

Chapter 17 HOUSING CODE*

***Cross references:** Authority of housing inspectors to serve summons for Code violation, § 1-8(b); buildings and building regulations, Ch. 9; dangerous dwellings and procedure for repair or demolition thereof, § 9-314 et seq.; fire prevention and protection, Ch. 15; historic districts, Ch. 16; discrimination in real estate transactions, § 18-17 et seq.; nuisances, § 22-3 et seq.; sewers, Ch. 28; solid waste, Ch. 31; swimming pools, Ch. 34; tax exemption for certain housing projects, § 35-4; water, Ch. 38; zoning ordinance, App. A; subdivisions, App. B.

State law references: Housing law, MSA § 5.2771 et seq.; MCL § 125.401 et seq.; authority of city to adopt and enforce housing ordinance, MSA § 5.2778; MCL § 125.408.

- Art. I. Administrative Provision, §§ 17-1--17-26
- Art. II. Housing Board of Appeals, §§ 17-27--17-47
- Art. III. Minimum Space, Use and Location Requirements, §§ 17-48--17-64
- Art. IV. Minimum Standards for Exits, Smoke Detectors, Security, Heating and Lighting Facilities, §§ 17-65--17-82
- Art. V. Minimum Standards for Basic Equipment, Facilities and Maintenance Requirements, §§ 17-83--17-106
- Art. VI. Minimum Standards for Windows, Doors, Additional Facilities, §§ 17-107--17-123
- Art. VII. General Accessory Requirements, §§ 17-124--17-139
- Art. VIII. Roominghouse Requirements, §§ 17-140--17-150
- Art. IX. Reserved, §§ 17-151--17-177
- Art. X. Reserved, §§ 17-178--17-180
- Art. XI. Reserved

ARTICLE I. ADMINISTRATIVE PROVISION*

***Editor's note:** Ord. No. 1687, adopted Oct. 18, 1999, amended former Art. I, §§ 17-1-17-17, in its entirety to read as herein set out. Former Art. I was titled "In General" and derived from the following:

B&H Code sections: BH301; BH303; BH304.1, .2; BH308.1., .6, .7; BH310.1--.3; BH311.1--.4, BH312.10, BH313.2, .3; BH315.1--.4, .6.

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Sec. 17-1. Title and purpose.

- (a) *Title:* This chapter shall be known and may be cited as the "Housing Code of the City of Kalamazoo."
- (b) *Purpose:* The general purpose of this chapter is to protect the public health, safety and the general welfare of the people of the city. These general objectives include, among others, the following specific purposes:
- (1) To protect the character and stability of residential areas within the city.
 - (2) To provide minimum standards for kitchen, heating and sanitary facilities necessary to the health and safety of occupants of buildings.
 - (3) To provide standards for light and ventilation necessary to health and safety.
 - (4) To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
 - (5) To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.
 - (6) To provide minimum standards for the maintenance of existing residential buildings and thus to prevent the spread of slums and blight.
 - (7) To preserve the taxable value of lands and buildings throughout the city.
- (c) Unless otherwise provided by state law, in the event of a conflict between a provision of this Chapter and a provision of any national or published code adopted by the City, the provisions of this Chapter shall control.

(Ord. No. 1687, 10-18-99)

Sec. 17-2. Definitions.

Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms defined in other codes: Where terms are not defined in this code and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A17.1 and NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

Terms not defined: Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context

implies.

Parts: Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

[Terms defined:]

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

Agent (responsible local): See section 17-17.

Approved means determined by the City to be in compliance with this chapter.

Basement means a portion of a building located entirely underground or partly underground (having more than one-half (1/2) its clear floor-to-ceiling height below the average grade of the adjoining ground).

Basic structural elements means the parts of a building which provide the principal strength, stability, integrity, shape and safety, including, but not limited to, plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry, and all other essential components.

Bed-and-breakfast inn shall be a private residence that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent. It shall be the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, and it serves breakfast at no extra cost to its transient tenants.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Board or Board of Appeals means the Housing Board of Appeals established in section 17-27.

Certificate of compliance: A document issued by the enforcing agency which states that the listed property is in substantial compliance with the requirements of this chapter.

Common areas are those interior and exterior areas normally accessible to all occupants, such as, but not limited to, hallways, stairs, and yards. Common areas do not include dwelling units, exterior or interior areas assigned to specific occupants, such as assigned storage or parking places, or such places as offices or areas from which occupants are generally excluded.

Condemned means unfit for occupancy.

Deteriorate means to decay, decompose, or degenerate.

Deterioration or *deteriorated* means the fact or process of decay, infestation, rotting, decomposition, or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable, or unsuitable for its intended use, including, but not limited to, the advanced stage of rot, rust, mold, insect ingestion, infestation, or destruction.

Duplex means a building with two (2) dwelling units.

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

Dwelling unit: A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Egress is what an exit provides. A means of egress consists of three separate and distinct parts: the exit access (portion that leads from any occupied point in a building or structure to an exit), the exit (defined below) and the exit discharge (portion between the termination of an exit and a public way).

Exit is that portion of a means of egress system separated from other interior spaces of a building or structure by fire-resistance-rated construction and opening protectives as required to provide a protected path of egress travel between the exit access and the exit discharge. Exits include exterior exit doors at ground level, exit enclosures, exit passageways, exterior exit stairs, exterior exit ramps and horizontal exits.

Family:

- a. "Family," unless defined subsequent to the adoption of this ordinance in the City's Zoning Ordinance, shall mean one (1) person or two (2) unrelated persons residing in a dwelling unit; or where there are more than two (2) persons residing in a dwelling unit, persons classified constituting a family shall be limited to those persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, or any combination of the above persons who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit. In the event that the City's Zoning ordinance adopts a new definition of "family" subsequent to the adoption of this ordinance, that definition shall apply to Chapter 17.

Any person seeking the rights and privileges afforded a member of a family by this ordinance shall have the burden of proof by clear and convincing evidence of their family relationship.

- b. "Functional family." As herein defined, a functional family shall mean a collective number of individuals living together in a dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit. A functional family shall be given the same rights and privileges and shall have the same duties and responsibilities as a family, as defined herein for purposes of construing and interpreting the zoning ordinance.

This definition of functional family shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor a group whose sharing of a dwelling unit is not to function as a family, but merely for convenience and economics. Nor shall it include residents of a state-licensed residential facility except to the

extent permitted by law.

Any person seeking the rights and privileges afforded a member of a Functional Family by this ordinance shall have the burden of proof by clear and convincing evidence of each of the elements of a functional family.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, including cans, containers, and wrappings wasted therewith.

Garbage container means either:

- (1) A watertight container that is constructed of durable material impervious to rodents that is capable of being serviced without creating unsanitary conditions or such other containers that have been approved by the Kalamazoo County Health Department. Containers shall have tight-fitting covers or lids; or
- (2) A receptacle designed to be transported by or mechanically emptied into a refuse collection vehicle and does not include receptacles used in office buildings, businesses, and single-family dwellings which are less than twenty-gallon capacity.

Good repair means to be properly installed, stable, and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.

Good workmanship means completing a task of construction, repair, replacement, alteration or maintenance to industry standards using like materials so that the result is free of defects, operates as intended, and creates no unsafe conditions. Proof of structural soundness may be required from the property owner. Evidence shall be submitted by a licensed architect or engineer or other appropriate licensed professional.

Habitable area means all areas within a dwelling unit used for living, sleeping, cooking or eating, excluding:

- (1) Bathrooms and/or toilet compartments.
- (2) Foyers, hallways and connecting corridors too small to be used for any other purpose than as foyers and connecting corridors.
- (3) Stairways.
- (4) Closets and storage space used as such or too small to be used for anything else.
- (5) Three-season porches.

Historic means buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

Hotel/Motel is any building containing six (6) or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

Loft Apartment: A dwelling unit located in the upper stories of a mercantile, warehouse, or factory usually not partitioned off into rooms. If partitions are installed, they are not required to extend to the ceiling or contain doors (in order to allow borrowing light and ventilation from adjacent areas).

Mechanical equipment includes heating equipment, water heaters, and other items specifically covered by the city's mechanical/plumbing code.

Minor violations are violations which do not pose an immediate or near term threat to the physical health or safety of the occupant(s) or public. They include, but are not limited to, such items as worn or torn carpeting, holes in interior wall or ceiling surfaces, loose hinges or door knobs, checked window glazing, low heat in one (1) room or area, dripping faucets, absence of street address numerals, minor peeling exterior paint, etc.

Mobile Home means a structure, transportable in one (1) or more sections, which is built on a chassis and is designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Any mobile home occupied by someone other than its owner shall be subject to the required rental registration and certification requirements of this Chapter.

Multiple dwelling means a residential building containing three (3) or more dwelling units arranged either side by side or one (1) above the other (also apartment, townhouse, and garden apartment). Such term shall also mean any building containing:

- (1) Two (2) or more dwelling units and one (1) or more commercial occupants; or
- (2) Two (2) or more commercial occupants and one (1) or more dwelling units.

Nuisance shall include:

- (1) Any public nuisance known at common law or equity.
- (2) Any condition which might attract and be dangerous to the public, whether in a dwelling, on the premises upon which a dwelling is located or upon an unoccupied lot near a dwelling. This includes, but is not limited to, abandoned wells, cisterns, shafts, basements, excavations, structurally unsound fences, outbuildings or structures, lumber, vegetation, mounds of gravel, sand or earth which might prove a hazard for the public and whatever is dangerous to human life or is detrimental to health.
- (3) Overcrowding a room with occupants.
- (4) Lack of adequate egress.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.
- (7) Improper disposal of garbage rubbish, refuse, and/or trash.
- (8) Whatever renders air, food, or drink unwholesome or detrimental to health as determined by the health officer.

- (9) Insufficient support, inadequate sewerage, drainage, heating, or wiring.
- (10) Any violation of the provisions of this chapter relating to the aforesaid declared nuisances.

Occupant means any person who regularly lives, sleeps, cooks, eats, or has actual legal possession of a dwelling unit or rooming unit. An occupant may be a person other than one who has a leasehold or other legal possessory interest in a dwelling unit or rooming unit.

One-family dwelling means a residential building containing a dwelling unit for occupancy by only one (1) family.

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

- (1) Shall have the legal or equitable title to a dwelling with or without the accompanying actual possession thereof; and/or
- (2) Shall be the land contract purchaser of any premises or dwelling; or
- (3) Shall have the charge, care, custody, possession, or control of any dwelling as owner or agent of the owner or as fiduciary.

A housing co-operative or condominium whether it is a partnership, corporation, or any type of association, shall be considered an owner of the buildings, grounds, and dwelling units which are part of the co-operative or condominium.

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

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

Refuse means any waste product which is not water-carried and which is composed wholly or partly of such materials as garbage, rubbish, sweepings, industrial solid wastes, or domestic solid wastes, organic wastes or such other substances as may become a nuisance.

Rent is compensation or return of value given periodically, or for a set period of time, in exchange for the right of possession of a dwelling or dwelling unit.

Rental unit means any dwelling unit, rented or leased or any dwelling occupied as a home or family unit containing certain rooms in excess of those occupied by members of the immediate family and occupied as a home or family unit which is leased or rented to one (1) or more persons outside the family. Dwelling units in a housing co-operative or condominium shall be considered rental units for purposes of this section, if they are rented.

Residential collective means a residential dwelling, other than a multiple dwelling or roominghouse, in which sleeping, cooking, and eating facilities are let by the owner or operator to more than two (2) persons who are not related by blood, marriage, or adoption to the owner or operator or to each other. This definition shall include any society, club, fraternity, sorority, association, lodge, federation, organization, or group of individuals whose domestic relationship is of a transitory or seasonal nature.

Residential Cooperative means any cooperative that provides residential units, and includes a non-profit consumer cooperative that provides residential dwelling units, pursuant to the relevant provisions of Public Act 162 of 1982, as amended (MCL 450.3103), the majority of the votes of which cooperative are held by consumers and the majority of members of which do not have the right of possession or occupancy of dwelling units they do not occupy. For purposes of this Chapter, all residential cooperatives located on a single parcel or on contiguous parcels shall be deemed multiple dwellings, and shall be subject to inspection as provided by this Chapter. For all other residential cooperatives, each individual dwelling unit and all common areas, if any, shall be subject to inspection pursuant to the provisions of this Chapter.

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

Roominghouse, lodging houses, and bed-and-breakfast inns, means any dwelling or that part of any dwelling or dwelling unit containing five (5) or less rooming units in which space is let primarily for sleeping purposes by the owner or agent to more than two (2) persons who are not related to the owner or operator by blood, marriage, or adoption.

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

Structurally sound means that all basic structural elements (see definition) shall provide strength, stability, integrity, shape, and safety. Proof of structural soundness may be required from the property owner. Evidence shall be submitted by a licensed architect or engineer.

