving the interior exposed to the elements or accessible to entrance by trespassers or animals.
 - (2) Any building which has been damaged, vandalized, or has deteriorated to such an extent as to be unfit or unsuitable for occupancy and which has not been made habitable or safe to the standards of this Section within thirty (30) days after notice by the Building Official upon the last known owner or person having the right to possession.
 - (3) Any sign, fence, shed, lean-to, cellar or other structure which has become rotted, broken, infirm, or dilapidated as to be likely to fall over or otherwise injure persons coming upon the premises.
 - (4) Any building or structure which becomes hazardous to the safety, health or welfare of the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- (E) Report. Whenever the Building Official shall find the whole or any part of any building, sign or other structure to be an unsafe structure as above defined, he shall make and file his report with the City Clerk for attention of the City Commission, attaching such details, pictures, diagrams, records, and appraisals as he may find appropriate and requesting that an order be issued by the City Commission requiring the owner or possessor to raze or rehabilitate the premises to code standards or ordering the Building Official to raze or rehabilitate the same to code standards and assess the costs incurred against the premises as provided in this Code and the City Charter.
- (F) Resolution for Hearing. Upon receiving such report from the Building Official, or upon its own motion, the City Commission may adopt a resolution calling a hearing to determine whether such unsafe structure exists and whether an order as requested should be issued. The hearing shall be set not less than seven (7) days after the adoption of the resolution. Not less than three (3) days before the hearing, a notice shall be served by the Building Official in person or by registered or certified mail upon the last known owner or person having the right to possession of the premises as determined by City records and other diligent search. If the Building Official is unable to serve the notice for any reason, he shall file his report in writing respecting his efforts and such facts as will disclose diligent search to the satisfaction of the City Commission. In such case he shall have posted a copy of the notice on the premises.
- (G) Hearing. At the time and place designated by the City Commission for a hearing regarding any unsafe structure, it shall receive and hear such evidence as may be submitted by the Building Official and by any owner, possessor or agent or representative.
- (H) Commission Order. When it is determined that an unsafe structure exists as herein defined, it may by resolution order the same razed or rehabilitated to code standards, and the City Commission may direct that the owner or possessor be given a specified period of time within which to do the work, or it may direct the Building Official to accomplish the work with City forces or by contract forthwith. A copy of the resolution shall be mailed by regular mail to the last known address of the owner or possessor.
- (I) Urgency. Where urgency exists or the condition is found to be especially hazardous, the City Commission may adopt its order upon the report of the Building Official or its own inspection without conducting a formal hearing. In such case, however, the owner or possessor shall be given such opportunity to be heard as may appear practicable.
- (J) Assessment of Cost. In case the City shall incur any expense in razing or rehabilitating to code standards any unsafe structure as herein provided, a report of such expense shall be made to the City Commission, and it shall be assessed against the premises as provided in this Code and the City Charter.
- (K) Notices and Orders. Whenever a dwelling fails to comply with, or its use or occupancy thereof fails to conform to the requirements of this Section, the Building Official shall serve a written notice upon the persons responsible, or their properly authorized agent, directing compliance.
- (L) Stop Work Orders. Whenever, in the opinion of the Building Official, the continuance of a building operation is contrary to this Section, he shall order in writing all further work to be stopped and may require suspension of all work until he is satisfied that the conditions and violation will be corrected.
- (M) Vacation of Premises. If, pursuant to the provisions hereof, the dwelling has been ordered vacated by the Building Official, and there is no compliance with the order in the time specified, the Building Official may petition the appropriate court to obtain compliance, and the court may order the occupants to vacate the dwelling forthwith.
- (N) Lis Pendens. In any action instituted by the Building Official, the City Attorney shall file in the office of the Register of Deeds of St. Joseph County a notice of the pendency of the action. A notice may be filed at any

time before final judgment or order, or at any time after the service of any notice or order issued by the Building Official. The notice shall have the same force and effect as a lis pendens as provided for in the Statutes of the State in such case made and provided. The Register of Deeds shall record it and shall index it to the name of each person specified in directions subscribed by the City Attorney. Any notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending or upon consent in writing of the City Attorney. The Register of Deeds shall mark the notice and any record as canceled of record upon the presentation of the filing of consent or of a certified copy of the order.

- (O) **Municipal Civil Infraction.** In addition to any other penalty for violation of this Chapter, a person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than Fifty (\$50) Dollars plus costs and other sanctions for each infraction. Repeat offenses under this Chapter shall be subject to increased fines as provided in this Code.

12-2.14 Fair Housing (Ord 845; 4-20-2021)

(A) **Statement of Fact and Policy.** It is hereby found that the population of the City consists of people of many races, colors, religions, ancestries and national origins, and that discrimination in housing violates the public policy of the City and that such discrimination in housing is injurious to the public health, safety and general welfare of the City.

