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CODIFIED ORDINANCES OF HIGHLAND PARK

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Chap. 1420. BOCA National Building Code and Model Energy Code.

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CHAPTER 1420

BOCA National Building Code and Model Energy Code

EDITOR'S NOTE: This chapter was previously titled "BOCA National Building Code and National Energy Conservation Code." The title was changed upon the adoption of the Model Energy Code, the 1995 edition.

1420.01 Short title.

1420.02 Purpose.

1420.03 Adoption of 1996 edition of BOCA National Building Code.

1420.04 Enforcement officers.

1420.05 Coordination with other laws.

1420.06 Uniform Board of Appeals.

1420.07 Violations and penalties.

1420.08 Adoption of Building Code Rules.

1420.09 Deletions from Building Code Rules.

1420.10 Adoption of 1995 edition of Model Energy Code.

1420.11 Effective date.

1420.12 Conflict of laws.

1420.13 Amendments of BOCA Code.

CROSS REFERENCES

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.

Storage of building materials - see GEN. OFF. 646.04

Construction of buildings; protection of vegetation - see S.U. & P.S. 1026.17

Building permits - see B. & H. Ch. 1442, Ch. 1444

Licensing of contractors - see B. & H. Ch. 1442, Ch. 1444

Builders' Registry - see B. & H. 1442.05

1420.01 SHORT TITLE.

This chapter shall be known and cited as the Highland Park Building Code.

(Ord. 1113. Passed 11-15-82.)

1420.02 PURPOSE.

This chapter is intended to establish minimum acceptable building standards, in terms of performance objectives, implemented by specific requirements, rather than in rigid specifications. This makes possible the acceptance of new materials which can be evaluated under nationally recognized standards, without the necessity of adopting cumbersome amendments for each variable condition. In addition, by presenting the purposes to be accomplished rather than the method to be followed, the designer is allowed the widest possible freedom, and the development of new and innovative construction systems is not hindered.

This chapter shall cover all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings or structures, except where such matters are otherwise provided for in other chapters or statutes, or in the rules and regulations authorized for promulgation under the provisions of this chapter.

(Ord. 1113. Passed 11-15-82.)

1420.03 ADOPTION OF 1996 EDITION OF BOCA NATIONAL BUILDING CODE.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the BOCA National Building Code, Thirteenth Edition, 1996, as amended, as published by Building Officials and Code Administrators (BOCA) International, Inc., is hereby adopted by reference as the Building Code of the City for the control of buildings and structures as therein provided, except such parts of such Code as are hereinafter modified or deleted, and each and all of the regulations of the BOCA National Building Code, Thirteenth Edition, 1996, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

(Ord. 1189. Passed 11-18-96.)

1420.04 ENFORCEMENT OFFICERS.

(a) Building Official. The Inspections Coordinator or his or her designee shall enforce this chapter as herein provided. This official shall be referred to by the term Building Official or Code Official. However, if the Inspections Coordinator is not a licensed architect or engineer, permits for new construction and/or substantial renovation and condemnation orders for unsafe buildings shall be reviewed and approved by the City Engineer or other licensed architect or engineer.

(b) Coordination of Enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the responsibility of the Building Official. Wherever, in the opinion of the Building Official, it is necessary or desirable to have an inspection of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. An order to correct any violation under this chapter shall not be issued without the approval of the Building Official, and it shall be the responsibility of the Building Official, before issuing any such order, to determine that the order has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(Ord. 1154. Passed 12-15-86.)

1420.05 COORDINATION WITH OTHER LAWS.

(a) Zoning. The Building Official shall not issue any certificate of occupancy until the application for such certificate has been reviewed by the Zoning Official who shall have made a finding, in writing, that the proposed use does not conflict with the requirements of the Zoning Code.

The Building Official shall not issue any building permit for a new structure (including permits for the construction of building foundations or parking lots), or any building permit for a building renovation, where the estimated construction costs exceed five thousand dollars (\$5,000), until the application has been reviewed by the Zoning Official who shall have made a finding, in writing, that the proposed construction does not conflict with the requirements of the Zoning Code.

(b) Michigan Energy Code. The Building Official shall not issue any building permit for a new structure (excluding permits for the construction of building foundations or parking lots) until the application has been reviewed by the Division of Engineering, which shall have made a finding, in writing, that the proposed construction does not conflict with the requirements of the Michigan Energy Code. (Ord. 1113. Passed 11-15-82.)

1420.06 UNIFORM BOARD OF APPEALS.

The appeal process specified in Section 124.0 of the BOCA National Building Code, as adopted in Section 1420.03, shall be superseded by the procedures specified in Chapter 1440. (Ord. 1113. Passed 11-15-82.)

1420.07 VIOLATIONS AND PENALTIES.

The penalty section of the BOCA National Building Code (Section 117.0), as adopted in Section 1420.03, is superseded by the following regulations consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code:

(a) Offenses. A person, including an officer, director or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures, who commits any of the following acts, shall be guilty of a misdemeanor and shall be punished as provided in Section 202.99:

- (1) Knowingly violates a provision of this chapter and/or a rule for the enforcement of this chapter;
- (2) Knowingly constructs or builds a structure or building in violation of a condition of a building permit;
- (3) Knowingly fails to comply with an order issued pursuant to this chapter by the Building Official, the Uniform Board of Appeals or a court;
- (4) Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval or appeal to the Building Official or to the Uniform Board of Appeals;
- (5) Knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this chapter;
- (6) Unreasonably interferes with an authorized inspection;
- (7) Knowingly issues, fails to issue, causes to be issued or assists in the issuance of a certificate, permit or license in violation of this chapter or a rule promulgated under this chapter or other applicable laws; or

(8) Having a duty to report a violation of this chapter or a rule promulgated under this chapter or other applicable law, knowingly conceals a violation.

(b) Penalties. With respect to paragraph (a)(3) hereof, a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by the Building Official and for each week that a person fails to comply with any other order validly issued by an enforcing agency. With respect to paragraphs (a)(1) and (4) hereof, a person is guilty of a separate offense for each knowing violation of this chapter or a rule promulgated under this chapter and for each false or misleading written statement or omission of required information or a statement knowingly made in an application, petition, request for approval or appeal to the Building Official or the Uniform Board of Appeals. With respect to paragraph (a)(2) hereof, a person is guilty of a separate offense for each knowing violation of a condition of a building permit. With respect to the other paragraphs, a person is guilty of a separate offense for each knowing violation of this chapter.

(Ord. 1113. Passed 11-15-82.)

1420.08 ADOPTION OF BUILDING CODE RULES.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as Part 4 Building Code Rules of the Michigan Department of Labor, Construction Code Commission, is hereby adopted by reference as an amendment to the Building Code of the City, except for such parts of such Building Code Rules as may be in conflict with the Charter of the City, and except for such parts of such Building Code Rules as may be modified or deleted in this chapter, and each and all of the regulations of Part 4 Building Code Rules, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

In addition, it is acknowledged that those portions of Part 4 Building Code Rules that apply to barrier free design are specifically mandated by State law. Any future barrier free design rule changes made by the Michigan Department of Labor, Construction Code Commission, shall also be considered to be an amendment to the Building Code of the City. (Ord. 1172. Passed 10-15-90.)

1420.09 DELETIONS FROM BUILDING CODE RULES.

Part 4 Building Code Rules, as adopted in Section 1420.08, are hereby amended and supplemented as set forth in this section. The following rules, which primarily pertain to the administration of the State Building Codes, are hereby deleted: Rules 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 413 and 414.

(Ord. 1154. Passed 12-15-86.)

1420.10 ADOPTION OF 1995 EDITION OF MODEL ENERGY CODE.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the Model Energy Code, 1995 edition, as amended, as published by the Council of American Building Officials, is hereby adopted by reference as an amendment to the Building Code of the City for the control of buildings and structures as therein provided, except such parts of such Code as are herein modified or deleted, and each and all of the regulations of the Model Energy Code, 1995 edition, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

1420.11 EFFECTIVE DATE.

The City Clerk shall certify the adoption of this chapter and cause the same to be published according to law, and this chapter shall take effect fifteen days after approval as so certified. However, this chapter shall not take effect until the State Construction Code Authority has reviewed and approved this chapter, or until the State Construction Code Authority has had this chapter for ninety days without either approving or denying this chapter.

(Ord. 1172. Passed 10-15-90.)

1420.12 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the BOCA National Building Code, as adopted in Section 1420.03, and a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, the provision of this Building and Housing Code, or the local ordinance, rule or regulation, shall control. In the event of a conflict between any of the provisions of the BOCA National Building Code, as aforesaid, or a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, and a provision of any State law, rule or regulation, the State law, rule or regulation shall control.

1420.13 AMENDMENTS OF BOCA CODE.

The BOCA National Building Code, as adopted in Section 1420.03, is hereby amended and supplemented as set forth in this section:

SECTION 101.0 SCOPE (amendment)

BOCA 101.1 Title: These regulations as set forth herein shall be known as the Highland Park Building Code and are herein referred to as such or as this Code.

SECTION 112.0 FEES (amendment)

BOCA 112.3.1 Fee schedule: The fees for all plan examinations, building permits and inspections shall be as established from time to time by resolution of Council.

SECTION 114.0 PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES (amendment)

BOCA 114.1 General: All design for new construction work, alteration, repair, expansion, addition or modification work involving the practice of professional architecture or engineering shall be as defined by Act 299 of the Public Acts of 1980, as amended, being Sections 339.101 et seq. of the Michigan Compiled Laws, and known as the Occupational Code, and as administered by the Department of Licensing and Regulation. All plans, computations and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a registered architect or engineer and bear that architect's or engineer's signature and seal in accordance with the Occupational Code.

SECTION 116.0 VIOLATIONS (amendment)

BOCA 116.4 Violation penalties: The penalty section of the BOCA National Building Code is superseded by Section 1420.07 of the Codified Ordinances of the City, consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code.

SECTION 117.0 STOP WORK ORDER (amendment)

BOCA 117.2 Unlawful continuance: Any person who continues any work in or about the structure after having been served with a stop work order, except such work as he or she is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions specified in Section 1420.07 of the Codified Ordinances of the City, consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code.

SECTION 119.0 UNSAFE STRUCTURES AND EQUIPMENT (addition)

BOCA 119.1.1 Definition of "unsafe structure": For the purpose of this Code, any building or structure which has any or all of the following described conditions shall be deemed an unsafe structure:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size and is not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to use such door, aisle, passageway, stairway or other means of exit;
- (2) Whenever any portion of a structure has been damaged by wind, flood, fire or any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of this chapter;
- (3) Whenever any portion or appurtenance thereof is likely to fall, become detached or dislodged or collapse and thereby injure persons or damage property;
- (4) Whenever any portion thereof has settled to such an extent that a wall or other structural portions have materially less resistance to winds than is required in the case of new construction;
- (5) Whenever the building or structure or any part thereof, because of dilapidation, deterioration, decay or faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or whenever some portion of the foundation or underpinning is likely to fall or give way;
- (6) Whenever, for any reason whatsoever, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used;
- (7) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated, as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or an unlawful or immoral act;
- (8) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease when so determined by the Health Officer, or likely to cause injury to the health, safety or general welfare of those living within; or
- (9) Whenever any building becomes vacant, dilapidated and open at a door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

SECTION 121.0 MEANS OF APPEAL (amendment)

BOCA 121.1 Application for appeal: The appeal process section of the BOCA National Building Code is superseded by the procedures specified in Chapter 1440 of the Codified Ordinances of the City.

SECTION 122.0 DEMOLITION OF UNSAFE BUILDINGS (additions)

BOCA 122.1 Demolition of unsafe buildings; general: The Building Official may order the owner of premises upon which is located any structure or part thereof which is unsafe, as defined in Section 119.1.1, to raze and remove such structure or part thereof, or, if it can be made safe by repairs, to make the structure safe and sanitary, or, where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

BOCA 122.2 Unsafe buildings; unreasonable repairs: Whenever the Building Official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed

unreasonable and it shall be presumed that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair.