Substantial violations are violations which pose an immediate or near term threat to the physical health or safety of the occupant(s) or public. They include but are not limited to such items as lack of dwelling unit heat or water, broken/leaking/plugged sanitary sewer or drains, improper or inadequate venting of fossil fuel burning appliances, loose or missing stair treads or rails, foundation walls in danger of collapse, lack of required functioning smoke alarms, blocked or unsafe exit paths, etc.

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

Tenant means any person, other than a legal or equitable title holder, occupying or possessing a dwelling or part thereof.

Two-family dwelling means a residential building containing two (2) dwelling units, each intended for occupancy by only one (1) family.

Unfit for human habitation. Any dwelling or dwelling unit which, because of its condition or the condition of the lot upon which the dwelling or dwelling unit stands or any accessory structure thereof is dangerous to life, safety, or the general welfare of the occupants or of the public, shall be deemed unfit for human habitation. A dwelling or dwelling unit deemed unfit for human occupancy shall be condemned until such condition(s) is remedied.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 1, 7-5-05)

Sec. 17-3. Service of notices or orders under chapter.

Unless otherwise provided for the purpose of this chapter, a person shall be deemed to be served with a notice or order on the date of personal service of a copy thereof or on the date the notice or order is mailed to him or her at the address registered with the city.

(Ord. No. 1687, 10-18-99)

Sec. 17-4. Compliance with chapter generally.

No person shall occupy, rent, lease or permit any occupancy of any dwelling or dwelling unit unless it substantially complies with all applicable provisions of this chapter. Occupancy of any dwelling unit regulated by this chapter shall create a rebuttable presumption that such occupancy has occurred with the express and/or implied consent of the owner. The provisions of the Michigan Building Code, also known as the Stille-DeRossett-Hale Single State Construction Code Act, which is Public Act 230 of 1972, as amended (MCL 125.1501 et seq.), and rules promulgated pursuant to that statute, supersede any contrary provision of this Chapter for residential dwelling units constructed in compliance with the then-current provisions of that statute.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 2, 7-5-05)

Sec. 17-5. Temporary dwelling to comply with chapter.

It shall be unlawful for any person to erect or occupy any structure which is intended to be occupied, in whole or in part, as a temporary dwelling unless it complies with all provisions of this chapter.

(Ord. No. 1687, 10-18-99)

Sec. 17-6. Application of chapter to hotels and motels.

Every provision of this chapter which applies to roominghouses shall also apply to hotels and motels except to the extent that any such provisions may be found in conflict with the laws of the state or with the lawful regulations of any state board or agency.

(Ord. No. 1687, 10-18-99)

Sec. 17-7. Occupancy of house trailers as dwellings.

No house trailer or mobile home, whether mobile or not, shall be occupied as a dwelling within the city except in legally established trailer parks or mobile home communities.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 3, 7-5-05)

Sec. 17-8. Authority to condemn and procedures; persons not to occupy or be present in dwellings that are condemned or that constitute a nuisance.

- (a) The City shall have the authority to condemn any dwelling that is unfit for human habitation or occupancy and constitutes a nuisance as defined in Section 17-2 and order it promptly vacated by posting a notice of condemnation at a conspicuous location on the property and by mailing written notice to the owner of record at his/her last known address based on Community Development Rental Registration records or City Assessor records. The City shall also have the authority to immediately board up or otherwise secure an unoccupied condemned dwelling if it is open to casual entry. Further, the City may require the owner to place a condemnation notice on the inside portion of a first floor window facing the street. No person shall remove or cause to be removed any condemnation notice without permission of the City.
- (b) No person shall occupy or be present in a dwelling or dwelling unit if it is condemned or if it constitutes a nuisance as defined in Section 17-2. Provided, however, that the owner or agent of the owner may be present for the purposes of making repairs and the owner or agent of the owner and the tenant(s) may be temporarily present for the purpose of moving personal property from the dwelling. Occupancy of any such dwelling or dwelling unit creates a rebuttable presumption that such occupancy has occurred with the permission of the owner.
- (c) Any person in violation of any provisions of this section shall be deemed guilty of a misdemeanor.

(Ord. No. 1687, 10-18-99; Ord. No. 1774, § 1, 7-6-04; Ord. No. 1785, § 4, 7-5-05)

Sec. 17-9. Abatement of rent in case of dwelling unfit for human habitation.

If any building constructed as or altered into a dwelling is occupied in whole or in part for human habitation in violation of this Chapter so that the same is unfit for human habitation during the unlawful occupation, no rent shall be accepted, retained or recoverable by the owner or lessor of the premises for the period; no action or special proceedings shall be maintained for possession of the premises for nonpayment of rent; and the premises may be declared unfit for human habitation and the city, acting as the enforcing agency may cause them to be vacated accordingly.

(Ord. No. 1687, 10-18-99)

Sec. 17-10. References to codes.

The terms "building code," "electrical code," "mechanical code," and "plumbing code," as used in this chapter or notices issued pursuant to this chapter, refer to those respective codes in Chapter 9 of the Kalamazoo City Code. The word "code" when not used in any of the foregoing contexts, but used in this chapter or in a notice issued pursuant to this chapter, refers to this chapter.

(Ord. No. 1687, 10-18-99)

Sec. 17-11. Removing or disconnection required services, facilities, equipment or utilities.

No person shall cause any utility which is required under this Chapter or state law to be removed or shut off from or disconnected from any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while

actual repairs or alterations are in process, or during temporary emergencies where discontinuance of service is approved by the city. The requirements of section 17-22 of the City Code of Ordinances shall not apply to section 17-11.

(Ord. No. 1687, 10-18-99)

Sec. 17-12. Inspections to enforce chapter--Generally.

For purposes of enforcement and administration of Chapter 17 of the City Code, the following shall apply:

- (a) The city, acting as the enforcing agency, shall make inspections for the enforcement of this chapter. Such inspections are based on a legislative reaffirmation by the city that the most effective way to obtain compliance with the minimum requirements of this chapter is through routine periodic inspections of all premises regulated by this chapter, including hotels, motels, bed and breakfast inns, residential cooperatives, residential collectives, roominghouses, and all rental housing, as provided for in subsection (d) of this section, as mandated by Michigan law, and as expressly endorsed by the United States Supreme Court. These inspections may be supplemented as needed with inspections undertaken on the basis of one (1) or more of the provisions found elsewhere in this section.
- (b) Subject to the provisions of § 17-12.1, the building official or any inspectors may request permission to enter all premises regulated by this chapter, at reasonable hours, to undertake an inspection. Upon an emergency, as defined under rules promulgated by the city, the inspector or team of inspectors shall have the right to enter at any time. Unless otherwise provided in this chapter or by a policy or an administrative rule, such inspections shall include a thorough examination of all parts of such rental units and the premises connected therewith, including all common areas and all dwelling units, for any violation of the City Code or state law which could affect the health, safety and welfare of any occupant or use of the premises, regardless of whether such dwelling units are rental units as defined by this chapter. The building official or any other inspector is also hereby empowered to make an inspection of any portion of any premises regulated by this chapter when there is probable cause to suspect that there is a violation of this chapter at the premises in question. Such inspections may be accomplished by a search warrant as provided for by this chapter and state law, by access voluntarily provided by the owner or responsible local agent to unoccupied units and common areas, or by access voluntarily provided by a resident of a dwelling unit occupied by that resident.
- (c) The city shall be entitled to at least one (1) inspection every three (3) years of all multiple dwellings and multiple dwelling complexes regulated by this chapter, and to one (1) inspection every two (2) years for all other premises regulated by this Chapter. The City Manager may promulgate rules governing the length of certificates of compliance and the number of units inspected in multiple dwellings and multiple dwelling complexes. The initial rules shall take effect upon endorsement by resolution of

majority of the City Commission, subject to the following requirements:

- (1) As an incentive for compliance with the provisions of this Chapter, such rules may provide for the issuance of certificates of compliance for up to six (6) years for multiple dwellings or multiple dwelling complexes containing eighteen (18) or more dwelling units first occupied on or after January 1, 1960, provided that all common areas, parking facilities and accessory buildings are inspected at least every three (3) years. Such rules may also provide for inspection of fewer than all of the dwelling units at any inspection of any multiple dwelling or multiple dwelling complex conducted under this chapter.
- (2) As an incentive for compliance with the provisions of this chapter, such rules may provide for the issuance of certificates of compliance for up to three (3) years for all other premises regulated by this chapter, including single-family homes and duplexes.
- (3) As an incentive for compliance with the provisions of this Chapter, such rules may also provide for the issuance of certificates of compliance which are valid for a period of time as short as one (1) year in the event that the property has a history non-compliance with the provisions of this chapter.
- (4) Such rules may provide for longer initial certificates of compliance for newly constructed premises.
- (5) Until such time as the City Commission approves the initial rules authorized by this section, the following provisions shall apply:
 - a. All properties subject to inspection under this chapter shall be inspected on a biennial basis.
 - b. All certificates of compliance authorized by this chapter shall be for a period of two (2) years.
 - c. The number of units inspected in multiple dwellings containing thirty (30) or more dwelling units shall be governed by the provisions of Ordinance 1558, until such time as rules authorized by this section are adopted. Inspections of residential cooperatives located on a single parcel or on contiguous parcels shall not begin until the City Commission has approved rules governing such inspection.
- (6) The City Manager shall have the authority to amend the initial rules governing the length of certificates of compliance and the number of units inspected in multiple dwellings, provided that any proposed amendment shall be presented to the City Commission as an information item on the agenda of a regularly scheduled City Commission meeting held at least thirty (30) days prior to the proposed effective date of the amended rules.

The initial rules promulgated under this section shall take effect ten (10)

days after this ordinance [Ord. No. 1687, adopted Oct. 18, 1999] is approved by the City Commission. The City Manager shall have the authority to amend rules governing the length of certificates of compliance and the number of units inspected in multiple dwellings, provided that any proposed amendment shall be presented to the City Commission as an information item on the agenda of a regularly scheduled City Commission meeting held at least thirty (30) days prior to the proposed effective date of the amended rules.

- (d) The city shall have the authority under this chapter to obtain a search warrant to perform any inspection authorized by this chapter or by state law. Such a search warrant shall be deemed to be an administrative search warrant, and shall permit an inspection to go forward only for purposes authorized by this chapter and state law. Such a search warrant shall be issued in the event that the premises in question have not been inspected within the time period prescribed by ordinance, by administrative policy, or by rule, or when the premises no longer have a current certificate of compliance. For those premises which have not previously been certified under this chapter, the search warrant shall establish the legal basis necessary to issue a search warrant under applicable state and federal law. Any search warrant issued under this chapter shall establish that the city has complied with such other provisions of this chapter and such state laws as may be applicable.
- (e) In addition to the inspections required by § 17-12(b), an inspection may be authorized on one (1) or more of the following bases:
 - (1) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously or within a short period of time.
 - (2) A complaint basis, such that complaints of violations will be inspected within a reasonable time.
 - (3) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.
- (f) Inspections under this section shall be carried out by the city as the enforcing agency and may include such representatives of other agencies as may form an inspection team to undertake an inspection under this chapter and other applicable ordinances.
- (g) In a non-emergency situation in which the owner or occupant demands a search warrant, the city shall obtain a warrant from a court of competent jurisdiction. The occupant shall have the exclusive right to demand a search warrant for an inspection of any dwelling unit. The warrant shall state the address of the building to be inspected, the nature of the inspection, as defined in this chapter or other applicable ordinances, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g., mandatory periodic inspection, complaint, area or recurrent violation basis) established in this section, in other applicable statutes, ordinances or in rules or regulations. The warrant shall also state that it is issued pursuant to authority granted by

this chapter and by the authority of § 127 of Public Act 167 of 1917, as amended (MCL 125.527), and that it is for the purposes set forth for the inspection of rental property by state statutes and city ordinances. The owner and/or responsible local agent shall be responsible for providing access whenever a search warrant is issued pursuant to the provisions of this chapter.

- (h) The city may, subject to approval by the city commission, establish and charge a reasonable fee for inspections conducted under this chapter.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 5, 7-5-05)

Sec. 17-12.1. Systematic inspection procedures.

- (a) It is the policy of the City of Kalamazoo that its staff will work cooperatively with landlords, tenants, neighborhood associations and other interested groups and individuals to help ensure safe, decent and sanitary rental housing through the systematic inspection of rental properties pursuant to the requirements prescribed by this chapter.
- (b) The owner and/or responsible local agent shall, contact the city to schedule the systematic inspection in a timely manner such that the certificate of compliance can be issued prior the expiration of the then current certificate of compliance.
- (c) It shall be the responsibility of the owner and/or responsible local agent to contact the city to schedule the systematic inspection required by this chapter.
- (d) Once a date for an inspection is scheduled, the owner and/or responsible local agent shall do all of the following prior to the date of the scheduled inspection:
 - (1) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection of the date when the inspection is scheduled to occur.
 - (2) Request permission from the tenant or occupant of each dwelling unit scheduled for possible inspection to enter the rental unit in the event that the tenant or occupant is not at home when the inspector arrives.
 - (3) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection that the owner or the owner's representative is required to accompany the inspector during the performance of all inspections of rental dwelling units, and that the owner or the owner's representative must provide access to the inspector by unlocking the dwelling unit's door in the event that the tenant is not at home.
- (e) In all cases where a tenant or occupant has informed the owner or responsible local agent, either orally or in writing, that the tenant will permit the owner or owner's representative to provide access to the inspector with access to the dwelling unit, the owner shall provide access to the dwelling unit in question for purposes of conducting the inspection required by this chapter.
- (f) In the event that a tenant who has consented to the inspection informs the owner or responsible local agent that he or she would like to be present during the inspection, but that the time scheduled for the inspection is not convenient, the owner or responsible local agent shall inform the city of the tenant's desire to be present when the inspection occurs. The city shall make a reasonable effort to

comply with the tenant's request. In the event that the city, owner, and tenant cannot schedule a mutually convenient time for the inspection, the city shall have the discretion to seek a search warrant to inspect that dwelling unit pursuant to authority granted by this chapter and state law.