(B) **Discrimination Prohibited.** No owner of real property, lessee, sub-lessee, real estate broker or salesman, lender, financial institution, builder, advertiser, or agent of any of the foregoing shall discriminate against any other person because of the religion, race, color or national origin of such other person or because of the religion, race, color or national origin of the friends or associates of such other person in regard to the sale or rental of, or dealings concerning, real property located in the City.

(C) **Exemption.** The provisions of this Section shall not apply to the rental of a room or rooms to three (3) or less persons in a single dwelling unit where the remainder of which dwelling unit is occupied by the owner or members of his immediate family, a lessee of the entire dwelling unit or members of his immediate family.

Nothing in this Section shall require an owner to offer property to the public at large before selling or renting it, nor shall this Section be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color or national origin.

(D) **Penalties.** Any person convicted of violating any of the provisions of this Section shall be punished by a fine of not more than One Hundred (\$100) Dollars or imprisonment in the County jail for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court.

12-3 NUMBERING OF HOUSES AND BUILDINGS

12-3.1 Assignment of Numbers by City Assessor. The buildings on the streets of the City shall be numbered by a system known as the "block" system. The City Assessor shall number all blocks, houses and other buildings in accordance with the "block" system. Numbers assigned by the Assessor shall be the official numbers, and the necessary maps, showing the location and the official number of all blocks, houses and other buildings, shall be made and kept on file in the office of the City Assessor and the City Clerk. No property owner shall display any number upon any house or other building except the official number.

12-4 FLOOD HAZARD AREAS

12-4.1 Agency Designated. Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Three Rivers **or the designee of the Building Official**, is hereby designated as the Enforcing Agency to discharge the responsibility of the City under Act 230, of the Public Acts of 1972, as amended, State of Michigan. In adopting this Ordinance, the City assumes responsibility for the administration and enforcement of said Act throughout corporate limits.

12-4.2 Code Appendix Enforced. Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the Building Official of the City or the designee of the Building Official.

12-4.3 Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled **St. Joseph County, Michigan** (All Jurisdictions) and dated **June 4, 2010** and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of **26149C0159D, 26149C0160D, 26149C0167D, 26149C0170D, 26149C0178D, 26149C0179D, and 26149C0186D** and dated **June 4, 2010** are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

12-4.4 Repeals. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

12-5 PROPERTY MAINTENANCE CODE FOR NON-RESIDENTIAL PROPERTY.

12-5.1 Adoption of Code by Reference. The International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code (the "Property Maintenance Code") of the City of Three Rivers for regulating and governing the conditions and maintenance of non-residential property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that non-residential structures are safe, sanitary and fit for

commercial, industrial and other non-residential occupation and use; and the condemnation of non-residential buildings and 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 the Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the insertions, deletions and changes in Subsection 12-5.2. The Property Maintenance Code shall not apply to those spaces in a commercial building used primarily for residential purposes.

12-5.2 Revisions to Property Maintenance Code. The following Sections of the Property Maintenance Code are revised as follows:

- Section 101.1 Insert: The City of Three Rivers, St. Joseph County, Michigan
- Section 102.3 Delete
- Section 103.5 Insert: City of Three Rivers Code, Chapter 6 entitled User Fees & Service Charges
- Section 304.14 Insert: June 21st to September 23rd
- Section 602.3 Insert: September 1st to May 1st
- Section 602.4 Insert: September 1st to May 1st

12-6 UNLAWFUL DISCRIMINATION IN HOUSING AND REAL PROPERTY (Ord. 845; 4-20-2021)

A. It is the policy of the City to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

B. No owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation including their agents, having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the City shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

12-6.1 Definitions. Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described and used in this Section.

Decent, Sanitary, Healthful Standard Living Quarters is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

Discriminate or discrimination mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

Financial Institution means any person, institution, or business entity of any kind which loans money to persons and receives as security for its loans a secured interest of any kind in the real property of the borrower.

Housing Accommodation includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

Owner means any person/persons who hold legal or equitable title to or own any beneficial interest in any real property or who hold legal or equitable title to shares of or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

Real Estate Broker means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

Real Property means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the City.

12-6.3 Prohibited Acts. It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the City of Three Rivers, Michigan:

a. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the City or in furnishing of any facilities or services in connection therewith.

b. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

c. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

d. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

e. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

f. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

g. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.

h. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

12-6.4 Penalty. Any person convicted of violating any of the provisions of this Section shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Fifteen Hundred (\$1,500.00) Dollars. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City to specifically enforce, by any legal means, any of the provisions of this Section."

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