BOCA 122.3 Unsafe buildings; order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record, or an agent where an agent is in charge of the building, and upon the holder of any encumbrance of record, in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once a week for three successive weeks in a newspaper authorized to provide service by publication.

BOCA 122.4 Unsafe buildings; restraining actions: Anyone affected by any such order shall, within 30 days after service of such order, apply to a court of record for an order restraining the Building Official from razing and removing such structure or parts thereof. The court shall determine whether the order of the Building Official is reasonable. If found reasonable, the court shall dissolve the restraining order; if not found reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

BOCA 122.5 Unsafe buildings; failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Building Official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

BOCA 122.6 Unsafe buildings; salvage materials: When any structure has been ordered razed and removed, Council, or another designated officer under such contract or arrangement aforesaid, may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 123.0 CONTRACTORS' LICENSES (additions)

BOCA 123.1 Licenses; contractors: All contractors performing work in the City covered under this chapter shall register with the City in the office of the Engineering Division.

BOCA 123.2 Licenses; fees: All contractors shall be required to pay a fee for registration or license; such fee shall be established by resolution of Council.

BOCA 123.3 Licenses; qualifications: All contractors shall possess a State Contractor's license for the trade in which they are principally involved, prior to making application to the City for a City license or registration.

SECTION 925.0 SMOKE DETECTORS (additions)

BOCA 925.1 Smoke detectors required: Each apartment, suite or sleeping area of every single-family, two-family or multifamily dwelling, boarding house, hotel or motel shall be equipped with a minimum of one smoke detector capable of sensing visible or invisible particles of combustion. The detector shall be approved by a recognized independent testing laboratory. When activated, the detector shall provide an alarm suitable to warn the occupants within the individual dwelling unit. A minimum of one detector shall be located in or adjacent to all sleeping quarters.

BOCA 925.2 Smoke detectors; installation date: All existing dwellings with two or more dwelling units were required to comply with Section 925.1 by December 28, 1979, which was six months after the effective date of Ordinance No. 1081. All existing single-family dwellings were required to comply with Section 925.1 by June 28, 1982, which was three years after the effective date of Ordinance No. 1981. No permit shall be issued for any major

alteration or addition to any single-family residence unless the property is brought into compliance with the requirements of Section 925.1.

BOCA 925.3 Smoke detectors; maintenance: Each detector installed in compliance with Section 925.1 shall be maintained in an operational manner and in accordance with NFPA Standards and manufacturer's standards.

SECTION 3102.0 SIGNS (amendment)

BOCA 3102.10.2 Projecting signs; maximum projection: A projecting sign shall not extend across a property line or more than twelve inches into a public right of way.

SECTION 3310.0 DEMOLITION AND EXCAVATION (amendment)

BOCA 3310.6 Deep excavations: Whenever an excavation is made to a depth of more than 12 feet below the established curb, the person who causes such excavation to be made, if afforded the necessary license to enter the adjoining premises, shall preserve and protect from injury at all times, and at his own expense, such adjoining structure or premises which may be affected by the excavation. If the necessary license is not afforded, it shall then be the duty of the owner of the adjoining premises to make his building or structure safe by installing proper underpinning or foundations or otherwise. Such owner, if it be necessary for the prosecution of his work, shall be granted the necessary license to enter the premises where the excavation or demolition is contemplated.

BOCA 3310.7 Shallow excavations: Whenever an excavation is made to a depth less than 12 feet below the curb, the owner of a neighboring building or structure, the safety of which may be affected by the proposed excavation, shall preserve and protect his or her structure from injury and shall support the same by the necessary underpinning or foundations. If necessary for that purpose, such owner shall be afforded a license to enter the premises where the excavation is contemplated.

CHAPTER 1422

International Plumbing Code

EDITOR'S NOTE: This chapter was previously titled "BOCA National Plumbing Code." The title was changed upon the adoption of the International Plumbing Code.

1422.01 Short title.

1422.02 Purpose.

1422.03 Enforcement officers.

1422.035 Adoption of 1995 edition.

1422.04 Uniform Board of Appeals.

1422.05 Supplemental regulations.

1422.06 Effective date.

1422.07 Conflict of laws.

1422.08 Adoption of Plumbing Code Rules.

1422.99 Penalty.

CROSS REFERENCES

Plumbing Code in home rule cities - see M.C.L.A. Sec. 117.3

Plumbers and plumbing generally - see M.C.L.A. Secs. 338.901 et seq.

Plumbing in cabarets - see B.R. & T. 814.04(a)

Water - see S.U. & P.S. Ch. 1040

Sewers - see S.U. & P.S. Ch. 1042

Licensing of contractors - see B. & H. Ch. 1442

Water supply cross connections - see S.U. & P.S. Ch. 1044

1422.01 SHORT TITLE.

This chapter shall be known and cited as the Highland Park Plumbing Code.

(Ord. 1122. Passed 4-4-83.)

1422.02 PURPOSE.

This chapter is intended to establish minimum acceptable plumbing standards, in terms of performance objectives, implemented by specific requirements, rather than in rigid specifications. This makes possible the acceptance of new materials which can be evaluated under nationally recognized standards, without the necessity of adopting cumbersome amendments for each variable condition. In addition, by presenting the purposes to be accomplished rather than the method to be followed, the designer is allowed the widest possible freedom, and the development of new and innovative plumbing systems is not hindered.

The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in and adjacent to buildings, shall comply with the requirements of this chapter.

(Ord. 1122. Passed 4-4-83.)

1422.03 ENFORCEMENT OFFICERS.

(a) Plumbing Official. It shall be the duty and responsibility of the Building Official of the City to select the Plumbing Official, who shall enforce the provisions of this chapter as herein provided.

(b) Coordination of Enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the responsibility of the Plumbing Official of the City. Wherever, in the opinion of the Plumbing Official, it is necessary or desirable to have an inspection of any condition by any other department, the Building Official shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. An order to correct any violation under this chapter shall not be issued without the approval of the Building Official, and it shall be the

responsibility of the Building Official, before issuing any such order, to determine that the order has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(Ord. 1172. Passed 10-15-90.)

1422.035 ADOPTION OF 1995 EDITION.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the International Plumbing Code, 1995 edition, as amended, as published by International Code Council, Inc., Building Officials and Code Administrators, Inc., the International Conference of Building Officials and Southern Building Code Congress, International, Inc. adopted by reference as the Plumbing Code of the City for the control of buildings and structures as therein provided, except such parts of such Code as are hereinafter modified or deleted, and each and all of the regulations of the International Plumbing Code, 1995 edition, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. (Ord. 1189. Passed 11-18-96.)

1422.04 UNIFORM BOARD OF APPEALS.

The appeal process specified in the International Plumbing Code, as adopted in Section 1422.035, shall be supplemented by the procedures specified in Chapter 1440.

1422.05 SUPPLEMENTAL REGULATIONS.

(a) Fee Schedule. The permit fees for all plumbing work shall be as provided by resolution of Council.

(b) Protection of Pipes. Water service piping, water distribution piping and sewers shall be installed below recorded frost penetration, but not less than five feet below grade for water piping and three feet, six inches, below grade for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

(Ord. 1122. Passed 4-4-83.)

1422.06 EFFECTIVE DATE.

The City Clerk shall certify the adoption of this chapter and cause the same to be published according to law, and this chapter shall take effect fifteen days after approval as so certified. However, this chapter shall not take effect until the State Construction Code Authority has reviewed and approved this chapter, or until the State Construction Code Authority has had this chapter for ninety days without either approving or denying this chapter.

(Ord. 1172. Passed 10-15-90.)

1422.07 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the International Plumbing Code, as adopted in Section 1422.035, and a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, the provision of the International Plumbing Code shall control.

1422.08 ADOPTION OF PLUMBING CODE RULES.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as Part 7 - Plumbing Code Rules of the Michigan Department of Labor, Construction Code Commission, is hereby adopted by reference as an amendment to the Plumbing Code of the City, except for such parts of the Plumbing Code Rules as may be in conflict with the Charter of the City, and except for such parts of the Plumbing Code Rules

as may be modified or deleted in this chapter, and each and all of the regulations of Part 7 - Plumbing Code Rules, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

(Ord. 1172. Passed 10-15-90.)

1422.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1424

International Mechanical Code

EDITOR'S NOTE: This chapter was previously titled "BOCA National Mechanical Code." The title was changed upon the adoption of the International Mechanical Code.

1424.01 Short title.

1424.02 Purpose.

1424.03 Adoption of the 1995 edition.

1424.04 Enforcement officers.

1424.05 Uniform Board of Appeals.

1424.06 Violations and penalties.

1424.07 Adoption of Mechanical Code rules.

1424.08 Effective date.

1424.09 Conflict of laws.

1424.10 Amendments of International Code.

CROSS REFERENCES

Heat and heating companies in home rule cities - see M.C.L.A. Sec. 117.4f

Repair of heating apparatus - see M.C.L.A. Sec. 125.471

Ventilation - see M.C.L.A. Secs. 125.419, 125.454, 125.461, 125.471, 125.489

Legislative action by municipalities to correct heating and ventilating violations - see M.C.L.A. Sec. 125.501a

Heating of hotels and lodging houses - see B.R. & T. 840.13

Heating generally - see B. & H. 1426.09 (BOCA PM-602.0)

1424.01 SHORT TITLE.

This chapter shall be known and cited as the Highland Park Mechanical Code.

(Ord. 1114. Passed 11-15-82.)

1424.02 PURPOSE.

This chapter is intended to establish the minimum acceptable mechanical standards, in terms of performance objectives, implemented by specific requirements, rather than in rigid specifications. This makes possible the acceptance of new materials which can be evaluated under nationally recognized standards, without the necessity of adopting cumbersome amendments for each variable condition. In addition, by presenting the purposes to be accomplished rather than the method to be followed, the designer is allowed the widest possible freedom, and the development of new and innovative construction systems is not hindered.

This chapter shall cover all matters concerning: the design, installation, maintenance alteration and inspection of mechanical systems, including heating systems; ventilating systems; cooling systems; steam and hot water heating systems; water heaters; process piping, boilers and pressure vessels; appliances utilizing gas, liquid or solid fuel; chimneys and vents; mechanical refrigeration systems; fireplaces; barbecues and incinerators; crematories; and air pollution systems as herein defined.

(Ord. 1114. Passed 11-15-82.)

1424.03 ADOPTION OF 1995 EDITION.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the International Mechanical Code, 1995 edition, as amended, as published by International Code Council, Inc., Building Officials and Code Administrators International, Inc., the International Conference of Building Officials and Southern Building Code Congress International, Inc., is hereby adopted by reference as the Mechanical Code of the City for the control of buildings and structures as therein provided, except such parts of such Code as are hereinafter modified or deleted, and each and all of the regulations of the International Mechanical Code, 1995 edition, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. (Ord. 1189. Passed 11-18-96.)

1424.04 ENFORCEMENT OFFICERS.

(a) Mechanical Official. It shall be the duty and responsibility of the Building Official of the City, or his or her licensed designee, to enforce this chapter as herein provided. This official may be referred to as the Mechanical Official or the Code Official.

(b) Coordination of Enforcement. Inspection of premises and the issuing of orders in connection therewith under this chapter shall be the responsibility of the Building Official of the City. Wherever, in the opinion of the Building Official, it is necessary or desirable to have an inspection made of any condition by any other department, he or she shall arrange for such inspection to be made in such a manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. An order to correct any violation under this chapter shall not be issued without the approval of the Building Official. It shall be the responsibility of the Building Official, before issuing any such order, to determine that the order has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(Ord. 1114. Passed 11-15-82.)

1424.05 UNIFORM BOARD OF APPEALS.

The appeal process specified in Section 109 of the International Mechanical Code, as adopted in Section 1424.03, shall be superseded by the procedures specified in Chapter 1440.