- (g) In the event that a tenant or occupant of a unit scheduled for possible inspection informs the owner and/or responsible local agent that he or she will demand that the city obtain a search warrant, the owner shall inform the tenant that the owner or a representative of the owner is required by city code to accompany the inspector during the execution of a search warrant, and is required to provide access to any dwelling unit when a proper search warrant has been issued by a court of competent jurisdiction. In the event that a search warrant is issued at the request of a tenant, the city shall make a reasonable effort to inform the tenant of the date of execution of the search warrant.
- (h) In all cases where a court of competent jurisdiction has entered a search warrant authorizing the inspection of a particular dwelling pursuant to MCL 125.527 and the provisions of this chapter, the owner and/or responsible local agent shall accompany the inspector during the execution of the search warrant and inspection of the named dwelling units, and shall provide access to each dwelling unit described in that search warrant.
- (i) The city may require the owner of a leasehold to do one (1) or more of the following:
 - (1) Provide the enforcing agency access to the leasehold if the lease provides the owner a right of entry.
 - (2) Provide access to areas other than a leasehold or areas open to public view, or both.
 - (3) Provide access to the leasehold if a tenant of that leasehold has made a complaint to the enforcing agency.
- (j) Neither the city nor the owner may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold. An owner of a multiple dwelling shall not discriminate against any person whose dwelling unit is randomly selected for inspection by the city, nor shall any owner bill the cost of the inspection to tenants or other occupants of a property which is inspected under the provisions of this chapter.
- (k) The city shall not discriminate against an owner who has met the requirements of subsection 17-12.1(i) but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain the permission.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 6, 7-5-05)

Sec. 17-13. Responsibility for violations; procedures.

- (a) Any person who causes, permits, allows or maintains a condition on or in any premises in violation of this chapter shall be deemed guilty of a misdemeanor; each week that a violation exists shall constitute a separate offense.
- (b) Any person who causes, maintains, permits or allows a nuisance on or in any premises shall be deemed guilty of a misdemeanor.

- (c) Whenever the building official determines that there has been a violation of any provision of this chapter or any rule or regulation adopted pursuant thereto, he/she may give notice of the violation to the person responsible therefor and order the correction of the violation. Such notice shall:
- (1) Be in writing.
 - (2) Include a statement of the conditions that constitute violations of this chapter.
 - (3) Specify that a permit for the performance of the work necessary to correct such violations be taken out from the building division.
 - (4) Notify the owner, agent or occupant, as the case may require, of the time within which the violation shall be corrected. If he finds that the work cannot be completed within the time specified or for any other reason, he may appeal to the housing board of appeals as set forth in Article II of this chapter.
 - (5) Be served upon the owner, agent or occupant as the case may require. Such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy is served upon him/her personally; or if a copy thereof is posted in a conspicuous place on the dwelling affected by the notice; or if such notice is served by any other method authorized or required under the laws of this state. The time for performance shall commence on the date of personal service or date of posting or mailing depending upon the method of service used.
- (d) Whenever the building official finds that a violation of this chapter creates a situation which requires immediate action to protect the public health and safety, he/she shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.
- (e) Prosecutions for violations of this chapter may be commenced by issuing an appearance ticket without prior notice. The building official is authorized to issue and serve such appearance tickets.

(Ord. No. 1687, 10-18-99)

Sec. 17-14. Fees for actions taken under Chapter 17.

- (a) The city commission may, by resolution, establish reasonable fees for covering the costs of actions taken under Chapter 17 of the City Code of Ordinances.
- (b) The costs shall be a lien against the real property and shall be reported to the assessing officer of the city who shall assess the cost against the property on which the building or dwelling is or was located.
- (c) The owner or party in interest in whose name the property appears upon the last local tax assessment record shall be notified of the amount of the costs referred to in subsection (b) by first-class mail at the address shown on the record. If he/she fails to pay the same within thirty (30) days after mailing by the assessor

of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the city, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes and/or may be collected by suit at law. Interest shall accrue as provided for taxes and judgments by law.

(Ord. No. 1687, 10-18-99)

Sec. 17-15. Registration of hotels, rental dwellings, residential collectives, residential cooperatives, bed and breakfast inns, and roominghouses.

The owner of any hotel, any rental dwelling, or of any residential collective, residential cooperative, bed and breakfast inn, or roominghouse, shall register it with the City and shall designate a person, as defined in section 17-17, as the responsible local agent who shall be legally responsible for compliance with the City Code and shall also be responsible for providing access to such property for the purpose of making the inspections necessary to ensure such compliance in conformance with applicable provisions of this chapter and state law. Each responsible local agent shall maintain a current list of the number of occupants of each hotel, bed and breakfast inn, or roominghouse for which he/she is responsible. A certificate of compliance shall not be issued if the registration provisions of this Article are not complied with.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 7, 7-5-05)

Sec. 17-16. Registration forms.

An application for registration shall be made in such form and in accordance with such instructions as may be provided by the city. No application for registration shall be valid unless it is filled out completely.

(Ord. No. 1687, 10-18-99)

Sec. 17-17. Responsible local agent.

- (a) The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his/her place of residence in the County of Kalamazoo, or having his/her place of residence in the approved zip codes (as determined by the city). The responsible local agent shall be designated by the owner of the premises as responsible for operating such property in compliance with all the provisions of the City Code. All official notices of the city may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record."
- (b) The City may, by ordinance or resolution, require that the registered agent in any area or areas designated by the City Commission be licensed by the State of Michigan as a Real Estate Broker, a Real Estate Salesperson, an attorney, or such other licensing or certification requirement as the City Commission deems appropriate. In the event that such a requirement is imposed, the City shall not issue a new certificate of compliance for any property in the designated area that is not in compliance with this section, and shall revoke the certificate of compliance for any property in the designated area that is not in compliance with this section by the date specified in the ordinance or resolution creating the

designated area.

(Ord. No. 1687, 10-18-99; Ord. No. 1751, § 1, 12-2-02; Ord. No. 1785, § 8, 7-5-05)

Sec. 17-18. Transfer of ownership; transfer of noncomplying properties.

- (a) In the event of any transfer of ownership, any registration issued under this chapter shall become invalid. Any new owner shall comply with the provisions of section 17-16, and shall register the property within ten days of the date of the transfer of ownership. Every person who transfers an ownership interest in any property regulated by this chapter shall notify the city in writing within ten days of such transfer. The validity and expiration date of a certificate of compliance shall not be affected by a transfer of ownership.
- (b) The City will hold the purchaser of any hotel, rental dwelling, roominghouse or other dwelling regulated by this Chapter responsible for any compliance order issued for the property, even though such order may have been issued to the previous owner. Any new purchaser may obtain a copy of any outstanding compliance order at the City of Kalamazoo. Enforcement for failure to comply with any outstanding orders may be transferred to a new owner without additional notice.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 9, 7-5-05)

Sec. 17-19. Certificates of compliance for hotels, roominghouses, multiple dwellings, rental dwellings and residential collectives.

- (a) No person shall operate, lease, rent, occupy, or allow occupancy of, a hotel, including a bed and breakfast inn, roominghouse, multiple dwelling, residential cooperative, residential collective or any rental dwelling, including single family homes and duplexes unless there is a valid certificate of compliance issued by the city in the name of the agent and issued for the specific hotel, roominghouse, multiple dwelling, residential cooperative, residential collective or rental dwelling. The certificate of compliance shall be displayed in a conspicuous place in each hotel, roominghouse, and bed and breakfast inn at all times. The certificate shall be issued in conformance with such rules as the City Manager or his or her designee shall promulgate after registration with the city and following inspection shall state that inspection has demonstrated compliance with the provisions of the Code and state law."
- (b) The city shall not issue a certificate of compliance unless a current registration is in effect, the responsible local agent is properly designated, and inspection as required elsewhere in this chapter has determined that compliance has been secured with the minimum standards and other provisions of the City Code of Ordinances.
- (c) No certificate of compliance for any property regulated by this Chapter shall be issued until all of the following fees and debts owed to the City and related to the property have been paid in full:
 - (1) All previously billed property taxes;
 - (2) All past due special assessment installments;

- (3) All charges against the property for mowing, cleanup or weed or debris removal and other similar charges by the City;
- (4) Any fees, fines, penalties or debts or any sort arising from the provisions or enforcement of Chapters 9, 15, 15A or 17 or of the Zoning Ordinance of the Kalamazoo City Code at the property.

(Ord. No. 1687, 10-18-99; Ord. No. 1752, § 1, 12-2-02; Ord. No. 1785, § 10, 7-5-05)

Sec. 17-20. Revocation or denial of certificate of compliance.

- (a) Whenever the city finds that the operator of any rental dwelling, roominghouse, bed and breakfast inn, residential collective, or hotel has failed to comply with a notice of violation issued pursuant to section 17-13 of this Code, the certificate of compliance may be revoked.
- (b) Any person whose registration to rent or lease a dwelling regulated by this chapter has been denied or whose certificate of compliance has been revoked shall not permit occupancy of the premises until it has been properly registered with the city and a certificate of compliance has been issued.
- (c) Upon revocation of a certificate of compliance or a determination by the city that any dwelling unit or structure regulated by this chapter is unfit for human habitation, the owner or operator of said unit(s) shall immediately take such legal action as may be required to vacate the premises, including eviction proceedings; and no person shall thereafter occupy for sleeping or living purposes the unit(s) therein until said unit(s) is in compliance with this Code. All vacant buildings shall be maintained closed to casual entry as required in Chapter 9 of the City Code of Ordinances.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 11, 7-5-05)

Sec. 17-21. Civil remedies for violations.

- (a) In case any dwelling is constructed, altered, converted or maintained in violation of any provision of this chapter or of any order or notice given hereunder, or in case a nuisance exists in any dwelling or upon the lot on which it is situated, or within an accessory structure, the city may institute an action in the circuit court to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of such dwelling, building or structure or to prevent any illegal act or conduct a business in or about such dwelling or lot. The procedure for such action shall be the same as for any injunction or abatement of a nuisance under circuit court rules, the statutes in such cases made and provided, or the common law. The judgment of the court in such cause may direct the correction, repair or rehabilitation of the dwelling or building or the abatement of the nuisance, may authorize a reasonable time within which the defendant may make such correction or abatement and may authorize the city to execute and carry out the provisions of the judgment in case of default by the defendant. Whenever the city has incurred any expense for the enforcement of this chapter or the judgment of the court, the city may institute and maintain a suit against the owner of the premises in respect to which such expense shall have been incurred and may recover the amount of such expense in addition to the costs of suit. The

- judgment of the court may order the vacation of the premises until the corrections, rehabilitations or abatements are completed.
- (b) The city shall have a lien upon the premises for the expenses necessarily incurred in the execution of such judgment, which lien shall have priority over all other liens or encumbrances, except taxes, assessments or mortgages recorded previous to the existence of such lien. Such lien may be foreclosed as in the case of foreclosure of mortgages by court action, as established by the circuit court rules and the statutes of the state in such cases made and provided.
 - (c) In any action instituted by the city under this section, the city attorney shall file, in the office of the register of deeds of the county, a notice of the pendency of the action or proceeding. A notice may be filed at the time of the commencement of the action or proceeding, or at any afterward before final judgment or order, or at any time after the service of any notice or order issued by the city. The notice shall have the same force and effect as a lis pendens as provided for in the statutes of the state. The register of deeds shall record it and shall index it to the name of each person specified in directions prescribed by the city attorney. Any notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending or upon consent, in writing, of the city attorney. The register of deeds for the county shall make the notice and any record thereof as canceled of record upon the presentation, for filing, of consent or of a certified copy of the order.

(Ord. No. 1687, 10-18-99)

Sec. 17-22. Responsibility for violations; procedures.