1424.06 VIOLATIONS AND PENALTIES.

The penalty section of the International Mechanical Code (Section 108.0), as adopted in Section 1424.03, is superseded by the following regulations consistent with Section 23 of Act 23 of the Public Acts of 1972, as amended, the Michigan State Construction Code:

(a) Offenses. A person, including an officer, director or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting mechanical equipment, contrivances or apparatus, or structures, who commits any of the following acts, shall be guilty of a misdemeanor and shall be punished as provided in Section 202.99:

- (1) Knowingly violates a provision of this chapter and/or a rule for the enforcement of this chapter;
- (2) Knowingly constructs or builds a structure or mechanical equipment, contrivances or apparatus in violation of a condition of a mechanical permit;
- (3) Knowingly fails to comply with an order issued pursuant to this chapter by the Mechanical Official, the Uniform Board of Appeals or a court;
- (4) Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval or appeal to the Mechanical Official or to the Uniform Board of Appeals;
- (5) Knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, mechanical equipment, contrivances or apparatus or structure pursuant to this chapter;
- (6) Unreasonably interferes with an authorized inspection;
- (7) Knowingly issues, fails to issue, causes to be issued or assists in the issuance of a certificate, permit or license in violation of this chapter or a rule promulgated under this chapter or other applicable laws; or
- (8) Having a duty to report a violation of this chapter or a rule promulgated under this chapter or other applicable law, knowingly conceals a violation.

(b) Penalties. With respect to paragraph (a)(3) hereof, a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by the Mechanical Official and for each week that a person fails to comply with any other order validly issued by an enforcing agency. With respect to paragraphs (a)(1) and (4) hereof, a person is guilty of a separate offense for each knowing violation of this chapter or a rule promulgated under this chapter, and for each false or misleading written statement or omission of required information or a statement knowingly made in an application, petition, request for approval or appeal to the Mechanical Official or the Uniform Board of Appeals. With respect to paragraph (a)(2) hereof, a person is guilty of a separate offense for each knowing violation of a condition of a mechanical permit. With respect to the other paragraphs, a person is guilty of a separate offense for each knowing violation of this chapter.

1424.07 ADOPTION OF MECHANICAL CODE RULES.

When Part 9 Mechanical Code Rules are revised by the Michigan Department of Labor, Construction Code Commission, the Mechanical Official may adopt these revised rules, with whatever additions and/or deletions that

he or she deems appropriate, under the authority granted to him or her by Section 104.2 (Rule making authority) of the International Mechanical Code, as adopted in Section 1424.03.

1424.08 EFFECTIVE DATE.

The City Clerk shall certify the adoption of this chapter and cause the same to be published according to law, and this chapter shall take effect fifteen days after approval as so certified. However, this chapter shall not take effect until the State Construction Code Authority has reviewed and approved this chapter, or until the State Construction Code Authority has had this chapter for ninety days without either approving or denying this chapter. (Ord. 1172. Passed 10-15-90.)

1424.09 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the International Mechanical Code, as adopted in Section 1424.03, and a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, the provision of this Building and Housing Code, or the local ordinance, rule or regulation, shall control. In the event of a conflict between any of the provisions of the International Mechanical Code, as aforesaid, or a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, and a provision of any State law, rule or regulation, the State law, rule or regulation shall control.

1424.10 AMENDMENTS OF INTERNATIONAL CODE.

The International Mechanical Code, as adopted in Section 1424.03, is hereby amended and supplemented as set forth in this section:

SECTION 101.0 GENERAL (amendment)

101.1 Title: These regulations as set forth herein shall be known as the Highland Park Mechanical Code and are herein referred to as such or as this Code.

SECTION 106.0 PERMITS (amendment)

106.5.2 Fee schedule: The fees for all mechanical work shall be as established from time to time by resolution of Council.

106.5.4 Annual boiler inspection fee schedule: The annual boiler inspection fee shall be as established from time to time by resolution of Council.

SECTION 108.0 VIOLATIONS (amendment)

108.4 Violation penalties: The penalty section of the International Mechanical Code is superseded by Section 1424.06 of the Codified Ordinances of the City, consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code.

108.5 Stop work orders: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who continues any work in or about the structure after having been served with a stop work order, except such work as he or she is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions specified in Section 1424.06 of the Codified Ordinances of the City, consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code.

SECTION 109.0 MEANS OF APPEAL (amendment)

109.1 Application for appeal: The appeal process section of the International Mechanical Code is superseded by the procedures specified in Chapter 1440 of the Codified Ordinances of the City.

CHAPTER 1426

BOCA National Property Maintenance Code

EDITOR'S NOTE: This chapter was previously titled "BOCA National Existing Structures Code." The title was changed upon the adoption of the BOCA National Property Maintenance Code.

1426.01 Short title.

1426.02 Purpose.

1426.03 Adoption of 1996 edition.

1426.04 Enforcement Officers.

1426.05 Uniform Board of Appeals.

1426.06 Violations and penalties.

1426.07 Effective date.

1426.08 Conflict of laws.

1426.09 Amendments of BOCA Code.

CROSS REFERENCES

State Housing Code - see M.C.L.A. Secs. 125.401 et seq.

Municipal Housing Act - see M.C.L.A. Secs. 125.651 et seq.

Hotels, boarding and lodging houses - see M.C.L.A. Secs. 427.1 et seq.

Board of Tenant Affairs - see M.C.L.A. Secs. 125.699 et seq.

Municipal housing commission - see M.C.L.A. Secs. 125.653 et seq.

Adoption, promulgation and publication of rules - see M.C.L.A. Sec. 125.694b

Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.

1426.01 SHORT TITLE.

This chapter shall be known and cited as the Highland Park Property Maintenance Code.

1426.02 PURPOSE.

This chapter is intended to establish the minimum acceptable standards for the maintenance of existing buildings, structures, premises and facilities. If a facility is legally installed, according to the Building Code or other such building regulations legally in force in the City at the time of its installation or construction, it is the intent of this chapter that such facility may be maintained or repaired until such time that the facility is no longer serviceable.

This chapter deals primarily with conditions which must be maintained in existing buildings, structures, premises and facilities to protect health, safety and general welfare. Provisions found in this chapter are broad and general in nature and are such that the Building Official is expected to make certain hard decisions and to rely on the other building codes for new construction and substantial rehabilitation. (Ord. 1152. Passed 12-15-86.)

1426.03 ADOPTION OF 1996 EDITION.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as BOCA National Property Maintenance Code, Fifth Edition, 1996, as amended, as published by the Building Officials and Code Administrators (BOCA) International, Inc., is hereby adopted by reference as the Property Maintenance Code of the City for the control of buildings and structures as therein provided, except such parts of such Code as are hereinafter modified or deleted, and each and all of the regulations of the BOCA National Property Maintenance Code, Fifth Edition, 1996, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

(Ord. 1189. Passed 11-18-96.)

1426.04 ENFORCEMENT OFFICERS.

(a) Building Official. The Inspections Coordinator or his or her designee shall enforce this chapter as herein provided. This official shall be referred to by the term Building Official or Code Official. However, if the Inspections Coordinator is not a licensed architect or engineer, condemnation orders for unsafe buildings shall be reviewed and approved by the City Engineer or other licensed architect or engineer.

(b) Coordination of Enforcement. Inspection of premises and the issuing of orders in connection therewith under this chapter shall be the responsibility of the Building Official of the City. Wherever, in the opinion of the Building Official, it is necessary or desirable to have an inspection of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. An order to correct any violation under this chapter shall not be issued without the approval of the Building Official, and the Building Official shall determine, before issuing any such order, that the order has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(Ord. 1152. Passed 12-15-86.)

1426.05 UNIFORM BOARD OF APPEALS.

The appeal process specified in Section PM-111.0 of the BOCA National Property Maintenance Code shall be superseded by the procedures specified in Chapter 1440.

1426.06 VIOLATIONS AND PENALTIES.

The penalty section of the BOCA National Property Maintenance Code (Section PM-106.0), as adopted in Section 1426.03, is superseded by the following regulations consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code:

(a) Offenses. A person, including an officer, director or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures, who commits any of the following acts, shall be guilty of a misdemeanor and punished as provided in Section 202.99:

- (1) Knowingly violates a provision of this chapter and/or a rule for the enforcement of this chapter;
- (2) Knowingly constructs or builds a structure or building in violation of a condition of a building permit;
- (3) Knowingly fails to comply with an order issued pursuant to this chapter by the Building Official or the Uniform Board of Appeals or a court;
- (4) Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval or appeal to the Building Official or to the Uniform Board of Appeals;
- (5) Knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this chapter;
- (6) Unreasonably interferes with an authorized inspection;
- (7) Knowingly issues, fails to issue, causes to be issued or assists in the issuance of a certificate, permit or license in violation of this chapter or a rule promulgated under this chapter or other applicable laws; or
- (8) Having a duty to report a violation of this chapter or a rule promulgated under this chapter or other applicable law, knowingly conceals a violation.

(b) Penalties. With respect to paragraph (a)(3) hereof, a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by the Building Official and for each week that a person fails to comply with any other order validly issued by an enforcing agency. With respect to paragraphs (a)(1) and (4) hereof, a person is guilty of a separate offense for each knowing violation of this chapter or a rule promulgated under this chapter, and for each false or misleading written statement or omission of required information or a statement knowingly made in an application, petition, request for approval or appeal to the Building Official or the Uniform Board of Appeals. With respect to paragraph (a)(2) hereof, a person is guilty of a separate offense for each knowing violation of a condition of a building permit. With respect to the other paragraphs, a person is guilty of a separate offense for each knowing violation of this chapter.

1426.07 EFFECTIVE DATE.

The City Clerk shall certify the adoption of this chapter, and cause the same to be published according to law, and this chapter shall take effect fifteen days after approval as so certified. However, this chapter shall not take effect until the State Construction Code Authority has reviewed and approved this chapter, or until the State Construction Code Authority has had this chapter for ninety days without either approving or denying this chapter. (Ord. 1172. Passed 10-15-90.)

1426.08 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the BOCA National Property Maintenance Code, as adopted in Section 1426.03, and a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, the provision of this Building and Housing Code, or the local ordinance, rule or regulation, shall control.

In the event of a conflict between any of the provisions of the BOCA National Property Maintenance Code, as aforesaid, or a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, and a provision of any State law, rule or regulation, the State law, rule or regulation shall control.

1426.09 AMENDMENTS OF BOCA CODE.

The BOCA National Property Maintenance Code, as adopted in Section 1426.03, is hereby amended and supplemented as set forth in this section:

SECTION PM-101.0 GENERAL (ADMINISTRATION) (amendment)

BOCA PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of Highland Park, hereinafter referred to as such or as this Code.

SECTION PM-106.0 VIOLATIONS (amendment)

BOCA PM-106.2 Penalty: The penalty section of the BOCA National Property Maintenance Code is superseded by Section 1426.06 of the Codified Ordinances of the City, consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code.

Abandonment of a dwelling or other structure shall not constitute a defense to avoid the imposition of fines under this section.

SECTION PM-111.0 MEANS OF APPEAL (amendment)

BOCA PM-111.1 Application for appeal: The appeal procedure section of the BOCA National Property Maintenance Code is superseded by the procedures specified in Chapter 1440 of the Codified Ordinances of the City.

SECTION PM-202.0 GENERAL DEFINITIONS (addition)

Sign: For this Code, the definition of "sign" shall be the same as is found in the BOCA National Building Code, as adopted in Chapter 1420 of the Codified Ordinances, and in the Zoning Code of the City.

SECTION PM-308.0 EXTERIOR MAINTENANCE IN COMMERCIAL DISTRICTS (additions)

BOCA PM-308.1 Appearance of exterior of premises and structures: The exterior of all premises in a commercially zoned district (including any accessory structures) shall be maintained so that their appearance shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor with a resulting diminution of the value of other properties within or adjacent to such premises and structures which would be detrimental or inimical to the health, safety and general welfare of the citizens and to the economic welfare of the City, including the following:

- (1) Any premises or part thereof exposed to public view shall be kept in good repair, painted where required, and shall not constitute a hazard, nuisance, or blighting factor;
- (2) Any repairs to a commercial front shall be made in a workmanlike manner, with the same or similar materials used in the construction of the commercial front in such a manner as to permanently repair the damaged area.
- (3) The exterior of every structure and accessory structure shall be maintained in good repair and all surfaces thereof shall be kept painted or protected with other approved coating or material where necessary for the purposes of preservation and appearance.

(4) The exterior surfaces of every structure and accessory structure shall be maintained free of broken glass; loose shingles; crumbling masonry, stone or brick; peeling paint; or other conditions reflective of deterioration or inadequate maintenance.

BOCA PM-308.2 Responsibility for maintenance: The owner or his or her designated agent shall be responsible for the safe and sanitary maintenance of the building or structure, including its exit facilities, at all times. No person, firm or corporation shall maintain, or permit to be maintained, any hazard, nuisance, condition or blighting factor prohibited in Section PM-308.1 upon any property owned, leased or occupied by such person, firm or corporation.

BOCA PM-308.3 Building barricades: In a commercial district, all vacant and open buildings, including fire damaged buildings, shall be barricaded within four working days upon receiving an order from the Building Official. All such barricades shall comply with the following standards:

(1) All temporary barricades shall be installed so that their exterior surfaces are on an even plane with the elevation of the building.

(2) No temporary barricade (constructed with unpainted tongue and groove lumber, unpainted sheet metal and/or unpainted plywood) shall be permitted for more than ninety days.

(3) All barricades in existence for more than ninety days shall be of standard quality and appearance commensurate with the character of the properties on the same block and on both sides of the street on which the premises front. The materials used to construct such barricades shall be such that, under prevailing appraisal practices and standards, their appearance will not depreciate the values of the neighborhood and adjacent premises. Prohibited materials include, but are not necessarily limited to, unpainted tongue and groove lumber, unpainted plywood or any type of sheet metal.

SECTION PM-309.0 MAINTENANCE OF SIGNS (additions)

BOCA PM-309.1 Painting and repair: All signs exposed to public view shall be maintained in good repair. Any signs which have weathered or faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting members, be removed forthwith or put into a good state of repair. All nonoperative or broken electrical signs shall, with their supporting members, be removed forthwith or put into a good state of repair.

BOCA PM-309.2 Obsolete signs: Any sign, now or hereafter existing, which, at the time of construction or installation, advertised a business being conducted or a product being sold or produced on the premises on which the sign is located, but no longer does so, shall be taken down and removed by the owner, agent or person having beneficial use of the building, structure or premises upon which such sign is found, within thirty days after written notice to remove such sign. Any sign painted on the surface of building walls shall be removed or obliterated in a manner such that the appearance of the premises does not constitute a blighting factor with a resulting diminution of the values of adjacent properties.

BOCA PM-309.3 Roof sign supports: All bracing, anchorage, rods or supports for roof signs which do not have a permitted face shall be removed by the owner, agent or person having beneficial use of the building, structure or premises upon which such bracing, anchorage, rods or supports for roof signs are found, within thirty days after written notice to remove such bracing, anchorage, rods or supports.

BOCA PM-309.4 Portable signs: A portable sign is a free-standing sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped, inverted "T" shaped or trailer sign structures. Portable signs are temporary in nature. No business shall be permitted to have a portable sign on its premises without a portable sign permit issued by Council. Such permit shall not be valid for more than thirty (30) days. The use of such portable signs shall be limited to "going into business." "going out of business" or other special events. Permit fees and review procedures for portable signs shall be established by Council resolution.

SECTION PM-310.0 BUILDING ADDRESSES (additions)

BOCA PM-310.1 General: All buildings (residential, commercial, industrial or institutional) erected or fronting on any street, lane, alley or public place within the City shall be numbered in accordance with such plans as may be adopted from time to time by Council.

Until otherwise provided by Council, all buildings in the City shall be numbered in accordance with the plan first adopted in the 1920's and now on file in the office of the City Engineer.

If a building has more than one use in the building, each use which has a separate access into the building shall have a separate street address.

BOCA PM-310.2 Numbers on buildings: Each building to which a street address has been assigned shall have the number assigned displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic figures at least three (3) inches (76mm) high and one-half (1/2) inch (13mm) wide.

These numbers on a building shall be black, upon a white background. The Building Official may permit other colors for the building numbers and background, provided that these numbers can be easily located on the building and read from within an automobile within the public right-of-way.

Upon adoption of a resolution by Council, street numbers may be required to be provided at the rear of buildings so that the numbers are readable from a public alley. Such a resolution may require such numbers only in certain districts of the City or only on certain types of buildings.

BOCA PM-310.3 Penalties: Any owner, agent or occupant of a building who refuses or neglects to inscribe the number or numbers thereon in the manner required shall be fined not more than one hundred dollars (\$100.00) and the costs of prosecution. The imposition of the fine shall not preclude the City from using the remedies specified in Article Ten of this Property Maintenance Code.

SECTION PM-602.0 HEATING FACILITIES (amendment)

BOCA PM-602.2.3 Heating; complaints of tenants: Any person who complains because of a violation of Section PM-602.2 shall sign a complaint in the District Court for the purpose of prosecuting anyone refusing to comply with Section PM-602.2. The Building Official shall take, investigate and report all such complaints and appear in the District Court upon a complaint made by the party aggrieved. The Building Official is authorized to adopt such methods of procedure and make such rules and regulations as may be necessary to accomplish the intent of this section.

SECTION PM-705.0 FIRE PROTECTION SYSTEM (amendment)

BOCA PM-705.5 Smoke detectors required: Each apartment, suite or sleeping area of every single-family, two-family or multiple dwelling, boarding house, hotel or motel shall be equipped with a minimum of one (1) smoke detector capable of sensing visible or invisible particles of combustion. The detector shall be approved by a recognized independent testing laboratory. When activated, the detector shall provide an alarm suitable to warn the occupants within the individual dwelling unit. A minimum of one (1) detector shall be located in or adjacent to all sleeping quarters.

BOCA PM-705.5.4 Installation date: All existing dwellings with two (2) or more dwelling units were required to comply with Section PM-705.5 by December 28, 1979, which was six months after the effective date of Ordinance No. 1081. All existing single-family dwellings were required to comply with Section PM-705.5 by June 28, 1982, which was three years after the effective date of Ordinance No. 1081. No permit shall be issued for any major

alteration or addition to any single-family residence unless the property is brought into compliance with the requirements of Section PM-705.5.

BOCA PM-705.5.5 Maintenance: Each detector installed in accordance with Section PM-705.5 shall be maintained in an operable manner and in accordance with NFPA Standards and manufacturer's standards.

CHAPTER 9

REMEDIES TO CORRECT VIOLATIONS (additions)

SECTION PM-901.0 GENERAL

BOCA PM-901.1 Scope: The provisions of this article shall specify a number of alternative means of correcting violations of this Code. These procedures may be used in addition to the punitive measures specified in Article 1 of this Code.

SECTION PM-902.0 CORRECTION OF VIOLATION BY THE CITY

BOCA PM-902.1 General: If a violation order has been issued and no appeal taken therefrom, the Building Official may, if the order has not been complied with (and as an alternative to the proceedings set forth in Section PM-107.4), report the uncorrected violation to Council at the end of the appeal period. Thereafter, he or she may, with the approval of Council, enter upon or cause someone to enter upon the premises and make such changes or adjustments thereto as may be necessary to correct the violation.

In instances where an appeal has been taken from the determination of the Building Official, Council shall not give its approval to enter upon the premises and make such changes or adjustments thereto as may be necessary to correct the violation until 10 days after the decision on the appeal has been made.

BOCA PM-902.2 Notice to property owner: Notice of Council's approval of such procedure shall be given to the owner and occupant of the premises in the manner provided for in Section PM-107.0, and corrective procedures by the City shall not commence sooner than 10 days after the giving of such notice.

BOCA PM-902.3 Collection of costs incurred: All costs and charges incurred by the City in correcting a violation as herein set forth shall be paid by the owner of the premises, who shall be rendered a statement thereof. Such costs and charges shall be a lien upon the premises and, if not paid within 60 days after a statement has been rendered, shall be carried to the City tax rolls and collected in the same manner as special assessment payments.

SECTION PM-903.0 CORRECTION OF VIOLATION BY TENANT

BOCA PM-903.1 General: If a violation order has been issued, the Building Official may, if the order has not been complied with (and as an alternative to the proceedings set forth in Section PM-107.4, report the uncorrected violation to Council at the end of the appeal period. Thereafter, the tenant may, with the approval of Council, enter upon or cause someone to enter upon the premises and make such changes or adjustments thereto as may be necessary to correct the violation.

BOCA PM-903.2 Notice to property owner: Notice of Council's approval of such procedure shall be given to the owner and occupant of the premises in the manner provided for in Section PM-107.0, and corrective procedures by the tenant shall not commence sooner than 10 days after the giving of such notice.

BOCA PM-903.3 Reimbursement of costs incurred: All reasonable costs and charges incurred by the tenant in correcting a violation as herein set forth, including the cost of permits, may be deducted by the tenant from the rent due and owing in the next two consecutive 30 day rental periods, provided that the owner of the premises shall be

rendered a statement thereof. The maximum deduction from rent in a six-month period is two month's rent. Permits are required for all repairs and must meet all requirements imposed by this Code.

SECTION PM-904.0 RECEIVERSHIP

BOCA PM-904.1 General: When a suit has been brought to enforce this Code against the owner, the court may appoint a receiver of the premises to make improvements and provide the owner with procedural safeguards (right to notice and to be heard).

The purpose of a receivership shall be to repair, renovate and rehabilitate the premises as needed to make the building comply with this Code, or, when ordered by the court, to remove a building. The receiver shall promptly comply with the charge upon him or her in his or her official capacity and restore the premises to a safe, decent and sanitary condition, or remove the building.

BOCA PM-904.2 Appointment of receiver: When the court finds that there are adequate grounds for the appointment of a receiver, it shall appoint the Municipality, a proper local agency or officer or any competent person as receiver. In the discretion of the court, no bond need be required. The receivership shall terminate at the discretion of the court.

BOCA PM-904.3 Authority of receiver: Subject to the control of the court, the receiver shall have full and complete powers necessary to make the building comply with this Code. He or she may collect rents and other revenues, hold them against the claim of prior assignees of such rents and other revenues and apply them to the expenses of making the building comply with this Code. He or she may manage and let rental units, issue receivership certificates, contract for all construction and rehabilitation as needed to make the building comply with this Code and exercise other powers the court deems proper to the effective administration of the receivership.

BOCA PM-904.4 Expenses as lien on property: When expenses of the receivership are not otherwise provided for, the court may enter an order approving the expenses and providing that there shall be a lien upon the real property for the payment thereof. Before such action will be taken, the owner will be afforded the right to be heard by the enforcement appeal board (appointed by the court) on questions of the reasonableness of the charge.

CHAPTER 1428

National Electrical Code

1428.01 Short title.

1428.02 Purpose.

1428.03 Adoption of 1996 edition.

1428.04 Enforcement Officers.

1428.05 Uniform Board of Appeals.

1428.06 Violations and penalties.

1428.07 Adoption of R.E.C. Technical Amendments.

1428.08 Effective date.

1428.09 Conflict of laws.

1428.10 Amendments to R.E.C. Technical Amendments.

1428.11 Adoption of local standards.

CROSS REFERENCES

Electrical Code in home rule cities - see M.C.L.A. Sec. 117.3

Electricians and electrical contractors generally - see M.C.L.A. Secs. 338.881 et seq.

Negligence of electricians and electrical contractors; accrual of claims; limitation of actions - see M.C.L.A. Secs. 600.2912, 600.5805, 600.5838

Electrical permits - see B. & H. Ch. 1444

Licensing of electricians - see B. & H. Ch. 1444

Electrical inspections - see B. & H. 1444.03(a)

1428.01 SHORT TITLE.

This chapter shall be known and cited as the Highland Park Electrical Code.

(Ord. 1116. Passed 11-15-82.)