- (a) Any person who causes, permits, allows or maintains a condition on or in any premises in violation of a criminal provision of this chapter shall be deemed guilty of a misdemeanor. A person who violates a section of this chapter which provides for civil penalties shall be deemed responsible for a municipal civil infraction. Each week that a violation exists shall constitute a separate offense.
- (b) Any person who causes, maintains, permits or allows a nuisance on or in any premises shall be deemed guilty of a misdemeanor, unless the condition is specifically deemed a civil violation.
- (c) Whenever there has been a violation of any provision of this chapter or any rule or regulation thereto, the city may give notice of the violation to the person responsible therefor and order the correction of the violation. Such notice shall:
 - (1) Be in writing.
 - (2) Include a statement of the conditions that constitute violations of this chapter.
 - (3) Specify that a permit for the performance of the work necessary to correct such violations must be obtained if one is required by the City Code.
 - (4) Notify the owner, agent or occupant, as the case may require, of the time within which the violation shall be corrected.
 - (5) Be served upon the owner, agent or occupant as the case may require. Such notice shall be deemed to be properly served upon such owner or

agent or upon such occupant if a copy is served upon him/her personally; or if a copy is sent by mail to his/her address on file with the city rental inspection program or if not a registered rental, on file with the City Assessor; or a copy thereof is posted in a conspicuous place on the dwelling affected by the notice; or if such notice is served by any other method authorized or required under the laws of this state. The time for performance shall commence on the date of personal service or date of posting or mailing depending upon the method of service used.

- (d) Whenever any inspector finds that a violation of this chapter creates a situation that requires immediate action to protect the public health and safety, he/she shall bring the matter to the attention of the building official. If the building official agrees with the inspector, the building official shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.
- (e) Prosecutions for criminal or civil violations of this chapter may be commenced by issuing an appearance ticket or citation without prior notice."

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 12, 7-5-05)

Sec. 17-23. Minimum fines.

The minimum fine for violation of this chapter shall be one (1) hundred fifty dollars (\$150.00). When a defendant has been convicted of violating either a criminal or civil provision of this housing code, the court shall determine at the time of sentencing whether the violation constituted an immediate threat to health or safety. An immediate threat to health or safety is a condition which, because of its nature, presents an immediate risk of injury to persons or damage to property, or creates a health hazard or unsanitary condition. If the court determines that the violation constituted an immediate threat to health or safety, the minimum fine shall be three hundred dollars (\$300.00). If prosecution was commenced by warrant, a summons and complaint, or a citation referencing a notice of violation, the conditions cited in said notice of violation shall be considered as one (1) violation for purposes of this section.

(Ord. No. 1687, 10-18-99)

Sec. 17-24. Penalties.

- (a) In addition to any sentence required by section 17-23, a person convicted of a violation of this chapter which is designated as a misdemeanor shall, as part of his or her sentence, be ordered as a term of probation to correct any violation of this chapter in existence at the time of the last inspection at the subject property or properties. Any probation ordered shall continue until the subject property is in full compliance with all provisions of this chapter, and shall set a deadline for compliance which shall not exceed thirty (30) days except in cases of exceptional practical difficulty. If the court finds by a preponderance of the evidence that the defendant has not complied with an order to repair the subject property, it shall order the defendant to sell his or her interest in the subject property or properties,

and may further order the defendant to sell his or her interest in any other rental properties the defendant owns located in the city. The court shall further require the person to have such property or properties appraised by a certified real estate appraiser, and shall require the person to list the property or properties at or below appraised value with a licensed real estate broker. If the court is not satisfied that the person is making a good faith effort to sell the property or properties, it shall appoint a receiver to sell the property or properties.

- (b) In addition to any fine required by section 17-23, a judge or magistrate who finds a person responsible for a violation of this chapter which is designated as a municipal civil infraction (MCI) shall order that person to bring the subject property into full compliance with all provisions of this chapter, and shall set a deadline for compliance which shall not exceed thirty (30) days except in cases of exceptional practical difficulty. If the court finds by a preponderance of the evidence that the defendant has not complied with an order to repair the subject property, it shall order the defendant to sell his or her interest in the subject property or properties, and may further order the defendant to sell his or her interest in any other rental properties the defendant owns located in the city. The court shall further require the person to have such property or properties appraised by a certified real estate appraiser, and shall require the person to list the property or properties at or below appraised value with a licensed real estate broker. If the court is not satisfied that the person is making a good faith effort to sell the property or properties, it shall appoint a receiver to sell the property or properties.

(Ord. No. 1687, 10-18-99)

Secs. 17-25, 17-26. Reserved.

Editor's note: Ord. No. 1785, § 13, adopted July 5, 2005, amended the Code by repealing former § 17-25 in its entirety. Former § 17-25 pertained to change in ownership of multiple dwellings, and derived from Ord. No. 1687, adopted October 18, 1999.

ARTICLE II. HOUSING BOARD OF APPEALS*

***Editor's note:** Ord. No. 1687, § 1, adopted Oct. 18, 1999, amended former Art. II, §§ 17-27--17-36, in its entirety which pertained similar subject matter and derived from B&H Code, §§ BH313.1--BH313.7, Ord. No. 1475, §§ 9--11, 10-30-89; Ord. No. 1558, § 1, 9-13-93.

Sec. 17-27. Established; composition; appointment and qualifications of members.

There is hereby established a Housing Board of Appeals consisting of nine (9) members appointed by the city commission. one (1) such member shall be from Inspection Services and one (1) such member shall be a representative of the Kalamazoo Public Safety Department, and each of these members shall be an ex officio,

non-voting member. The seven (7) voting members shall be residents of the city and shall be qualified by experience or training in matters pertaining to housing and building conditions to perform the duties of the Board of Appeals.

(Ord. No. 1687, 10-18-99)

Sec. 17-28. Terms of members.

The ex officio members of the Board shall serve at the will and pleasure of the city commission. The voting members shall be appointed for three (3) year terms, except that, effective January 1, 1974, two (2) members shall be appointed for two (2) year terms. Voting members shall not serve for more than two (2) successive terms and terms shall expire effective January 1, or when a successor is appointed, whichever is the later date.

(Ord. No. 1687, 10-18-99)

Sec. 17-29. Election of officers.

The Board shall elect from its members a chairperson, vice chairperson and such other officers as it may deem necessary.

(Ord. No. 1687, 10-18-99)

Sec. 17-30. Secretary; records.

The Inspection Services member of the Board shall act as recording secretary whose duty it shall be to maintain an official record of all its transactions. Such record shall show the action of the board and the vote of each member upon each question considered.

(Ord. No. 1687, 10-18-99)

Sec. 17-31. Meetings; quorums; required vote.

The Board shall meet at such times as it may determine. There shall be a fixed place for such meetings and all meetings shall be open to the public. The presence of four (4) voting members shall be necessary to constitute a quorum. It shall take a majority of the voting members of the Board present and voting to make a determination under this article.

(Ord. No. 1687, 10-18-99)

Sec. 17-32. General powers and duties.

The Board shall act as an advisory committee to the city commission and shall have these additional powers and duties:

- (1) Hear and decide appeals from and review any order, requirement, decision or determination made by officials charged with the enforcement of this chapter, except that the Board shall not have the authority to hear any matter pending in any court, to review decisions to inspect any property, or to review the terms of any certificate of compliance. All

decisions of the Board shall be subject to review as provided by law.

- (2) Where the literal application of specific provisions of this chapter would result in an exceptional practical difficulty to the applicant, the Board shall have the power, in passing upon appeals, to modify a specific provision of this chapter provided both of the following requirements are satisfied:
 - a. The performance of the particular part or item 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 performance required by this chapter for the safety and welfare of the people of the city.
 - b. The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of this chapter with respect to the condition reasonably desirable.
- (3) The Housing Board of Appeals may attach in writing any stipulations in connection with granting of a variance that, in its judgement, is necessary to protect public health, safety, and the general welfare of the people of the city. The breach of those stipulations shall automatically invalidate the variance and any certificate granted on the basis of it. In no case shall more than a minimum variance from this chapter be granted than is necessary to alleviate the exceptional practical difficulty.

(Ord. No. 1687, 10-18-99)

Sec. 17-33. Procedural rules.

The Board may make such procedural rules, consistent with the provisions of this chapter, as shall be necessary to perform its duties and exercise its powers.

(Ord. No. 1687, 10-18-99)

Sec. 17-34. Appeals to board.

- (a) Appeals from rulings of any official charged with the enforcement of this chapter may be made to the Board within such time as shall be prescribed by the Board or by this chapter. The appellant shall file, with the official from whose decision the appeal is taken and with the Board, a notice of appeal, specifying the grounds therefore, an alternate method to achieve the performance required by this chapter, and stating the address of the appellant. The official from whom the appeal is taken shall forthwith transmit to the Board a summary report of all previous action taken, and a recommendation as to the adequacy of the proposed alternative.
- (b) The Board shall fix a reasonable time for the hearing of an appeal under this section and give due notice thereof to interested parties and decide the same within a reasonable time. Within the limits of its jurisdiction, as prescribed in section 17-32, the Board may reverse, modify or affirm, in whole or in part, the order, requirement, decision or determination which is the basis for the appeal, and to that end shall have all the powers of the official from whom the appeal is taken, the final disposition of such appeal shall be in writing and shall state the specific conditions justifying the variance, along with all conditions imposed in

granting the variance. Such disposition shall be filed with the permanent property record and shall be forthwith mailed to the address given as part of the notice of appeal.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 14, 7-5-05)

Sec. 17-35. Requests for interpretation of chapter, approval of materials, etc.

Any person may file with the Board requests for the interpretation of the provisions of this chapter as provided by section 17-32(1), or for the approval of alternate methods or materials, in the same manner as provided in this article for appeals to the Board.

(Ord. No. 1687, 10-18-99)

Sec. 17-36. Finality of decisions.

Any quasi-judicial decision by the Board under section 9-31 or 17-35 shall be subject to review, as provided by applicable law, in the Kalamazoo County Circuit Court or such other court as may be appropriate.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 15, 7-5-05)

Secs. 17-37--17-47. Reserved.

ARTICLE III. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS*

***Editor's note:** Ord. No. 1687, adopted Oct. 12, 1999, amended former Art. III, §§ 17-48--17-52, in its entirety to read as herein set out. Former Art. III pertained to similar subject matter and derived from B&H Code sections BH309.1, BH309.3, and the following ordinances: Ord. No. 1475, §§ 12, 13, 10-30-89; Ord. No. 1558, § 1, 9-13-93.

Sec. 17-48. Minimum floor areas and room dimensions.

- (a) *Dwelling.* No building with less than four hundred fifty (450) square feet of habitable area shall be occupied as a dwelling.
- (b) *Dwelling unit.* Every dwelling unit shall have two (2) or more habitable rooms, one (1) of which shall have not less than one (1) hundred twenty (120) square feet of floor area. Other habitable rooms, except a kitchen, shall have an area of not less than seventy (70) square feet. A seventy-square-foot bedroom shall be occupied by only one (1) person. Every bedroom occupied by more than one (1) person shall have a minimum of fifty (50) square feet per person. Habitable rooms other than a kitchen shall be not less than seven (7) feet in any dimension. Hallways shall have a minimum width of thirty-six (36) inches. Previously certified non-conforming hallways of less width may continue to be used until alteration work is done which requires that the hallway walls be reconstructed or reconfigured. When such alterations are made, the hallway width must be as

required by the Building Code.

- (c) *Efficiency dwelling unit: Studio.* Each unit shall have one (1) habitable room of not less than one (1) hundred fifty (150) square feet of floor area. Each unit shall have a separate bathroom containing a water closet, lavatory and bathtub or shower. The unit shall be provided with a sink in the kitchen and an area for cooking and refrigeration appliances. The kitchen, lavatory and tub or shower shall be supplied with hot and cold water as required for all other dwelling units.

(Ord. No. 1687, 10-18-99)

Sec. 17-49. Occupancy limits.

- (a) Every dwelling unit shall contain a minimum of one (1) hundred fifty (150) square feet of habitable space for the first occupant and at least one (1) hundred (100) square feet of habitable space for each additional occupant.
- (b) An efficiency dwelling unit with the minimum one (1) hundred fifty (150) square feet of habitable area shall be occupied by no more than one (1) person. At least one (1) hundred (100) square feet of habitable area shall be required for each additional occupant.
- (c) Every bedroom in a roominghouse or hotel shall comply with the habitable area limits as prescribed for dwelling units in section 17-48 of this Code.
- (d) Occupancy load related to determining fire-exiting requirements shall be based on an occupancy factor of two hundred (200) square feet of total area per person on each floor.

(Ord. No. 1687, 10-18-99)

Sec. 17-50. Ceiling height.

Ceiling heights shall comply with Chapter 9 of the City Code of Ordinances. The following height minimums are adopted by that chapter:

- (1) *All habitable areas on all floors (except basement), as well as bathrooms, utility rooms and hallways:* Shall have a minimum height of seven feet. Dwelling units that have been registered and received a certificate of compliance in accordance with the city housing code (Chapter 17 of the City Code of Ordinances) prior to October 30, 1989 are exempt from this subsection.
- (2) *Habitable areas in basement:* Shall have a minimum height of six feet eight inches, with not less than six feet four inches of clear height under beams, girders, ducts and similar obstructions. Dwelling units that have been registered and received a certificate of compliance in accordance with the city housing code (Chapter 17 of the City Code of Ordinances) prior to October 30, 1989 are exempt from this subsection.