1428.02 PURPOSE.

This chapter is intended to establish the minimum acceptable electrical standards in terms of performance objectives, implemented by specific requirements, rather than in rigid specifications. This makes possible the acceptance of new materials which can be evaluated under nationally recognized standards, without the necessity of adopting cumbersome amendments for each variable condition. In addition, by presenting the purposes to be accomplished rather than the method to be followed, the designer is allowed the widest possible freedom, and the development of new and innovative construction systems is not hindered.

This chapter shall cover all matters concerning the design, installation, maintenance, alteration and inspection of electrical conductors and equipment within or on public and private buildings or other structures and other premises such as yards, carnivals, parking and other lots, and industrial substations.

(Ord. 1116. Passed 11-15-82.)

1428.03 ADOPTION OF 1996 EDITION.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as National Electrical Code, 1996 edition, as amended, as published by the National Fire Protection Association (NFPA), is hereby adopted by reference as the Electrical Code of the City for the control of electrical conductors and equipment as therein provided, except such parts of such Code as are hereinafter modified or deleted, and each and all of the regulations of the National Electrical Code, 1996 edition, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. (Ord. 1189. Passed 11-18-96.)

1428.04 ENFORCEMENT OFFICERS.

(a) Electrical Official. It shall be the duty and responsibility of the Building Official of the City to select the Electrical Official, who may also be known as the City Electrician or the Electrical Inspection Authority and who shall enforce this chapter and Chapter 1444 as provided herein and in Chapter 1444.

(b) Coordination of Enforcement. Inspection of premises and the issuing of orders in connection therewith under this chapter shall be the responsibility of the Department of Public Works (the Division of Inspection and Code Enforcement). Wherever, in the opinion of the Electrical Official, it is necessary or desirable to have an inspection made of any condition by any other department, the Electrical Official shall arrange for such inspection to be made in such a manner that the owners or occupants of buildings are not subjected to visits by numerous inspectors or to multiple or conflicting orders. An order to correct any violation under this chapter shall not be issued without the approval of the Building Official, and it shall be the responsibility of the Building Official, before issuing any such order, to determine that the order has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(Ord. 1116. Passed 11-15-82.)

1428.05 UNIFORM BOARD OF APPEALS.

In cases of alleged practical difficulty or unnecessary hardship, a contractor may appeal the judgment of the Electrical Official by applying to the Uniform Board of Appeals for review. The appeal process is specified in Chapter 1440.

(Ord. 1116. Passed 11-15-82.)

1428.06 VIOLATIONS AND PENALTIES.

Penalties for violations of any of the provisions of this chapter and Chapter 1444 are specified by the following regulations consistent with Section 23 of Act 230 of the Public Acts of 1972, as amended, the Michigan State Construction Code:

(a) Offenses. A person, including an officer, director or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting electrical equipment, contrivances or apparatus or structures, who commits any of the following acts, shall be guilty of a misdemeanor and shall be punished as provided in Section 202.99:

(1) Knowingly violates a provision of this chapter or Chapter 1444 and/or a rule for the enforcement of this chapter or Chapter 1444;

(2) Knowingly constructs or builds a structure or electrical equipment, contrivance or apparatus in violation of a condition of an electrical permit;

(3) Knowingly fails to comply with an order issued pursuant to this chapter or Chapter 1444 by the Electrical Official, the Uniform Board of Appeals or a court;

(4) Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval or appeal to the Electrical Official or to the Uniform Board of Appeals;

(5) Knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, electrical equipment, contrivance or apparatus, or structure, pursuant to this chapter or Chapter 1444;

(6) Unreasonably interferes with an authorized inspection;

(7) Knowingly issues, fails to issue, causes to be issued or assists in the issuance of a certificate, permit or license in violation of this chapter or Chapter 1444 or a rule promulgated under this chapter or Chapter 1444 or other applicable laws; or

(8) Having a duty to report a violation of this chapter or Chapter 1444 or a rule promulgated under this chapter or Chapter 1444 or other applicable law, knowingly conceals a violation.

(b) Penalties. With respect to paragraph (a)(3) hereof, a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by the Electrical Official and for each week that a person fails to comply with any other order validly issued by an enforcing agency. With respect to paragraphs (a)(1) and (4) hereof, a person is guilty of a separate offense for each knowing violation of this chapter or Chapter 1444 or a rule promulgated under this chapter or Chapter 1444, and for each false or misleading written statement or omission of required information or a statement knowingly made in an application, petition, request for approval or appeal to the Electrical Official or the Uniform Board of Appeals. With respect to paragraph (a)(2) hereof, a person is guilty of a separate offense for each knowing violation of a condition of an electrical permit. With respect to the other paragraphs, a person is guilty of a separate offense for each knowing violation of this chapter or Chapter 1444.

(Ord. 1116. Passed 11-15-82.)

1428.07 ADOPTION OF UNIFORM ELECTRICAL RULES.

That certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as Uniform Electrical Rules, Supplementary to the 1981 Edition of the National Electrical Code, published by the Reciprocal Electrical Council, Inc., is hereby adopted by reference as supplemental material to the Electrical Code of the City, except for such parts of such Uniform Electrical Rules as may be in conflict with the Charter of the City, and except for such parts of such Uniform Electrical Rules as may be modified or deleted in this chapter, and each and all of the regulations of the Uniform Electrical Rules, as amended, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

(Ord. 1116. Passed 11-15-82.)

1428.08 EFFECTIVE DATE.

The City Clerk shall certify the adoption of this chapter and Chapter 1444 and cause the same to be published according to law, and this chapter and Chapter 1444 shall take effect fifteen days after approval as so certified. However, this chapter and Chapter 1444 shall not take effect until the State Construction Code Authority has reviewed and approved this chapter, or until the State Construction Code Authority has had this chapter and Chapter 1444 for ninety days without either approving or denying this chapter and Chapter 1444.

(Ord. 1116. Passed 11-15-82.)

1428.09 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in Section 1428.03, and a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, the provision of this Building and Housing Code, or the local ordinance, rule or regulation, shall control. In the event of a conflict between any of the provisions of the National Electrical Code, as aforesaid, or a provision of this Building and Housing Code, or any other local ordinance, rule or regulation, and a provision of any State law, rule or regulation, the State law, rule or regulation shall control.

1428.10 AMENDMENTS TO UNIFORM ELECTRICAL RULES.

The Uniform Electrical Rules, as adopted in Section 1428.07, are hereby amended and supplemented as set forth in this section.

UER-114 Approved materials: No electrical materials, devices or appliances shall be used or installed in the City unless they are in conformity with the provisions of these Rules and all rules and regulations adopted pursuant thereto, and unless they are in conformity with the approved methods of construction for safety to life and property. Conformity of electrical materials, devices and appliances with the standard of Underwriter's Laboratories, Inc., shall be prima-facie evidence that such electrical materials, devices and appliances comply with the requirements of these Rules and all rules and regulations adopted pursuant thereto. The maker's name, trademark or other identification symbol shall be placed on all electrical materials, devices and appliances used or installed under these Rules.

UER-115 Rule making authority: The Electrical Official shall have power, as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement these Rules, to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving fire protection requirements specifically provided in these Rules, or of violating approved engineering practice involving public safety.

UER-309 Person: The word "person," whenever used in these Rules and all rules and regulations adopted pursuant thereto, shall be held and construed to mean and include natural persons, firms, co-partnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee.

(Ord. 1116. Passed 11-15-82.)

TITLE FOUR - Building Administration

Chap. 1440. Uniform Board of Appeals.

Chap. 1442. Registration of Building Contractors; Building Permits.

Chap. 1444. Licensing of Electricians; Registration of Electrical Contractors; Electrical Permits and Inspections.

Chap. 1446. Inspections of Residences Prior to Sale or Lease; Certificates of Compliance and Occupancy.

Chap. 1448. Registration of Rental Properties; Inspections.

CHAPTER 1440

Uniform Board of Appeals

1440.01 Establishment.

1440.02 Membership; Executive Secretary.

1440.03 Rules of Procedure.

1440.04 Petition to Board.

1440.05 Responsibilities of the Board.

1440.06 Decisions of the Board.

1440.07 Appeals procedure.

1440.08 Court review.

CROSS REFERENCES

Authority of Zoning Board of Appeals under Subdivision Regulations - see P. & Z. 1240.08

Appeals under BOCA National Building Code - see B. & H. 1420.06

Appeals under International Plumbing Code - see B. & H. 1422.04

Appeals under International Mechanical Code - see B. & H. 1424.05

Appeals under BOCA National Property Maintenance Code - see B. & H. 1426.05

Appeals under National Electrical Code - see B. & H. 1428.05

1440.01 ESTABLISHMENT.

There is hereby established in and for the City a Uniform Board of Appeals which shall perform its duties and exercise its powers as provided in this chapter.

(Ord. 1111. Passed 11-15-82.)

1440.02 MEMBERSHIP; EXECUTIVE SECRETARY.

(a) Voting Members. The Uniform Board of Appeals shall consist of seven members, who shall be appointed by the Mayor. The members must have some experience in construction and/or engineering as it relates to Code enforcement.

(Ord. Unno. Passed 3-2-98.)

(b) Alternate Members. The Board shall also consist of two nonvoting members: the Community Development Administrator and a representative from the Engineering Division. If seven voting members are not present, one or both of these alternate members of the Board may serve as voting members, provided that the Board does not have more than seven voting members.

(c) Building Official as Executive Secretary. If a case involving a code enforced by the Building Official is being reviewed, the Building Official or his or her designee shall serve as the Executive Secretary of the Board. As such, it shall be his or her responsibility to prepare the agenda and submit cases to the Board.

(d) Fire Official as Executive Secretary. If a case involving the Fire Prevention Code is being reviewed, the Building Official shall serve on the Board as a voting member and the Fire Official or his or her designee shall serve as the Executive Secretary. As such, it shall be his or her responsibility to prepare the agenda and submit cases to the Board.

(e) Zoning Official as Executive Secretary. If a case involving the Planning and Zoning Code is being reviewed, the Zoning Official or his or her designee shall serve as the Executive Secretary. As such, it shall be his or her responsibility to prepare the agenda and submit cases to the Board.

(f) City Clerk as Executive Secretary. If a case involving a code administered by the City Clerk is being reviewed, the City Clerk shall serve as the Executive Secretary. As such, it shall be his or her responsibility to prepare the agenda and submit cases to the Board. (Ord. 1111. Passed 11-15-82.)

1440.03 RULES OF PROCEDURE.

The Uniform Board of Appeals may prepare a set of Rules of Procedure. These Rules shall be adopted by a two-thirds vote of the Board and shall be filed with the City Clerk.

(Ord. 1111. Passed 11-15-82.)

1440.04 PETITION TO BOARD.

Any person affected by a notice which has been issued in connection with the enforcement of any provision of any code related to health and safety standards for construction and structures, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter by the Uniform Board of Appeals, provided that such person files, with the Executive Secretary of the Board, a written petition requesting such hearing and containing a statement of the grounds of the appeal. Such petition must be filed within twenty days after the day the notice was served.

(Ord. 1111. Passed 11-15-82.)

1440.05 RESPONSIBILITIES OF THE BOARD.

The Uniform Board of Appeals shall have all duties and powers granted to it by State law and local ordinance. More specifically, the Board shall have the following duties:

(a) Administrative Review. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error, in regard to the interpretation of the provisions of codes related to health and safety standards for construction or use of structures, in any order, requirement, permit or decision made by the Enforcing Official in carrying out or enforcing any provision of one of the applicable codes.

Administrative review by the Board is limited to the clarification of any uncertainty that exists in the meaning of the provisions of one of such codes.

Deciding against the action of the Enforcement Official is conditioned upon a finding that the true intent of the Property Maintenance Code, Building Code, Mechanical Code, Plumbing Code, Electrical Code, Fire Prevention and/or other codes related to health and safety standards for construction or use of structures, or of rules legally adopted thereunder, has been incorrectly interpreted by the Enforcement Official or that he or she has acted in a manner in conflict with the letter and spirit of the law.

(b) Variances. The Board shall hear and decide appeals where it is alleged by the appellant that the literal enforcement of the provisions of the codes referred to in subsection (a) hereof would result in unnecessary hardship and that a modification of the terms of these codes would not be contrary to their intent, if both of the following requirements are satisfied:

(1) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from the performance required by the code of that particular item or part for the health, safety and welfare of the people of the City.