For conditions such as sloping ceilings and beamed ceilings, consult Chapter 9 for requirements.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 16, 7-5-05)

Sec. 17-51. Use of basement as habitable room or dwelling unit.

No basement shall be used as habitable room or dwelling unit unless the exits comply with section 17-65 of this chapter and the following:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
- (2) The total window area in each room is equal to at least the minimum window area size as required in section 17-107.
- (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area, or within a window well of approved size and design.
- (4) The total openable window area in each room is equal to fifty per cent of the minimum window area except where there is supplied and approved mechanical ventilation system capable of providing a change of air every 30 minutes.
- (5) The ceiling height shall comply with 17-50(2).
- (6) If any basement room or area is to be used as a sleeping area, it must also comply with requirements for emergency escape and rescue windows per 17.65(11).

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 17, 7-5-05)

Sec. 17-52. Use of third floor as habitable room or dwelling unit.

No third floor shall be used as a habitable room or dwelling unit unless the exits comply with section 17-65 of this chapter and the following:

- (1) All walls and ceilings are insulated and finished in a manner similar to those existing in the rest of the structure.
- (2) The total window area in each room is equal to at least the minimum window area size as required in section 17-107.
- (3) The total openable window area in each room is equal to forty-five (45) per cent of the minimum window area except where there is supplied an approved mechanical ventilation system capable of providing a change of air every thirty (30) minutes.
- (4) Exits shall comply with section 17-65 of this chapter.

It shall meet all other applicable section of the City Code of Ordinances.

(Ord. No. 1687, 10-18-99)

Secs. 17-53--17-64. Reserved.

ARTICLE IV. MINIMUM STANDARDS FOR EXITS, SMOKE DETECTORS, SECURITY, HEATING AND LIGHTING FACILITIES*

***Editor's note:** Ord. No. 1687, adopted Oct. 18, 1999, amended former Art. IV, §§ 17-65--17-67, in its entirety to read as herein set out. Former Art. IV pertained to similar subject matter and derived from Ord. No. 1475, §§ 16, 17, 10-30-89; Ord. No. 1558, § 1, 9-13-93; Ord. No. 1562, § 1, 12-13-93.

Sec. 17-65. Exits, corridors, stairs.

- (a) Exits, corridor doors, stairs and handrails shall comply with the following and with life-safety requirements for existing buildings contained in Chapter 9 of the City Code of Ordinances.
- (1) Exit configuration with a certificate of compliance and a record of approval issued prior to September 24, 1993, shall be approved for continued use provided the configuration is maintained in a safe condition. Any change in the use or occupancy of the structure shall require compliance with the current edition of the Michigan Building Code.
 - (2) First floor and basement units that do not exceed two thousand (2,000) square feet or an occupant load ten (10) persons are required to have only one (1) exit. That single exit shall not pass through a bedroom, bathroom or garage.
 - (3) Second floors are allowed to have only one (1) exit as long as the second floor complies with ALL of the following: does not exceed two thousand (2,000) square feet, does not exceed ten (10) occupants, does not exceed four dwelling units and the travel distance does not exceed fifty (50) feet.
 - (4) Every floor above the second level shall have access to at least two approved exits. *Exception:* In new buildings and those substantially reconstructed to comply with the requirements for a building with one (1) exit (R-2 apartment house, equipped throughout with an automatic sprinkler system, provided with emergency escape and rescue openings and a maximum of three (3) stories) the third level may be provided with only one (1) exit.
 - (5) When two (2) or more exits are required by this section, they shall be remote from each other and so constructed and arranged as to minimize any possibility that both may be blocked by any one (1) fire or other emergency condition.
 - (6) Required exit doors shall be three (3) feet by six (6) feet eight (8) inches minimum and mounted so that, when open, the minimum clear opening is thirty-two (32) inches.
 - (7) Corridors, which are an enclosed exit access component that provides a path of egress to an exit, shall be one-hour fire-resistant rated construction.
 - (8) Corridors shall be a minimum width of thirty-six (36) inches. Non-conforming corridors may continue to be used until alteration work is done which requires that the corridor walls be reconstructed. When such

alterations are made, the corridor width must be as required by the Michigan Building Code.

- (9) Corridor ceiling height minimum shall be seven feet, except as otherwise provided in 17-50(2).
- (10) Interior doors opening through fire-rated corridor walls shall have a minimum fire protection rating of twenty (20) minutes and shall be solid core, metal or heavy panel-type construction (hollow-core doors, pocket doors and doors with glass lites are prohibited unless they have been tested, approved and labeled in accordance with the Michigan Building Code).
- (11) Stairs shall have a clear, unobstructed headroom of six feet eight inches (measured vertically, perpendicular to the tread) from the nosing of the stair run (tread) This requirement shall be for stairs serving dwelling units and within dwelling units.
- (12) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed and maintained as to be safe.
- (13) In addition to exits, dwelling units below the fourth story or in a basement, shall also have emergency escape and rescue windows from sleeping areas:
 - a. On the first floor, the emergency escape and rescue window must have a minimum of five (5) square feet of clear (openable) area.
 - b. On floors two and three, or in a basement, emergency escape and rescue windows must have a minimum of five and seven-tenths (5.7) feet of clear (openable) area. Emergency escape and rescue windows in basements must comply with applicable window well requirements in the Michigan Building Code.
 - c. For all emergency escape and rescue windows, a minimum opening width of twenty (20) inches and a minimum vertical opening height twenty-four (24) inches shall be required. The sill height of the window must be no more than forty-four (44) inches above the finished floor level.
 - d. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue window.
 - e. A sleeping room with an approved exit door to the exterior does not require an emergency escape and rescue window.

Exception 1: Required emergency escape openings may be maintained in accordance with the code in effect at the time of

construction of the building, if the following condition is met:

1. Existing windows are in good repair and are located in room(s) originally designed for sleeping purposes.

Exception 2: Emergency escape openings may be administratively approved, if the following condition is met:

1. The minimum width of the openable area is twenty (20) inches, the minimum height of the openable area is twenty-two (22) inches, the maximum sill height is forty-eight (48) inches and the minimum square foot of openable area is five (5) square feet. In case of double hung or sliding windows, both sashes may be used to compute the five (5) square feet of openable area.

Exception 3: The Housing Board of Appeals may grant a variance for egress windows in Historic Districts or other locations in the city if it is determined that the safety of the occupants would not be compromised and there is no reasonable alternative to comply, or comply more fully, with this section and at least one (1) of the following conditions is met:

1. Hardwired and interconnected smoke detectors are installed on each floor and in each sleeping room throughout the dwelling unit.
2. Automatic sprinkling system is installed, at minimum, in the room in question and such that a path to the exterior of the dwelling is sprinkled.

NOTE: Buildings located in a Historic District or listed on a National, State or Local Historic Register must seek approval from the Historic District Commission for any change to a window. If a window does not comply with the requirements for an emergency escape and rescue window, or meet the requirements of Exception 1 or 2 above, a compromise solution should be sought at the Housing Board of Appeals and/or the Historic District Commission that maintains the historic nature of the window but does not compromise safety.

- (b) Stair handrails and guardrails shall comply with requirements of Chapter 9 of the City Code of Ordinances. The following standards are taken from that source (*Exception:* Residences within historic districts, or residences that retain their original guardrails and handrails and are more than fifty (50) years old, or otherwise deemed historically significant to the structure, may apply for a rail waiver when the original rails are in good repair and are a minimum height of twenty-four (24) inches):

- (1) Stairs shall have handrails on both sides except when:
 - a. They serve or are in one (1) dwelling unit and are closed on at least one (1) side. In these latter instances, the handrail is to be on the open side.

- b. They serve or are in one (1) dwelling unit and are closed on both sides. The handrail is required on only one (1) side.
 - (2) Stairs require no handrails when they serve or are in only one (1) dwelling unit and have fewer than four (4) risers.
 - (3) Stairs shall have guardrails when they have a total vertical rise of thirty (30) inches or more. Unenclosed stair landings shall have railings at the height required for guardrails rather than handrails.
 - (4) The area between the handrail and the steps shall have the same type of protection as required for guardrails except when the stair is enclosed on both sides. This requirement shall not change the height of the handrail.
 - (5) Handrails shall be required to be between thirty (30) and thirty-eight (38) inches measured from the nose (front) of the treads and shall be at the same height for the full run of the stairs. Residences within historic districts shall conform to historical requirements, when applicable.
 - (6) The grip area of a handrail shall be the equivalent of a rounded cross section with a minimum diameter of one (1) and one-quarter (1.25) inches and a maximum diameter of two (2) inches. The handgrip portion shall have a smooth surface without sharp corners.
 - (7) Interior and exterior guardrails for one- and two-family dwellings shall be at a minimum height of thirty-six (36) inches. Guardrails within dwelling units shall be at a minimum height of thirty-six (36) inches.
 - (8) The area between the guardrails and the floor shall be filled in with any type of construction that will prohibit the passage of a six-inch sphere. Guardrails shall be supported so that the maximum deflection between supports shall be no more than one (1) inch. The top rail of a guardrail shall not be considered a handrail and shall not have to comply with the grip size as stated in paragraph (5).
- (c) No unit shall be directly accessible from another unit.
 - (d) Unused interior stairs not leading directly to an exit shall be made inaccessible.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 18, 7-5-05)

Sec. 17-66. Smoke detectors, fire alarms, and storage of hazardous materials.

- (a) Smoke detectors are required in all dwelling units and all guestrooms in rooming houses, hotels, motels, bed and breakfasts, fraternity houses, sorority houses, group homes and any other type of residential occupancy as defined by this code and Chapter 9 of the City Code of Ordinances. The requirements for the type of detector and its installation location, maintenance and power supply shall be as prescribed in Chapter 9 of the City Code of Ordinances.
- (b) Smoke detectors shall be installed on each story of the building, in the basement, and in bedrooms of each dwelling. Detectors shall be mounted on the ceiling or wall at a point centrally located in the hallway or area giving access to each separate sleeping room, and in each bedroom. All required bedroom smoke

detectors will be in addition to all previously required installed and approved smoke detectors.

- (c) All existing one-family dwellings, two-family dwellings or buildings with five (5) or less dwelling units, five (5) guest rooms or less are to be in compliance with either battery powered smoke detectors or detectors powered by the building's wiring.
- (d) All existing one-family dwellings, two-family dwellings or buildings with five (5) or less dwelling units which undergo additions, alterations or repairs with a value over five thousand dollars (\$5,000.00) must be equipped with smoke detectors receiving their power from the building's wiring.

Exception: Exterior repairs that are excluded from the five thousand dollar (\$5,000.00) cost calculation are: Re-roofing; residing; window replacement; exterior door replacement; stairs, porch or deck construction or re-construction; handrail or guardrail construction or re-construction; chimney construction or re-construction; foundation construction or re-construction; additions; attached garages, carports and patio covers.

- (e) All existing apartment buildings with more than five dwelling units, hotels and motels must be equipped with smoke detectors receiving their power from the building wiring.
- (f) Buildings with five (5) dwelling units or less constructed prior to April 28, 1980, may have battery operated smoke detectors. Battery operated smoke detectors may also be installed in bedrooms of dwelling units which have a Certificate of Compliance prior to September 24, 1993.
- (g) Portable fire extinguishers are required in all dwelling units, condominiums, hotels, motels, fraternity houses, sorority houses, group homes, all guestrooms in roominghouses, and any other type of residential occupancy as defined by this Code and the Uniform Fire Code. They shall be installed within individual dwelling units. They shall be at least 1A10BC type and installed where they are easily accessible and visible, permanently mounted on a wall. Furthermore, all fire protection equipment shall be maintained in an operable condition.
- (h) It shall be unlawful to park, store, or repair gasoline or gas fueled equipment, vehicles, motorcycles, mopeds or any other similar device in any dwelling unit, basement, office, exit way or location that would create a fire or life hazard. Class 1-A liquids, including gasoline, shall not be stored in basement areas. Quantities not exceeding ten (10) gallons for maintenance purposes and operation of equipment may be stored in approved containers and located in a private garage, shed or other approved location."

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 19, 7-5-05)

Sec. 17-67. Security.

- (a) Doors from a dwelling unit to a common hallway or directly to the exterior, shall be equipped with a door viewer when there is no other means of visibility through or by the door or from a clear window or clear side light window immediately adjacent to the door. The viewer shall be installed with the securing portion on the inside and non-removable from the outside. The viewer shall not be over five (5) feet from floor.