(2) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the code with respect to the condition reasonably practical or desirable.

The Board may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of the City. The breach of a condition shall automatically invalidate the variance and any permit, license or certificate granted on the basis of it. In no case shall more than the minimum variance from the code be granted than is necessary to alleviate the exceptional, practical difficulty.

(Ord. 1111. Passed 11-15-82.)

1440.06 DECISIONS OF THE BOARD.

(a) In General. The Uniform Board of Appeals shall affirm, modify or reverse the decision of the Enforcement Official by a majority vote of the members present.

(b) Resolutions of Board. Every action shall be by resolution and certified copies shall be furnished to the appellant and to the Enforcement Official.

(c) Determining Vote. Failure to secure a majority vote of the members present shall be deemed a confirmation of the decision of the Enforcement Official and/or a denial of the requested variance, except that the appellant shall be entitled to a further hearing before a full Board if there were not five qualified members present when the vote was taken.

(d) Enforcement of Decision. The Enforcement Official shall take immediate action in accordance with the decision of the Board. (Ord. 1111. Passed 11-15-82.)

1440.07 APPEALS PROCEDURE.

The following guidelines shall be used in processing appeals:

(a) Right to Appeal. Any owner or person who is aggrieved with any order, requirement, permit or decision made by the Enforcement Official relative to the interpretation or enforcement of any of the provisions of the codes referred to in Section 1440.05(a) may appeal the decision or interpretation.

(b) Filing an Appeal. The appeal must be filed with the Executive Secretary, in writing, within twenty days of the date of the rendition of the order, requirement, permit or decision by the Enforcement Official.

(c) Notice of Meetings. The Uniform Board of Appeals shall meet upon notice from the Executive Secretary within twenty days of the filing of an appeal or at stated periodic meetings if warranted by the volume of the work.

(d) Public Hearing. All hearings shall be public, and the appellant, his or her representative, the official of the Municipality and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with Act 267 of the Public Acts of 1976, as amended, the "Open Meetings Act." Public notice of the time, date and place of the meeting shall be given in the manner required by Act 267.

(e) Decisions of the Board. The Board shall hear the appeal and render and file its decision, with a statement of reasons for the decision, with the official from whom the appeal was taken, not more than thirty days after submission of the appeal. Failure by the Board to hear an appeal and file a decision within such time limit shall be considered to be a denial of the appeal for purposes of authorizing the institution of an appeal to the courts.

A record of decisions made by the Board, properly indexed, and any other writing prepared, owned, used, in the possession of or retained by the Board in the performance of an official function, shall be made available to the public in compliance with Act 442 of the Public Acts of 1976, as amended, the "Freedom of Information Act."

(Ord. 1111. Passed 11-15-82.)

1440.08 COURT REVIEW.

Any person aggrieved by a decision of the Uniform Board of Appeals, whether or not a previous party to the decision, or any Municipal officer or official board of the Municipality, may apply to an appropriate court for review. Application for review shall be made to the proper court of jurisdiction within twenty days after the filing of the Board's decision in the office of the Executive Secretary.

(Ord. 1111. Passed 11-15-82.)

CHAPTER 1442

Registration of Building Contractors; Building Permits

1442.01 Definitions.

1442.02 Registration certificates required.

1442.03 State license required.

1442.04 Exceptions.

1442.05 Builders' Registry; contents of application.

1442.06 Permits.

1442.07 Issuance of registration certificates; fee; term; renewal.

1442.08 Refusal to issue or renew registration; suspension; revocation.

1442.99 Penalty.

CROSS REFERENCES

Fair employment by contractors - see GEN. OFF. 628.01(a), 628.02(h)

Licensing of contractors - see B. & H. 1420.13(BOCA 123.0)

Licensing of electrical contractors - see B. & H. Ch. 1444

Building permits for swimming pools - see B. & H. 1476.02

1442.01 DEFINITIONS.

As used in this chapter:

- (a) "Building Official" means the Director of the Department of Public Works or his or her duly appointed representative.
- (b) "Director of the Department of Public Works" means the Director or his or her duly appointed representative.
- (c) "Registrant" means a person registered under this chapter.
- (d) "Residential builder" means:
 - (1) A person engaged in the construction of a residential structure or a combination residential/commercial structure, or his or her duly appointed representative, who, for a fixed sum price, fee, percentage, valuable consideration or other compensation, other than wages, undertakes with another or offers to undertake or purports to have the capacity to undertake with another for the erection, construction, replacement, repair or alteration of, or the addition to, subtraction from, improvement of or movement of, a residential structure or combination residential/commercial structure;
 - (2) A person who manufactures, assembles, constructs, deals in or distributes residential or combination residential/commercial structures which are prefabricated, preassembled, precut and packaged or shell housing; or
 - (3) A person who erects a residential structure or combination residential/commercial structure except for his or her own use and occupancy on his or her own property and who is licensed as such by the State Department of Licensing and Registration pursuant to Act 250 of the Public Acts of 1974, as amended.
- (e) "Residential maintenance and alteration contractor" means a person who, for a fixed sum, price, fee, percentage, valuable consideration or other compensation, other than wages, undertakes with another for the repair or alteration of, or the addition to, subtraction from, improvement of or movement of, a residential structure or combination residential/commercial structure, except for his or her own use and occupancy, and who is licensed as such by the State Department of Licensing and Registration pursuant to Act 250 of the Public Acts of 1974, as amended.

(Ord. 1044. Passed 6-16-75.)

1442.02 REGISTRATION CERTIFICATES REQUIRED.

No person shall engage in the business of, or act in the capacity of, a residential builder and/or residential maintenance and alteration contractor in the City without first obtaining a registration certificate from the Division of Engineering in the Department of Public Works.

(Ord. 1044. Passed 6-16-75.)

1442.03 STATE LICENSE REQUIRED.

No building registration certificate shall be issued to any person unless such person is licensed as a residential maintenance and alteration contractor by the State Department of Licensing and Regulation.

(Ord. 1044. Passed 6-16-75.)

1442.04 EXCEPTIONS.

Sections 1442.01 through 1442.08 do not apply to:

- (a) An authorized representative of the United States Government, the State or the County;
- (b) An owner of property, with reference to structures thereon for his or her own use and occupancy;
- (c) A person who engages solely in the business of performing work and services under contract with a residential building and/or residential maintenance and alteration contractor registered with the Department of Public Works; or
- (d) Any work or operation on one undertaking or project by one or more contracts for which the aggregate contract price is less than two hundred dollars (\$200.00) or for which a building permit is not required. This exemption does not apply in any case wherein the work of construction is only a part of a larger or major operation, whether undertaken by the same or a different residential builder and/or residential maintenance and alteration contractor, or wherein a division of the operation is made in contracts of amounts less than two hundred dollars (\$200.00) for the purpose of evasion of this chapter or otherwise.

(Ord. 1044. Passed 6-16-75.)

1442.05 BUILDERS' REGISTRY; CONTENTS OF APPLICATIONS.

- (a) Establishment. There is hereby established in the City a Builders' Registry which shall be maintained by the Department of Public Works.
- (b) Application for Registration. An applicant for registration under this chapter shall file a written sworn application on forms furnished by the Director of the Department of Public Works, signed by the applicant, if an individual, by all partners, if a partnership, by all associates, if an association, and by the president, if a corporation. Such application shall be filed with the Department and provide the following information:
 - (1) The full name and permanent address of the applicant, both business and residence;
 - (2) The period of time, if any, the applicant has been engaged in the business;
 - (3) A description of the type of business entity, i.e. corporation, partnership or sole proprietorship;
 - (4) The name, home address and title of each corporation officer, each partner or the sole owner;
 - (5) The applicant's State Department of Licensing and Regulation license number, a copy of which license shall be made for the Department's records; and
 - (6) Such other information as to the identity or character of the applicant, or members of any such applicant, as the Director may deem proper to fulfill the purposes of this chapter in the protection of the public good.

(Ord. 1044. Passed 6-16-75.)

1442.06 PERMITS.

- (a) Required. No person shall construct, enlarge or alter a building, change the occupancy of a building from one use group to another requiring greater strength exitway or sanitary provisions, change the use of a building to a prohibited use or install or alter any equipment for which provision is made or the installation of which is regulated

by this Building and Housing Code, without first filing an application with the Building Official in writing and obtaining the required permit therefor. However, ordinary repairs as set forth in the current edition of the BOCA Basic Building Code, as adopted in Chapter 1420, and which do not involve a violation of this Building and Housing Code, are exempt from this provision.

(b) Application. An application for such a permit shall be submitted in such form as the Building Official may prescribe and shall be accompanied by the required fee as prescribed by Council.

(c) Limitation of Permittees. A permit covering construction, enlargement or repair work in the City shall be issued only in the name of a person authorized by law to contract for building maintenance and alteration work in the City, except as provided in subsection (d) hereof.

(d) Work Done by Owner. Nothing herein contained shall prohibit any bona fide owner from personally constructing, enlarging or repairing his or her own residence, provided that the owner:

(1) Signs an affidavit showing that the applicant is the owner and occupant or eventual occupant of the residence, that he or she will personally do the construction or repair work for which application is made and that he or she is reasonably familiar with the requirements of this Building and Housing Code and is competent and capable of performing the work in accordance therewith;

(2) Applies for and secures a permit in accordance with previous actions;

(3) Pays required fees;

(4) Applies for inspections; and

(5) Receives the approval of the Building Official.

(Ord. 1044. Passed 6-16-75.)

1442.07 ISSUANCE OF REGISTRATION CERTIFICATES; FEE; TERM; RENEWAL.

(a) The Director of the Department of Public Works, upon proper application, may issue a residential builder's registration certificate to an applicant who qualifies therefor, which shall authorize the registrant to engage in the business of, or to act in the capacity of, a residential builder in the City. The Director may issue a residential maintenance and alteration contractor's certificate to an applicant who qualifies therefor, according to his or her qualifications with respect to one or more of the following crafts and trades: carpentry, concrete work, garage building, swimming pools, dry wall, excavations, roofing and siding, masonry work, sheet metal work and house raising. Such registration certificate, when issued, shall specify the particular crafts and trades for which the registrant has qualified.

(b) The Director shall not require an applicant to pay more than one registration fee, regardless of the number of crafts or trades, if the performance of the work in the crafts or trades, other than in which he or she is registered, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is registered.

(c) The registration fee shall be established by Council. Each certificate shall be issued for a period of one year, provided, however, that the first certificate issued under this chapter shall expire December 31, 1975, and thereafter all certificates shall be renewable to January 1 of each year without penalty. An application for renewal of a certificate must be made in proper form accompanied with the proper fee, and proper submission of such renewal application shall automatically grant the applicant permission to operate, pending the actual issuance or refusal of the renewal certificate. Every registrant shall report to the Department of Public Works all changes of members and addresses of persons registered under this chapter within thirty days after the same occur.

(Ord. 1044. Passed 6-16-75.)

1442.08 REFUSAL TO ISSUE OR RENEW REGISTRATION; SUSPENSION; REVOCATION.

The Director of the Department of Public Works may, upon written verified complaint, investigate the actions of a residential builder and/or residential maintenance and alteration contractor or any person who acts in such capacity in the City, and may refuse to issue or renew, or may suspend or revoke, any certificate issued under this chapter for any of the following actions or circumstances:

- (a) The suspension or revocation of the registrant's residential builder's and/or residential maintenance and alteration contractor's license, issued by the State Department of Licensing and Regulation, as required by Act 250 of the Public Acts of 1974, as amended, or the failure to obtain or to renew such license;
- (b) The abandonment without legal excuse of a construction project or operation engaged in or undertaken by the registrant or applicant;
- (c) The willful departure from or disregard of plans or specifications in any material respect, without the consent of the owner or his or her duly authorized representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans and specifications;
- (d) The failure to meet accepted standards of workmanship in the craft for which the registrant is licensed and registered;
- (e) The willful or deliberate disregard and violation of this Building and Housing Code or other ordinances or regulations of the City or the State;
- (f) The misrepresentation of a material fact by an applicant in obtaining a registration certificate; or
- (g) The changing of a business location without notification to the Department of Public Works within thirty days.

The Director of the Department, before refusing to issue or to renew, or before suspending or revoking, a registration certificate, shall notify the applicant or registrant of any charge made and set a date for a hearing. If, after the hearing, the Director finds that the applicant or registrant is guilty of a violation of any of the provisions of this chapter, he or she shall refuse to issue or renew the registration certificate of the applicant or registrant or shall suspend or revoke the same for such period of time as shall be determined by the Director.

(Ord. 1044. Passed 6-16-75.)

1442.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1444

Licensing of Electricians; Registration of Electrical Contractors; Electrical Permits and Inspections

1444.01 Registration of contractors; licenses for electricians.

1444.02 Permits.

1444.03 Inspections.

1444.99 Penalty.

CROSS REFERENCES

Electricians and electrical contractors generally - see M.C.L.A. Secs. 338.881 et seq.

Negligence of electricians and electrical contractors; accrual of claims; limitation of actions - see M.C.L.A. Secs. 600.2912, 600.5805, 600.5838

National Electrical Code - see B. & H. Ch. 1428

Registration of building contractors - see B. & H. Ch. 1442

1444.01 REGISTRATION OF CONTRACTORS; LICENSES FOR ELECTRICIANS.

(a) Electrical Contractors. No person shall engage, as an independent contractor, in the installation, alteration, maintenance or repair of electrical wiring, equipment, apparatus or fixtures for light, heat or power purposes, where the electromotive force exceeds thirty volts, in or about buildings and/or structures in the City, without first obtaining a registration certificate from the Division of Engineering in the Department of Public Works.

(b) Master and Journeymen Electricians. No person shall engage in the occupation or trade of master electrician or journeyman electrician in the installation, alteration, maintenance or repair of electrical wiring, equipment, apparatus or fixtures for light, heat or power purposes, where the electromotive force exceeds thirty volts, in or about buildings and/or structures in the City, without first having taken the examination and obtained a license as herein provided. This provision shall not apply to helpers or apprentices, provided that such work as they do is performed under the direction and supervision of licensed master or journeymen electricians who are on the premises at all times when such helpers or apprentices are performing such work.

(c) Fee Schedule. The fees for electrical licenses shall be as established from time to time by resolution of Council.

(d) Reciprocal Licenses. The City shall permit electrical contractors lawfully licensed by other municipalities of the State, participating in the Reciprocal Electrical Council, or licensed by the State, to install, alter or repair electrical wiring, equipment, apparatus or fixtures, for light, heat or power purposes, in the City, upon the payment of a nominal registration fee to be established by resolution of Council.

No electrical contractor's license shall be recognized for the purpose of registration in the City if the applicant maintains his or her principal place of business in a municipality which fails to approve, by affirmative action of its legislative body, reciprocal and mutually interchangeable licensing arrangements or which fails to approve an affirmative action program by vote of its legislative body.

(e) Suspension or Revocation of Licenses and Registration. Any master electrician's or journeyman electrician's license issued by the City may be suspended or revoked by the Uniform Board of Appeals upon evidence presented to the Board that false statements have been made upon the application for a license, or that the person holding such license willfully, or by reason of incompetence, repeatedly, violated the rules or regulations relating to the inspection, maintenance, alteration or repair of electrical wiring, devices, appliances or equipment covered by this chapter and Chapter 1428, or that the licensee is guilty of unethical practices as defined on pp. 42 and 43 of the Uniform Electrical Rules, as adopted in Section 1428.07. All license fees collected from such persons shall be retained by the City.

The registration of any electrical contractor may be suspended or revoked by the Uniform Board of Appeals upon evidence presented to the Board that false statements have been made upon the application for registration, or that

the person holding such registration willfully, or by reason of incompetence, repeatedly, violated the rules or regulations relating to the inspection, maintenance, alteration or repair of electrical wiring, devices, appliances or equipment covered by this chapter and Chapter 1428, or that the licensee is guilty of unethical practices as defined on pp. 42 and 43 of the Uniform Electrical Rules, as adopted in Section 1428.07. All registration fees collected from such persons shall be retained by the City.

(Ord. 1116. Passed 11-15-82.)

1444.02 PERMITS.

(a) Permits Required. No person shall install, lay or erect any electrical wiring, fixture, equipment or apparatus, or make any alteration, change or addition to any electrical wiring, fixture, equipment or apparatus, where the electromotive force exceeds thirty volts, without first obtaining a written permit therefor from the Electrical Official, and no such permit shall be issued to any person who is not properly licensed, as required by this chapter.

(b) Fee Schedule. The fees for electrical permits shall be as established from time to time by resolution of Council.

(Ord. 1116. Passed 11-15-82.)

1444.03 INSPECTIONS.

(a) Liability of City and Electrical Official. No inspection or acceptance by the Electrical Official of any electrical work as being in compliance with this chapter and Chapter 1428, or any rule or regulation adopted pursuant thereto, shall establish or create against the City or against the Electrical Official any liability by reason of defective or improper workmanship. This chapter and Chapter 1428 shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any electrical equipment of any kind for damages to any person injured by any defective electrical work.

(b) Right of Entry. The Electrical Official, upon proper identification, shall have the right to enter any building or premises at any time when it may be necessary to perform his or her official duties. No person shall interfere with the Electrical Official in the performance of his or her official duties.

(c) Construction Sites. Upon the completion of any electrical work for which a permit is required, it shall be the duty of the person doing such work to notify the Electrical Official, who shall inspect such electrical work. If it is found to be fully in compliance with this chapter and Chapter 1428, and the rules adopted pursuant thereto, the Electrical Official shall issue to such person a certificate of inspection authorizing connection to the electrical service and the turning on of the current. However, all wires which are to be hidden from view shall be inspected before concealment. Persons installing such wires shall notify the Electrical Official, giving him or her sufficient time in which to make the required inspection before such wires are concealed. No such wires shall be concealed until the required inspection has been made.

If, upon inspection, the Electrical Official finds that such electrical work is not fully in compliance with this chapter and Chapter 1428, and the rules and regulations adopted pursuant thereto, the Electrical Official shall, in writing, notify the person doing such work, who shall make all necessary changes or repairs as set forth in the notice within the time specified in the notice. Upon the completion of such changes or repairs, such person shall again notify the Electrical Official to inspect such work.

Where the Electrical Official finds any electrical work being done contrary to this chapter and Chapter 1428, or any rule or regulation adopted pursuant thereto, he or she may place thereon a "Stop Work" notice. No person shall proceed further with such electrical work until such work is made to comply with this chapter and Chapter 1428, or any rule or regulation adopted pursuant thereto.

(d) Periodic Reinspection. The Electrical Official shall periodically make a thorough reinspection of the installations in buildings of all electrical wiring, equipment, apparatus and fixtures now installed or that may be hereafter installed in the City. When the installation of any such electrical wiring, equipment, apparatus or fixtures is found to be in a dangerous or unsafe condition, the Electrical Official shall, in writing, notify the person owning, using or operating the same. Such person shall cause to be made all necessary changes or repairs as set forth in the notice within the time specified in the notice. Upon the completion of such changes or repairs, such person shall again notify the Electrical Official to inspect such work.

If such notice is not complied with within the specified time, the Electrical Official shall have the power and authority to condemn, sever, disconnect or remove such electrical wiring, equipment, apparatus or fixtures, to the extent necessary to place the same in a safe condition. The Building Official may, in any such case, give notice to the person furnishing the electrical current to cease to supply such power until the condition complained of is repaired, and it shall be the duty of such person, upon receipt of such notice, to cease to supply the electrical current until further notice from the Electrical Official.

(e) Exceptions. The Electrical Official shall have complete supervision of the installation and maintenance of all Municipal electrical work in the City, except fire and police signals.

(Ord. 1116. Passed 11-15-82.)

1444.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be punished as provided in Section 1428.06.

(Ord. 1172. Passed 10-15-90.)

CHAPTER 1446

Inspections of Residences Prior to Sale or Lease; Certificates of Compliance and Occupancy

1446.01 Definitions.

1446.02 Inspections.

1446.03 Enforcement by Health Officer and/or Inspection Coordinator.

1446.04 Conditions for sale, transfer or lease.

1446.05 Exceptions to chapter.

1446.06 Issuance of certificate of approval; inspection reports; fees; right to refuse entry.

1446.07 Validity of certificates and reports; nonliability of City for defects.

1446.08 Inspection guidelines.

1446.09 Waiver of tender of certificates of approval; affidavits.

1446.10 Dangerous conditions and deficiencies in dwellings.

1446.11 Violations.

1446.99 Penalty.

CROSS REFERENCES

State Housing Code - see M.C.L.A. Secs. 125.401 et seq.

Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.

BOCA National Existing Structures Code - see B. & H. Ch. 1426

Unsafe buildings - see B. & H. 1420.13 (BOCA 119.0, 122.0)

Division of Inspection and Code Enforcement - see ADM. 234.02, 234.04

Registration of rental properties; inspections - B. & H. Ch. 1448

1446.01 DEFINITIONS.

As used in this chapter:

(a) "Dwelling" means a one or two-family residential structure.

(b) "Investment property" means any dwelling, except:

(1) A dwelling held by an agency of the City, County, State or Federal government;

(2) A dwelling which has been occupied in whole or in part by the seller or transferor for a six consecutive month period within one year immediately prior to the sale or transfer; or

(3) A dwelling held by an estate.

(c) "Sale" or "transfer" means to convey any interest in a dwelling, except by mortgage, gift, devise, bequest or lien foreclosure. The sale or transfer shall be deemed to occur upon the transfer of title, the execution of a land contract or the exercise of an option to purchase.

(Ord. 1141. Passed 7-1-85.)

TITLE SIX - Miscellaneous Building Regulations

Chap. 1460. Fences.

Chap. 1468. Moving of Buildings.

Chap. 1476. Swimming Pools.

CHAPTER 1460

Fences

- 1460.01 Partition fences required between lots.
- 1460.02 Materials; specifications.
- 1460.03 Placement of posts; responsibility for maintenance.
- 1460.04 Old and used materials prohibited.
- 1460.05 Ornamental fences; hedges.
- 1460.06 Notice of construction or repair; noncompliance.
- 1460.07 Agreement of adjacent lot owners.
- 1460.08 Pointed instruments prohibited.
- 1460.09 Barbed wire.
- 1460.10 Retaining walls.
- 1460.99 Penalty.

CROSS REFERENCES

- Fences generally - see M.C.L.A. Secs. 43.1 et seq.
- Fences for swimming pools - see B. & H. 1476.04
- Fences for lumber storage - see F.P. 1610.09 (BOCA F-1602.2.2)

1460.01 PARTITION FENCES REQUIRED BETWEEN LOTS.

Every owner of a lot in the City shall construct and maintain partition fences between his or her lot and the next adjoining lot in the manner prescribed in this chapter, except that by mutual consent of adjoining owners such fences may be omitted. Every owner of a lot shall be responsible for the rebuilding, care and upkeep of all fences contiguous to or bordering upon streets and alleys and also all dividing lines as specified in this chapter. The partition fence to be constructed and maintained means only that portion between the rear of the house and the alley or rear lot line. If there is no alley and there is a mutual rear lot line with another lot, the partition fence shall include such mutual rear lot line.

(Ord. 1053. Passed 7-19-76.)

1460.02 MATERIALS; SPECIFICATIONS.

All fences constructed or reconstructed shall be of two-inch iron pipe or two-inch by two-inch angle irons embedded in concrete in the ground, or four-inch wood posts or four-inch reinforced concrete posts or any other member of

equal stability sunk in the soil at least three feet and having a height above the average grade of the two adjoining lots of not less than three feet nor more than six feet. Fences between adjoining lots and on streets and alleys, when erected, shall be not less than three feet nor more than six feet in height, except fences enclosing industrial or commercial properties, which may be eight feet in height. On the posts shall be properly fastened woven wire, boards or metal. The junction of the posts and the wire, boards or metal shall always be considered the lot line. The City shall not be responsible for the establishing or locating of the correct lot line between lots.