- (b) Doors from a dwelling unit to a common hallway shall be equipped with a dead bolt operable from the inside with a turn knob and a key on the outside. Surface mounted dead bolt locks shall not be approved. The dead bolt shall have a one-inch throw and penetrate the strike by a minimum of five-eighths (5/8) inch. On a wood frame, the strikes for a dead latch and the dead bolt shall be anchored with screws which penetrate through to the rough doorjamb. When the door is installed in a fire-rated corridor wall, it shall be equipped with an automatic closer and shall be a solid-core wood door or heavy-duty metal door. Heavy-duty hardwood-panel doors may be acceptable in the latter situation.
- (c) Doors from a rental dwelling unit directly to the exterior shall have the same locking mechanism and hardware as required for doors to a common hallway. Such doors shall be manufactured for exterior use.
- (d) Doors from a common area to the exterior shall be equipped at a minimum with a lockable latch set with a dead latch which can always be released from the interior by turning the knob and from the exterior by a key. The hardware set shall have an exterior knob which always requires the use of a key to be activated for entrance. Hardware sets with this function are commonly referred to as storeroom, vestibule or emergency lock sets. Such doors shall also be equipped with an automatic closer.

Exception: Dwellings of five (5) units or less do not require an automatic door closer.

- (e) Out-swing dwelling unit exit doors shall be equipped with hinges from which hinge pins cannot be removed or equipped with special jamb pins which prevent the door from being removed if hinge pins are removed while the door is in a closed position. Such doors shall also be equipped with a plate at the bolt-strike area which prevents prying at this point.
- (f) Sliding patio doors shall be equipped with a permanently attached secondary locking device to supplement the standard jamb latch.
- (g) There shall be an outside light source that illuminates every exterior door. When the door(s) serves more than one (1) dwelling unit, the control of the light shall be as required for interior common corridor lighting, or automatically controlled by a motion detector/photocell/timer. When the door(s) serves only one (1) dwelling unit, the control shall be by a wall switch located near the interior of the door. If the door opens onto a deck or porch, the area lighting for the deck or porch may serve to meet this requirement."
- (h) All operable sashes on the first three (3) floors of any residential building, or so located on any floor such that they can be reached from an adjoining roof, fire escape or similar projection, shall have locks or pins for when the window is in a closed position.
- (i) Security guards and grills installed over a window shall be equipped with a quick-release mechanism operable from within the room to allow escape through the window in case of fire.
- (j) Basement windows over eight (8) inches by twelve (12) inches in size shall have locks or be permanently secured.
- (k) Basement windows may be removed and the openings closed with weather-resistant plywood, one-half-inch minimum thickness, securely anchored to

surrounding construction, and weather-protected with a paint or coating recommended by the manufacturer for exterior use. As an alternative, basement window openings may be closed with masonry or a glass block. For impact on habitability of the basement, see sections 17-51 and 17-107.

(l) Hasplocks and padlocks shall not be used in any areas occupied by residents.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 20, 7-5-05)

Secs. 17-68--17-82. Reserved.

ARTICLE V. MINIMUM STANDARDS FOR BASIC EQUIPMENT, FACILITIES AND MAINTENANCE REQUIREMENTS*

***Editor's note:** Ord. No. 1687, adopted Oct. 18, 1999, amended former Art. V, §§ 17-84--17-86, 17-88--17-91, in its entirety to read as herein set out. Former Art. V pertained to similar subject matter and derived from Ord. No. 1475, § 20--22, 24--27, 10-30-89; Ord. No. 1558, § 1, 9-13-93.

Sec. 17-83. Reserved.

Sec. 17-84. Kitchen facilities.

- (a) Every dwelling unit shall have a kitchen within the unit that shall contain:
- (1) A sink, with hot and cold water supplied, connected to a sanitary drainage system. The hot water shall be supplied at the left and cold to the right when one faces the sink.
 - (2) A minimum of eight (8) square feet of work surface area with at least four (4) square feet adjacent to, or an integral part of, the sink unit. The surface finish shall be nonporous and made of a material recommended by the manufacturer for kitchen-counter use.
 - (3) A minimum of forty (40) cubic feet of dry storage area.
 - (4) Gas or electric supply for a conventional cooking appliance conforming to the requirements of Chapter 9 of the City Code of Ordinances. Cooking appliances, if supplied, shall be free of deterioration or corrosion. Appliances shall be connected per the manufacturer's instructions, and include a shut-off valve accessible within the kitchen area and a flexible connection of sufficient length to allow for moving and cleaning.
 - (5) Refrigerators, if supplied, shall be free of deterioration or corrosion, and shall be in proper working order.
 - (6) A minimum of two (2) electrical outlets, one (1) of which will be accessible for a refrigerator without the use of an extension cord and the other located at a work surface area. If a required outlet needs to be added, and it is within six (6) feet of a sink, it must be of a GFCI type. Neither

shall be an integral part of a light fixture. If the kitchen is equipped with a gas-fired range that has auxiliary electrical requirements, the power to the range may be connected directly to the refrigerator outlet if an extension cord is not used.

- (7) A minimum of sixty (60) watts incandescent or equivalent fluorescent lighting positioned to light food preparation areas. Single-bulb incandescent fixtures are to be rated at a minimum of sixty (60) watts. Light fixtures shall be controlled by a wall switch or nonconductive pull chain.
 - (8) A minimum clear floor area in front of the sink, refrigerator, range, counter, etc., of thirty-six (36) inches when between two (2) work centers and thirty (30) inches when between a work area and a wall. There shall be space for a range, refrigerator and sink in the kitchen. Dwelling units that have been registered and received a certificate of compliance in accordance with the City Housing Code (Chapter 17 of the City Code of Ordinances) prior to October 30, 1989, are exempt from this paragraph.
 - (9) A floor covering which is cleanable, water resistant, odor-free and stain-resistant. Permanently installed floor covering in a kitchen shall not be carpet. Kitchens, which have carpeting as of September 1, 2005, which is in good repair and clean, may keep such carpet until such time as it becomes worn, stained or ripped to the extent that it requires replacement.
 - (10) A cleanable, nonporous and non-grease-absorbent wall and ceiling surface, except for dropped ceilings.
- (b) Every efficiency dwelling unit and studio apartment shall be equipped with a food-preparation area, including a sink with hot and cold water as prescribed in section 17-84 and areas for cooking equipment, refrigerator and food storage.
 - (c) No kitchen or cooking accommodations shall be permitted or maintained in any room or space of any building for the common or joint use of the individual occupants of a two-family or multiple-family dwelling.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 21, 7-5-05)

Sec. 17-85. Bathroom facilities.

- (a) Every dwelling unit shall have bathroom facilities in either a single room or in several rooms within the unit which shall be considered bathroom(s) for purposes of this section and shall contain:
 - (1) A flush toilet, a sink and a bathtub or shower unit. The sink and tub or shower unit shall be supplied with hot and cold water. The hot water supply on each shall be on the left, and the cold water supply shall be on the right when facing the faucet or showerhead. All plumbing fixtures shall be connected to the building sanitary drainage system. Supply and drainage connections and connecting materials shall be as required by the building regulations of Chapter 9 of the City Code of Ordinances. All such fixtures shall be constructed and finished such that they can be maintained in a sanitary condition. Finishes shall be free of damage.

- (2) At each entrance, a door which latches and provides privacy. Locks on doors to a bathroom shall be of the type able to be unlocked from the inside without the use of a key or special knowledge.
- (3) A light fixture operated by a switch.
- (4) At minimum, one (1) electrical outlet located within six (6) feet of the sink. This outlet shall not be incorporated into any light fixture. If this requirement necessitates a new outlet, that outlet must meet the provision of the current electrical code which requires a ground-fault interruption (GFI).
- (5) A minimum of one (1) window openable to the exterior in each enclosure for ventilation or a minimum fifty-cubic feet-per-minute-rated fan unit exhausting to the exterior for bathroom ventilation.
- (6) A floor covering which is cleanable, water resistant, odor-free and stain-resistant. Permanently installed floor covering in a bathroom shall not be carpet. Bathrooms, which have carpeting as of September 1, 2005, which is in good repair and clean, may keep such carpet until such time as it becomes worn, stained or ripped to the extent that it requires replacement.
- (7) A cleanable, nonporous and nonabsorbent wall and ceiling finish.

Exception: Dropped ceilings.

Walls around a tub with a showerhead or around a shower are to have a waterproof finish.

- (b) Bathrooms in efficiency units shall meet the same requirements as those for all dwelling units.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 22, 7-5-05)

Sec. 17-86. Bedrooms.

- (a) Bedrooms shall conform to the space and occupancy standards of sections 17-48 through 17-50 of this chapter.
- (b) Bedrooms shall be equipped with latchable doors for privacy. If locks are provided, they shall be of the type able to be locked and unlocked from the inside without the use of a key or special knowledge. A deadbolt is permitted when keyed only from the outside. Exception: Loft apartments, where due to type of construction and the sharing of light and air between rooms is necessary to meet building and/or housing code requirements, shall be exempt from having to provide bedroom doors.
- (c) Windows shall meet the minimum natural lighting and ventilation standards in section 17-107.
- (d) Each bedroom shall be equipped with two (2) electrical outlets and one (1) ceiling or wall light fixture or three (3) duplex outlets, separate and remote from one another. The outlet shall not be a part of the light fixture. All light control switches shall be conveniently located near the entrance to the room.

- (e) Each bedroom shall have a permanent source of heat within the room.
- (f) Each bedroom shall have access to the balance of the dwelling unit without passing through another bedroom or a bathroom.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 23, 7-5-05)

Sec. 17-87. Reserved.

Sec. 17-88. Common areas and facilities.

- (a) Corridors serving more than one (1) dwelling unit shall:
 - (1) Comply with the standards of section 17-65 applicable to corridors.
 - (2) Be illuminated at all times. During the day, sufficient natural lighting to allow safe exiting will suffice. Switches shall be conveniently located and readily accessible.
 - (3) Have lighted exit signs when the exiting system of the building serves an area of five thousand (5,000) square feet or more. The signs shall comply with Chapter 9 of the City Code of Ordinances.
- (b) Stairs serving more than one (1) dwelling unit shall:
 - (1) Comply with the standards of section 17-65 for stairs.
 - (2) When fully enclosed and part of required exiting from one (1) or more dwelling units, have an enclosure which is, at minimum, faced with incombustible materials, the most common of which are plastered lath or gypsum board.
 - (3) Have finish materials and accessory trims on the stairs, including, but not limited to, carpeting, tile performed-tread caps, nosing and finish coatings.
 - (4) Have, when enclosed, a minimum of sixty (60) watts incandescent or equivalent fluorescent lighting for each flight of steps. An open stairway may be provided with equivalent light from a fixture within the general area where the stair is located rather than a source directly over the stair. In either situation, the light shall be provided on a twenty-four-hour basis as required for corridors. If light is controllable by tenants, there shall be a switch at the top and bottom of the stair (three-way switch).
- (c) If laundry equipment is present, it shall be installed and connected to electrical, plumbing and mechanical services in compliance with Chapter 9 of the City Code of Ordinances. Including, but not limited to, the following:
 - (1) Automatic washers shall not discharge into floor drains.
 - (2) Gas clothes dryers shall be vented directly to the outside.
 - (3) If electric clothes dryers are not vented to the outside, and/or if the laundry area has space for air drying of laundry, the areas shall have provision for exhausting accumulated moisture to the outside when conditions such as condensate water dripping from pipes, mildew formations or other signs of excessive moisture accumulation occur.

- (4) The floor and wall surfaces in the area shall be cleanable and free of signs of deterioration or moisture damage.
 - (5) The area shall be secured from access by unauthorized persons. Doors securing the area shall be equipped with hardware and locks as required in section 17-67(d).
- (d) Basements and crawl spaces shall comply with the following:
- (1) Foundation walls and floors shall be in good repair, weather- and water-resistant and rodent- and insect-resistant. Leaks in the foundation that result in standing water shall be remedied.
 - (2) Areas used for storage, equipment and/or utility service, including, but not limited to, electrical panels, furnaces, water heaters, laundry equipment, water softeners and main water-service valves shall be supplied with lighting, located near the opening of the area housing the equipment. The lights shall be operated by a wall switch or pull cord.
 - (3) Items stored in the basement shall be kept such that access to plumbing, electrical, mechanical, utility, egress windows, exits, and the like is not impeded. Items subject to moisture damage shall be stored in proper containers or off the floor. Access to all equipment must be maintained and the general area shall be regularly inspected and treated, if necessary, for rodents and insects.
 - (4) Stairways shall meet the same requirements as prescribed for all stairs in this Code, except that the light shall be activated by a light switch at the top of the stairs.
 - (5) Basement areas occupied for other specific uses shall meet the minimum standards prescribed in the Code for those uses.
 - (6) Every basement shall have a minimum of one (1) light controlled by a switch at the top of the stairs or entrance landing.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 24, 7-5-05)

Sec. 17-89. General maintenance.

- (a) No person shall occupy, rent, lease, or otherwise permit occupancy by any other person in any dwelling unit unless it is clean, sanitary and fit for human occupancy. Occupancy of such a dwelling unit creates a presumption that the person(s) in possession hold such possession based on permission received from the owner or the responsible local agent.
- (b) The interior of every dwelling unit shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter.
- (c) The exterior of every dwelling unit, including but not limited to, the yards, accessory structures, court passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the dwelling is located and adjacent lots owned by the owner of the dwelling, shall be kept free of any accumulation of filth, rubbish, garbage or other matter.
- (d) No person shall store anything in a common area without the owner's consent.

- (e) Any person who causes or allows a violation of subsections (a) through (d) above shall be responsible for curing that violation.
- (f) Each and every part of a dwelling or dwelling unit and all equipment and facilities shall be kept in good repair, structurally sound and free from deterioration. Proof of structural soundness may be required from the property owner. Evidence shall be submitted by a licensed architect or engineer.
- (g) The parking of motorcycles, automobiles or similar motor vehicles shall not be allowed in a front, side or rear yard except upon a driveway or permitted parking area, or within a garage or carport. Trailers, motor homes, recreational vehicles, boats, or similar items shall not be parked in a front yard except upon a driveway or within a garage or carport, but may be parked outside of a driveway, garage or carport in a side or rear yard.
- (h) Construction, repair and maintenance of main structures, accessory structures and any other areas permitted or required by the Code of Ordinances shall be performed with good workmanship and to industry standards.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 25, 7-5-05)

Sec. 17-90. Responsibility of owners as to maintenance.

- (a) It shall be the responsibility of the owner to keep and maintain each dwelling unit so as to meet the minimum basic requirements of this article and all other provisions of this housing code; and if the owner is prevented from so doing by the actions of the occupant, it shall be the obligations of the owner to promptly terminate the tenancy and evict the occupant by legal means.
- (b) Every owner of a two-family or multiple dwelling or residential collective shall be responsible for maintaining in a clean and sanitary condition all common areas.
- (c) Whenever infestation of insects, rodents or other pests exists in any duplex or multi-unit building or in the shared or public parts of any building or in the common areas of any building, extermination thereof shall be the responsibility of the owner.
- (d) In a single-family dwelling, whenever infestation of insects, rodents or other pests exists, and the occupant has resided in the unit less than thirty (30) days, or the infestation is caused by the failure of the owner to maintain the dwelling in a reasonable insect-and-rodent-resistant condition, extermination thereof shall be the responsibility of the owner.
- (e) The owner of every dwelling shall be responsible for the maintenance of all sewer lines within the dwelling and for connecting the dwelling with public sewers. In case of sewer stoppage, it shall be the responsibility of the owner to take corrective action.
- (f) The owner shall be responsible for maintaining lighting within all common areas.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 26, 7-5-05)

Sec. 17-91. Responsibilities of occupants as to maintenance.

- (a) Every tenant shall cooperate with and assist the owner to keep and maintain the

dwelling in a safe and sanitary condition and to meet the minimum requirements of the City Code of Ordinances.

- (b) Every occupant of every dwelling unit shall immediately report to the owner of such dwelling the occurrence of infestation of the dwelling or premises by insects, rodents or other pests or any other conditions of which he is aware which are required to be corrected to comply with this Code. Every occupant must maintain his/her dwelling unit in a reasonably clean condition so that it is insect-resistant and rodent-resistant.
- (c) No occupant of any dwelling unit shall allow any filth, garbage or other debris to accumulate in his or her dwelling unit or any other area over which it can be shown that said occupant had exclusive use and possession. Occupants shall make proper use of trash receptacles provided by the owner.
- (d) No occupant of any dwelling unit shall deposit any filth, garbage or other debris in any common areas except in receptacles and in places prescribed by the owner in accordance with this Code.
- (e) Occupants of all dwelling units shall securely wrap all garbage placed in garbage containers, keep the area in which the container is stored clear and free of odor and aid the owner in keeping the container from being foul-smelling or a breeding place for insects. Rubbish other than garbage shall be stored in containers in a manner which is safe and sanitary. Storage of rubbish to be collected by the city shall conform to the provisions of Chapter 31 of the City Code of Ordinances and section 1-6(b)(7) of the City Code of Ordinances.
- (f) Occupants of all dwelling units shall be responsible for the replacement of old batteries with new batteries for the battery-operated smoke detectors within their dwelling units.
- (g) Occupants of all dwelling units shall be responsible for the replacement of light bulbs within their dwelling units.
- (h) If extermination of insects, rodents or other pests is not the owner's responsibility in a single-family dwelling under section 17-90(d) above, the occupant thereof shall be responsible.

(Ord. No. 1687, 10-18-99)

Secs. 17-92--17-106. Reserved.

ARTICLE VI. MINIMUM STANDARDS FOR WINDOWS, DOORS, ADDITIONAL FACILITIES*

***Editor's note:** Ord. No. 1692, § 1, adopted Oct. 18, 1999, amended former Art. VI, §§ 17-107--17-113, in its entirety which pertained to similar subject matter and derived from B&H Code, § BH307.8; Ord. No. 1475, §§ 2 (b), 28--33, 10-30-89; Ord. No. 1558, § 1, 9-13-93.

Sec. 17-107. Windows.

- (a) All habitable areas, except the kitchen, shall have a window area equivalent to eight (8) per cent of the floor area of the space. At least one (1) of which shall open directly to the exterior of the building.
- (b) Fifty (50) per cent of the window area required for natural light shall be operable for ventilation. In lieu of natural ventilation, and where windows are not required for egress per Section 17-65, approved mechanical ventilation system meeting the Michigan Residential Code or other applicable code may be substituted.
- (c) Openable windows are to be operable, open easily and shall be capable of being held in an open position by the window hardware.
- (d) All operable windows shall be equipped with tight-fitting, removable screens installed independent of the operable sash. NOTE: doors serving as required ventilation for any room shall also be equipped with a screen.
- (e) Sash unit frames, supporting frames and sills (interior and exterior) shall be structurally sound and free from deterioration. Glass and glazing shall be free of cracks and completely supported on all sides with putty or other glazing-support stops.
- (f) A casement, awning, projected and/or hopper-type sash, when maintained operable, shall have hardware that adequately supports the sash and maintains the sash in an open position without auxiliary supports. These sashes shall be equipped with tight-fitting insect screens that do not have to be removed to operate the windows from inside.
- (g) If windows are equipped with combination storm window/screen units, these units shall be maintained such that the screen is tight and free from holes and the storm sash free of cracks. Both screen and storm sash shall operate freely for removal and cleaning.
- (h) If a separate glazed storm sash is placed on a window, it shall be in good repair with glazing free of cracks.
- (i) See sections 17-65 and 17-67 for fire safety and security requirements for windows.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 27, 7-5-05)

Sec. 17-108. Doors.

- (a) All doors, interior and exterior, shall be fully operational and in good repair. If a door is not to be operational, it shall be removed and the area remodeled to match adjacent wall surfaces on the interior and exterior.
- (b) Exit doors from dwelling units shall meet standards set forth in section 17-65. Hollow-core doors shall not be permitted for exit doors and all exit doors shall be of a type recommended for exterior use by the manufacturer. Hardware for such doors shall meet standards set forth in section 17-67.
- (c) Exit doors from dwelling units into a common corridor shall not be hollow-core and shall be labeled and rated as a twenty-minute fire rated door.

- (d) When glass in exit or corridor doors must be replaced, it shall be safety glass or a plastic material approved by the Michigan Building Code for such installations. When glass in any sidelights within twelve (12) inches of a door is replaced, the same requirement applies.
- (e) All doors opening directly to the exterior from a dwelling unit shall be weather tight.
- (f) When a door opening directly to the exterior from a dwelling unit is the only means of ventilation for the interior room from which it opens, the door shall be equipped with a screen door. The screen door shall be provided with a lock that is not keyed from the inside.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 28, 7-5-05)

Sec. 17-109. Electrical system.

- (a) All plug type fuses shall be Type S, properly sized, for over-current protection.
- (b) All visible unused wiring shall be removed.
- (c) Exposed electrical wiring shall not be attached to wall, ceiling or floor surfaces unless installed within a protective enclosure approved under Chapter 9 of the City Code of Ordinances for such purposes. No light fixtures or any other electrical devices shall be supported by electrical wiring.
- (d) Electrical service shall be adequate for the demand and the wiring shall be maintained in good repair in conformance with Chapter 9 of the City Code of Ordinances.
- (e) The electrical service panel shall be connected to an approved grounding point in conformance with Chapter 9 of the City Code of Ordinances.
- (f) Electrical outlets supplying service to the washing/drying equipment shall be grounded or the appliance grounded per manufacturer's installation instructions.
- (g) All nonmetallic splices in metal piping must be grounded for continuity in electrical service grounded.
- (h) Water meter shall be bonded for grounding continuity.
- (i) See section 17-66 for requirements for electrical power for smoke detectors.
- (j) Each occupant shall have ready access to the service disconnecting means and the service supply circuit breaker box(es) providing electrical power to the unit, as required in Article IV, Chapter 9 of the Kalamazoo City Code of Ordinances, and as may be amended from time to time.
- (k) All habitable rooms shall be equipped with two (2) electrical outlets and one (1) ceiling or wall light fixture or three (3) duplex outlets. The outlets shall not be part of the light fixture.
- (l) All light control switches shall be conveniently located near the entrance to the room.
- (m) All stairways or hallways shall have at least one (1) ceiling or wall light fixture capable of lighting the entire stairway or hallway. Stairway light controls (three-

way) shall be located at the top and bottom of the stairs and at each end of the hallway.

- (n) In any event, additional convenience outlets shall be provided in sufficient number to adequately service the electrical devices and/or appliances located therein without the use of unapproved wiring methods. Cords to appliances and devices shall not be run through doorways, under rugs or be stapled to wood baseboards, door casings or through holes in partitions or floors.
- (o) Electrical outlets and switches, as well as all lighting fixtures, shall have proper cover plates, globes and/or shades that are in good repair. Electrical fixtures/appliances of all types, which are provided as part of the dwelling unit, also shall be kept in good repair.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 29, 7-5-05)

Sec. 17-110. Heating and mechanical service.

- (a) Every dwelling unit shall have a heating system which shall maintain a minimum temperature throughout the dwelling unit of sixty-eight (68) degrees Fahrenheit or be supplied with equivalent heat from a building heating system which serves more than one (1) dwelling unit. Temperature measurement shall be taken by a thermostat in the general living area of the dwelling if the thermostat serves only a heating system supplying the dwelling unit or when the thermostat controls a zone of a central heating system and said zone includes only the particular dwelling unit. Where the building has a central heating system for more than one (1) unit and is not zoned for individual-dwelling unit control, temperature measurement shall be made in each unit at a wall location where a thermostat would be placed if the unit had its own heating system.
- (b) Every room shall have a source of heat within the room.
- (c) When an inspection reveals that minimum temperatures are not being maintained, the city may require that the owner of a property provide certification by a licensed engineer or contractor that the system is capable of providing the minimum heating required.
- (d) A space heater designed, installed and approved by the Mechanical Code as a permanent heating unit may be used to heat one (1) room or connected areas which do not have doors separating them. Unvented fuel burning heaters are not approved.
- (e) Portable electric, kerosene or any other type of heating unit may be used for temporary emergency heating only. Such units are not acceptable as an approved permanent heat source.
- (f) All mechanical, utility and heating equipment, including connections to chimneys, vents, electrical power and fuel connections, shall comply with the latest editions of the Michigan Building, Plumbing, Mechanical and Electrical Codes as referenced in Chapter 9 of the city Code of Ordinances.
- (g) Mechanical, utility or heating facilities serving a unit shall be separated from all habitable space and exiting areas by a wall and/or door. Any basement area used as habitable space shall have one (1) hour fire rated assembly separation from all mechanical, utility or heating units. Ducts penetrating the separation wall

do not require dampers.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 30, 7-5-05)

Sec. 17-111. Water supply and plumbing.

- (a) Every dwelling unit shall be supplied with hot and cold water for both kitchen and bathroom facilities. Faucets shall have the hot water on the left, and the cold water on the right.
- (b) The owner shall be responsible for the safe and sanitary maintenance of the plumbing system in any building or structure at all times.
- (c) All supply and drainage piping and connections shall be in compliance at a minimum with whatever plumbing code was in effect in the city at the time the plumbing work in question was done.
- (d) Every dwelling shall have potable-water-heating equipment which is properly installed and maintained in safe and good working condition. The water-heating equipment shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin and bathtub or shower at a temperature of not less than one (1) hundred twenty (120) degrees Fahrenheit.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 31, 7-5-05)

Sec. 17-112. Trash removal service.

- (a) Every owner shall maintain adequate garbage and rubbish storage facilities and shall provide for the removal of garbage and rubbish from the premises at adequate time intervals. Garbage and rubbish containers shall be provided by the owner of all rental dwellings.
- (b) Minimum trash pickup service per dwelling unit shall be a combination of garbage containers with a minimum of thirty-gallons (30) capacity and a frequency of pickup such that the service will accommodate the removal of one (1) and one-half (1.5) gallons of garbage/trash per day per person (including all children) occupying the unit. A combined large container service of the required capacity may be used.
- (c) The owner shall provide each tenant with a schedule of garbage and recycling pick-up times and monthly curbside pick-up services.
- (d) Each residential occupant shall store garbage, prior to disposal, in garbage containers. Residential users shall securely wrap all garbage placed in said containers, keep the area in which the containers are stored clear and free of odor, and aid the owner in keeping the container from becoming foul-smelling or a breeding place for insects. Rubbish other than garbage shall be stored in containers in a manner which prevents spillage or overflow. Storage of rubbish to be collected by the city shall conform to the provisions of Chapter 31 of the City Code of Ordinances.
- (e) Any person responsible under the Code for the provision of a garbage container shall provide for the cleaning of said garbage container and its maintenance in

good working order to prevent the same from becoming foul-smelling or a breeding place for insects or other pests and to meet the standards set by the County health officer.