(Ord. 1053. Passed 7-19-76.)

1460.03 PLACEMENT OF POSTS; RESPONSIBILITY FOR MAINTENANCE.

(a) The house number system of the City shall govern the side of the fence upon which the posts shall be placed. Posts of all fences shall be placed on the side of the fence leading to the higher number as assigned by the City. The lot owner upon whose property the posts are located shall be responsible for building and maintaining the front half of the fence to be built and the rear half of the opposite fence, notwithstanding any other provision of these Codified Ordinances to the contrary.

(b) When conditions arise other than those set forth in subsection (a) hereof, the Director of the Department of Public Works shall determine to what extent a fence is reasonable and fair to both parties.

(Ord. 1053. Passed 7-19-76.)

1460.04 OLD AND USED MATERIALS PROHIBITED.

Fences shall not be built of old or used material unless such material is reasonably sound in the judgment of the Director of the Department of Public Works.

(Ord. 1053. Passed 7-19-76.)

1460.05 ORNAMENTAL FENCES; HEDGES.

Ornamental fences may be built to a height as provided in Section 1460.02 and shall be built wholly upon the builder's property, unless the adjoining landowner and the builder agree otherwise, in writing. Hedges or other means of designating lot lines shall be considered as being in this class.

(Ord. 1053. Passed 7-19-76.)

1460.06 NOTICE OF CONSTRUCTION OR REPAIR; NONCOMPLIANCE.

(a) When a party considers it necessary to have a partition fence built or repaired between his or her lot and the next adjoining lot, he or she shall first attempt to adjust the matter verbally with the adjoining owner. Failing this, he or she shall notify the adjoining owner in writing, and by registered mail, of his or her desire to have such partition fence built or repaired. If, within fifteen days, no favorable reply is made to the writer in question, he or she shall thereupon notify the Director of the Department of Public Works that such notification has been sent, and where no fence exists, the Director shall, within ten days, notify both the sender of the letter and the recipient of the same to erect their portions in accordance with this chapter.

If the notification in question is relative to the rebuilding or repair of such fence, the Director shall inspect the premises to determine the necessity of such rebuilding or repair. If the Director finds that such rebuilding or repair is necessary, he or she shall issue orders forthwith as in the case of a new fence.

Failure to comply with such written notice from the Director within fifteen days shall be deemed a violation of this chapter, punishable as provided in Section 1460.99.

(b) In addition to the penalty provided in Section 1460.99, whenever, as provided in subsection (a) hereof, a party fails, refuses or neglects to build, repair, rebuild or erect a partition fence within fifteen days, in accordance with a written notice from the Director, the Director may authorize the owner of the adjoining property to do so under the terms and conditions set forth in this subsection. The adjoining property owner may build, repair, rebuild or complete the whole or any part of a partition fence which was ordered by the Director to be built, rebuilt, repaired or completed by the owner of the adjacent property, and the party so building, repairing, rebuilding or completing such fence shall have the right to request of the Director, and the Director shall issue, a certificate determining the cost of building, repairing, rebuilding or completing such delinquent's share of the partition fence. Such certificate shall also contain a description of the property of the delinquent.

Such certificate may be filed in the office of the Treasurer and when so filed shall constitute a lien upon the premises of the delinquent. Such lien may be discharged by the payment of the total amount specified in the certificate, together with interest at twelve percent per year computed from the time of filing such certificate. If the lien is not discharged on or before the next succeeding March 31, the Treasurer shall report the same to Council and Council shall order the Assessor to spread the amount specified in such certificate, together with the interest as provided in this subsection, upon the City assessment roll in a separate column for that purpose opposite the description of the land specified in such certificate, the tax to be collected in the same manner that other taxes are collected and paid over to the person entitled to the same upon the order of the Director. However, nothing in this section shall prohibit the recovery of such amount in an action in assumpsit from the delinquent party if such action is commenced on or before the March 31 following the filing of the certificate. If the amount of a certificate is ordered spread upon the tax roll, it shall be subject to the same penalties and fees as are provided for in the case of special assessments ordered so spread, and all such penalties shall belong to the City.

1460.07 AGREEMENT OF ADJACENT LOT OWNERS.

Notwithstanding any other provision of this chapter, and provided that fences do not exceed the sizes set forth in Section 1460.02, the owners of adjacent lots may amicably agree upon the size, character and height of their partition fences, the proportion in which they shall bear the expense thereof and whether or not any fence shall be built.

(Ord. 1053. Passed 7-19-76.)

1460.08 POINTED INSTRUMENTS PROHIBITED.

No owner, lessee or agent of a building in the City shall erect or maintain on or about the stairway to the entrance of such building, or on or about its exterior building line, or upon partition fences, or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or other protection on which there is affixed or placed, or in any manner attached, any spike, nail or other sharp pointed instrument.

(Ord. 1053. Passed 7-19-76.)

1460.09 BARBED WIRE.

No person shall construct or maintain a barbed wire fence partially or wholly around any area in or along a street or other public way, or in front of any public space or place, or nail or cause the same to be nailed or fastened in any form, shape or manner upon a partition fence. However, a fence six feet in height may have barbed wire attached to arms or brackets extending inward over such private property of the person erecting and paying for such fence, but no such barbed wire shall be placed at a point nearer to the ground than six feet. Such arms or brackets for barbed wire on six-foot fences may be placed only on lot lines enclosing industrial or business property or on the rear lot line of a residential lot, but only if such rear lot line abuts a service drive of a limited access highway. When industrial or business property adjoins residential property, such arms or brackets shall project over the industrial side of the line only.

(Ord. 1089. Passed 12-17-79.)

1460.10 RETAINING WALLS.

All fences constructed or reconstructed around junk, scrap iron and metal or coal yards shall be designed as retaining walls where such fences are used to hold or restrain materials or things and shall be limited in height to six feet. However, such fences may be erected to a height not to exceed nine feet if the consent of not less than fifty percent of the owners of property within 500 feet of the junk, scrap iron and metal or coal yard has been obtained, unless otherwise restricted as to height by ordinances of the City.

(Ord. 1053. Passed 7-19-76.)

1460.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1468

Moving of Buildings

1468.01 Permit required.

1468.02 Permit fee; bond.

1468.03 Route; time limitation.

1468.04 Obstruction of streets.

1468.05 Protection of pavement.

1468.99 Penalty.

CROSS REFERENCES

Moving dwellings - see M.C.L.A. Sec. 125.406

Indemnity agreements - see M.C.L.A. Secs. 691.991 et seq.

Injury of trees incident to moving of buildings - see S.U. & P.S. 1026.11

Protection of vegetation - see S.U. & P.S. 1026.17

1468.01 PERMIT REQUIRED.

No buildings, machinery or other heavy or bulky articles shall be moved, hauled along or permitted the use of the streets or alleys of the City until a written permit therefor has first been obtained from the Superintendent of Public Service.

(Ord. 456; 1959 Code Sec. 3-159)

1468.02 PERMIT FEE; BOND.

(a) The permit required by Section 1468.01 shall be issued only on written application therefor, payment to the Treasurer of a fee as provided by resolution of Council, and the costs of supervision and inspection, and the filing of a surety company bond in such amount as the Superintendent of Public Service deems adequate. Such bond shall be conditioned to indemnify the City against all losses and damages that might result from the moving of buildings, machinery or other heavy or bulky articles or by reason of the negligence of the person to whom such permit is issued or his or her agents, servants and employees.

(b) A person whose business is that of moving buildings, machinery or other heavy or bulky articles may, if he or she wishes, file a bond with the City, with one or more sufficient sureties to be approved by the City Attorney, in the sum of five hundred thousand dollars (\$500,000) conditioned to indemnify the City as set forth in subsection (a) hereof as to all losses and damages resulting under permits granted within a period not exceeding one year.

Upon acceptance of such bond by the City, a permit valid for one year may be issued by the Superintendent of Public Service to the person upon the payment to the Treasurer of a fee as provided by resolution of Council, covering all vehicles owned by such person and used in his or her business.

During the life any annual permit, the holder thereof may secure temporary permits upon request without charge from the Superintendent covering all vehicles owned by him or her and used in the business by obtaining clearance and permission from the Superintendent as to route and hours of travel.

1468.03 ROUTE; TIME LIMITATION.

The permit issued under Section 1468.02 shall designate the route to be traveled and the time within which the building, machinery or other heavy or bulky article shall be moved. While in transit, such building, machinery or other article shall be moved in the most expeditious manner and in such a way as to least obstruct the public streets.

(Ord. 456; 1959 Code Sec. 3-159)

1468.04 OBSTRUCTION OF STREETS.

No person shall leave any building, machinery or other heavy or bulky article on a street crossing between the hours of sunset and sunrise, or on a street at night unless there is a suitable barrier around the same, with a sufficient number of colored lights thereon, during the period of one-half hour after sunset and one hour before sunrise, visible at least 200 feet away.

(Ord. 456; 1959 Code Sec. 3-159)

1468.05 PROTECTION OF PAVEMENT.

No building, machinery or other heavy or bulky article shall be moved into, along or across a paved street or alley unless the wheels under the same are so equipped as to prevent the flanges of such wheels from cutting, breaking or injuring the pavement.

(Ord. 456; 1959 Code Sec. 3-159)

1468.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1476

Swimming Pools

1476.01 Swimming pool defined; compliance required.

1476.02 Building permit applications; information required.

1476.03 Location.

1476.04 Fencing.

1476.05 Drainage.

1476.06 Lighting and electrical apparatus.

1476.99 Penalty.

CROSS REFERENCES

Swimming pools generally - see M.C.L.A. Secs. 325.601 et seq.

State loans to schools and school districts - see M.C.L.A. Secs. 388.931 et seq.

Mechanics' liens - see M.C.L.A. Secs. 570.1 et seq.

1476.01 SWIMMING POOL DEFINED; COMPLIANCE REQUIRED.

As used in this chapter, "swimming pool" means a pool, tank or open lake, other than a farm pond or stock tank, not located within a completely enclosed building, containing or normally capable of containing water to a depth at any one point greater than one and one-half feet. No such swimming pool shall be constructed or operated in any district, whether as an accessory use or principal use, unless it complies with this chapter.

1476.02 BUILDING PERMIT APPLICATIONS; INFORMATION REQUIRED.

The application for a building permit to erect a swimming pool shall include the name of the owner; the manner of supervision of the pool; a plot plan and the location of adjacent buildings, fencing, gates and public utilities; specifications and plans to scale of pool walls, the slope, the bottom, the walkway and diving boards, if any; the type and rating of auxiliary equipment; the piping and valve layout; and any other information deemed necessary by the Department of Public Works.

1476.03 LOCATION.

(a) A neighborhood pool used for public purposes shall not be located less than 200 feet from another lot in a residential district.

(b) If located in a residential district for the exclusive use of persons and guests occupying the principal structure, a pool may be located anywhere on the premises except in required front yards or required corner lot side yards facing or fronting the street, provided that the pool is not located less than four feet from a side yard property line and ten

feet from a rear yard property line or alley, as the case may be. Pump and filter installations shall not be located less than ten feet from any property line or adjacent building.

1476.04 FENCING.

For the protection of the general public and children in particular, a pool shall be entirely walled or fenced, so as to prevent access thereto, by not less than five and one-half feet of wall or fencing. All openings in such wall or fence shall be equipped with self-closing, self-latching gates which shall be securely locked with a tamperproof lock when the pool is not in use.

1476.05 DRAINAGE.

Adequate provision for drainage shall be made, subject to the approval of the Division of Engineering of the Department of Public Works.

1476.06 LIGHTING AND ELECTRICAL APPARATUS.

Any lighting to illuminate a pool from above ground shall be so arranged as to deflect the light from adjoining properties. Electrical wiring in connection with pools shall be made in conformity with this Building and Housing Code.

1476.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CODIFIED ORDINANCES OF HIGHLAND PARK