- (f) The burning of garbage, rubbish or leaves is prohibited except as provided in Chapter 15 of the City Code of Ordinances.

(Ord. No. 1687, 10-18-99)

Sec. 17-113. Supplied facilities, equipment and utilities.

Every supplied facility, piece of equipment or utility required under this chapter shall be so constructed, installed and maintained as to function safely and effectively, be installed with good workmanship and to industry standards.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 32, 7-5-05)

Secs. 17-114--17-123. Reserved.

ARTICLE VII. GENERAL ACCESSORY REQUIREMENTS*

***Editor's note:** Ord. No. 1687, adopted Oct. 18, 1999, amended former Art. VII, §§ 17-125--17-132, in its entirety which pertained to similar subject matter and derived from Ord. No. 1475, §§ 34--41, 10-30-89; Ord. No. 1558, § 1, 9-13-93.

Sec. 17-124. Reserved.

Sec. 17-125. Porches and decks.

- (a) Porches, decks, their roof and all components of any of the foregoing shall be structurally sound, in good repair and free from deterioration.
- (b) When a porch roof is also an accessible deck area, the roof/deck area shall be equipped with guardrails.
 - (1) The roof/deck shall be of a finish material to adequately support the weight of activities without damaging the roof covering/weather protective membrane.
- (c) All porches and decks thirty (30) inches or more above grade at any place on their open sides shall be equipped with guardrails.
- (d) Guardrails shall comply with the requirements of subsection 17-65(b)(6) and (7).
- (e) Every porch or deck shall be equipped with a light located on the building. The light shall be controlled by an interior switch or photocell near a door leading directly from a dwelling unit to the porch or deck. When the porch or deck is part of the common area of the building and/or part of the building fire-exiting path, the control of the light shall be as required for common corridors within a building. The light shall be installed on the building.

- (f) Open porches and decks visible from the street or road fronting the property shall not be used as storage areas.
- (g) Furniture designed or constructed for interior use only shall not be permitted on porches, decks or in yards.

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 33, 7-5-05)

Sec. 17-126. Stairs and landings.

- (a) Exterior stairs, associated handrails and canopies or enclosures shall meet the requirements prescribed in section 17-65 of this Code.
- (b) Lighting for the exterior stairs and control of such lighting shall be as required for interior stairs in section 17-109. Alternatively, lighting automatically controlled by a motion detector/photocell/timer is permitted.
- (c) Stair treads shall be finished with materials which provide a non-slip surface when wet or dry. Any applied finish material on such steps shall be maintained in such condition that it is free from deterioration and damaged areas which could cause tripping. Stairs shall be structurally sound, in good repair and free from deterioration. Treads shall be firmly anchored to stringer supports. Stair- and landing-support assemblies shall be braced to prevent shaking and wobbling when subjected to foot traffic.

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 34, 7-5-05)

Sec. 17-127. Roofing, roof drainage, chimneys.

- (a) Requirements in this section apply to accessory structures as well as main structures on the property.
- (b) Roof sheathing or roof boards supporting roofing shall be structurally sound, in good repair and free from deterioration. Roof overhangs, joists, outriggers, fascia boards, soffit boards and any other structural and trim members at roof perimeters shall meet the same criteria.
- (c) Roofing materials shall be of a type recommended by roofing manufacturers for the roof slope on the building. Roofing, flashing and capping shall be free of leaks and/or potential leakage because of surface deterioration.
- (d) When the roof drainage system incorporates gutters and down spouts, these items shall be maintained so that they drain and are free from leaks and stoppages. They shall be fully supported with supports spaced as recommended by manufacturers of the systems for the type of materials used.
- (e) Roof-mounted accessory items, such as antennas and lightning rods, shall be maintained in good condition. They shall be anchored and attached in place as recommended by the manufacturers of the items.
- (f) Chimneys shall be structurally sound, in good repair and free from deterioration.
- (g) Chimneys shall be kept free of obstruction. The chimney clean-out shall be readily accessible.

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 35, 7-5-05)

Sec. 17-128. Exterior surfaces and finishes.

- (a) The requirements of this section apply to accessory structures as well as main structures on the property.
- (b) All surfaces exposed to the weather shall be protected with a finish suitable for the material being protected. In the case of paints, the finish shall be a paint recommended as a finish coating and not a primer product.
- (c) Unfinished woods, either specially treated for decay-resistance or by nature having this characteristic, will be acceptable for exterior use without any special finish, however, replacement of features must be finished to match the existing materials. Properties in the Historic District must comply with all applicable regulations.
- (d) Siding or other materials applied to the exterior shall be kept in good repair and free of deterioration.

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 36, 7-5-05)

Sec. 17-129. Accessory structures.

- (a) Accessory structures, including but not limited to, detached garages, detached carports, storage sheds and gazebos, shall be structurally sound and in good repair. Doors and windows shall be in good repair and free from deterioration.
- (b) Attached and detached garages or storage sheds with no doors will be considered carports.
- (c) Open accessory structures, including carports, gazebos, decks, lean-tos, open sheds, etc., shall not be used for storage.

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 37, 7-5-05)

Sec. 17-130. Yard storage.

- (a) Building materials not being immediately used for construction on the site shall be stored in an accessory structure. In the absence of such a structure, materials shall be stacked neatly behind the building so as not to be seen from the street.
- (b) In no instance shall upholstered furniture, carpeting, mattresses, box springs, clothing or any such fabric items be stored in yards or yard enclosures where they are subject to weather deterioration.(Ord. No. 1687, § 1, 10-18-99)

Sec. 17-131. Site maintenance.

- (a) Parking areas and drives on the site shall be properly graded, and shall be covered with a surface treatment which resists standing water and mud formation; acceptable materials shall include concrete, asphalt, stabilized gravel or similar material and shall be in compliance with Zoning Code, if applicable. All driveways and vehicle turnaround areas shall have clearly defined boundaries. A clearly defined boundary shall mean, at a minimum, the existence of a distinct edge so the material used to pave or cover the parking area, or barriers, such that the driveway where parking is permitted is clearly distinguished from the

yard area where parking is not permitted. Other yard areas shall be covered with grass, a ground-cover plant or other non-plant landscaping material that will prevent the formation of dust and mud.

- (b) Shrubs, trees and other similar plantings shall be trimmed or otherwise treated to prevent their overlapping into public walks and rights-of-way and obstructing view of sidewalks and streets at entrances to driveways serving the property. Weeds shall be maintained so as not to exceed a height of twelve (12) inches or be in the seed-bearing stage of their growth.
- (c) Vegetation growing such that it is causing deterioration of the building or creating channels for water seepage shall be removed.
- (d) Fences shall be fully supported in a vertical position by posts or other devices and free of loose boards, wires or damaged or deteriorated parts.
- (e) Dead trees shall be removed, or they will be declared a nuisance and be subject to action under the nuisances generally ordinance, section 22-3 et seq. of the City Code of Ordinances.
- (f) Retaining walls shall be maintained in a safe condition to prevent crumbling, tipping, sliding or overturning.
- (g) Unused/abandoned wells, cisterns, shafts, basements, excavations, outbuildings or structures, lumber, mounds of gravel, sand or earth which might prove a hazard to the public, are detrimental to health or create a public nuisance shall be eliminated.

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 38, 7-5-05)

Sec. 17-132. Premises identification.

- (a) Street numbers/addresses which have been approved by the city assessor's office shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from each street, road or alleyway fronting the property. Said numbers shall contrast with their background.
- (b) Each unit within a multi-unit building shall be clearly identified by number or letter, displayed prominently on or near all the doors of each unit.

(Ord. No. 1687, § 1, 10-18-99; Ord. No. 1785, § 39, 7-5-05)

Secs. 17-133--17-139. Reserved.

ARTICLE VIII. ROOMINGHOUSE REQUIREMENTS*

***Editor's note:** Ord. No. 1687, adopted Oct. 18, 1999, amended former Art. VIII, §§ 17-140, 17-141, 17-143--17-146, in its entirety to read as herein set out. Former Art. VIII pertained to similar subject matter and derived from B&H Code, §§ BH312.5, BH312.7--BH312.9; Ord. No. 1475, §§ 2(c), (e)--(g), 42, 43, 10-30-89; Ord. No. 1558, § 1, 9-13-93.

Sec. 17-140. Toilet and bath facilities.

- (a) At least one (1) flush toilet, lavatory basin and bathtub or shower, connected to a water and sewage system and in good working condition, shall be supplied for every eight (8) persons or fraction thereof residing within a roominghouse, including members of the owner's or agent's family, whenever they share the use of such facilities. In a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of flush toilets. Every lavatory basin and bathtub or shower shall be supplied with hot and cold running water at all times.
- (b) The facilities required by this section shall be located within the roominghouse in a room or rooms which:
 - (1) Afford privacy and are separate from the habitable rooms.
 - (2) Are accessible, from a common hall or passageway, to all persons sharing such facilities without going outside the roominghouse.
 - (3) Are not more than one (1) story removed from the rooming unit of any occupant intended to share the facilities. No such facilities shall be located in a basement without the written approval of Inspection Services.
- (c) Shared bathroom facilities shall meet the same minimum standards as required for a dwelling unit.

(Ord. No. 1687, 10-18-99)

Sec. 17-141. Minimum space for rooming units.

Every rooming unit occupied by one (1) occupant in a roominghouse shall be at least seventy (70) square feet of floor space, and every room occupied by more than one (1) occupant shall contain at least fifty (50) square feet for each occupant thereof.

(Ord. No. 1687, 10-18-99)

Secs. 17-142, 17-143. Reserved.

Sec. 17-144. Cooking by tenants.

No kitchen or cooking accommodations shall be permitted or maintained in any room or space of any roominghouse for the use of any tenant other than the common kitchen. The owner shall be held responsible for the cleanliness and proper sanitation of the common kitchen if any.

(Ord. No. 1687, 10-18-99)

Sec. 17-145. Supplied bed linen and towels.

The owner or agent of every roominghouse shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any new occupant. The owner or agent shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(Ord. No. 1687, 10-18-99)

Sec. 17-146. Responsibility for maintenance.

The owner or agent of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every other part of the roominghouse; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner or agent.

(Ord. No. 1687, 10-18-99)

Sec. 17-147. Requirements for rooming units and sleeping rooms.

Rooming units and sleeping rooms shall comply with all the same requirements as bedrooms of a dwelling unit.

(Ord. No. 1687, 10-18-99; Ord. No. 1785, § 40, 7-5-05)

Sec. 17-148. Doors.

- (a) Doors from a rooming unit or sleeping room to a common hallway shall be equipped with a door viewer. The viewer shall be installed with the securing portion on the inside and non-removable from the outside. Viewer height is not to exceed five (5) feet from the floor.
- (b) Doors from a rooming unit or sleeping room to a common hallway shall be of a solid core type and equipped with a security lock that is operable from the inside with a turn knob and a key on the outside.

(Ord. No. 1687, 10-18-99)

Sec. 17-149. Smoke detectors/fire extinguishers.

Smoke detectors shall be installed in each rooming unit or sleeping room. They shall be located as prescribed in 17-66. Fire extinguishers shall be provided as required in 17-66.

(Ord. No. 1687, 10-18-99)

Sec. 17-150. Reserved.

ARTICLE IX. RESERVED*

***Editor's note:** Ord. No. 1687, adopted Oct. 18, 1999, repealed former Art. IX, §§ 17-151--17-172, in its entirety. Former Art. IX pertained to registration of rental housing, certificates of compliance for hotels, rooming houses, multiple dwellings, residential collectives and rental dwellings and derived from the following ordinances:

TABLE INSET:

Ord. No.	
1156	5-7-79

1469		8-28-89
1443		8- 1-88
1475		-30-89

TABLE INSET:

Ord. No.		
1515		7- 8-91
1501		8-27-90
1558		9-13-93
1602		-30-95

Secs. 17-151--17-177. Reserved.

ARTICLE X. RESERVED*

***Editor's note:** Former Art. X, § 17-178, pertaining to provisions for existing buildings and originating from Ord. No. 1195, § 1, adopted April 28, 1980, was repealed by § 1 of Ord. No. 1475, adopted Oct. 30, 1989.

Secs. 17-178--17-180. Reserved.

ARTICLE XI. RESERVED*

***Editor's note:** Ord. No. 1785, § 41, adopted July 5, 2005, amended the Code by repealing former art. XI, § 17-181, in its entirety. Former art. XI pertained to health and sanitation, and derived from Ord. No. 1233, adopted August 3, 1981; Ord. No. 1475, adopted October 30, 1989.
