

# ARTICLE I. - DETROIT PROPERTY MAINTENANCE CODE

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## DIVISION 1. - IN GENERAL

### Sec. 9-1-1. - Use of model code.

This article is derived from the 2000 International Property Maintenance Code, a copyrighted work developed and owned by the International Code Council, Inc. Pursuant to license, the 2000 International Property Maintenance Code has been modified to be commensurate with Michigan law, with the 1997 Detroit City Charter, and with the 1984 Detroit City Code. Further, this model code has been modified to provide for local needs, including administrative and technical requirements, that are not sufficiently provided for in the model code, and to delete certain provisions in the model code which are not applicable to the City or are in conflict with Michigan law, with the 1997 Detroit City Charter, with the 1984 Detroit City Code, or with city regulation.

(Ord. No. 18-03, § 1, 7-9-03)

### Sec. 9-1-2. - Terms.

- (a) All terms stated in the singular number includes the plural and all terms stated in the plural includes the singular.
- (b) Where terms are not defined in this article and are defined in one of the Michigan Construction Codes enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504, such terms shall have the meanings ascribed to them in those codes.
- (c) Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings that are implied by the context in which the terms are used.
- (d) Where the terms "building," "dwelling," "dwelling unit," "premises," "rooming house," "rooming unit," "story," or "structure" are used in this article, these terms shall be construed as though they were followed by the words "or any part thereof."

(Ord. No. 18-03, § 1, 7-9-03)

### Sec. 9-1-3. - Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abatement or abated means a measure or set of measures designed to permanently eliminate lead-based paint hazards and includes:

- (1) The removal of lead-based paint hazards and dust lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, the removal or covering of soil lead hazards, and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures, which shall be performed by a state certified lead abatement firm;
- (2) A project for which there is a written contract or other documentation which provides that a person will be conducting activities in or to a residential dwelling or child-occupied facility that will result

in the permanent elimination of lead hazards or that are designed to permanently eliminate lead hazards;

- (3) A project resulting in the permanent elimination of lead-based paint hazards, conducted by a person certified pursuant to the Michigan Lead Abatement Act, being MCL 333.5451 et seq., except a project that is otherwise exempt under the Act;
- (4) A project resulting in the permanent elimination of lead hazards, conducted by a person who, through their company name or promotional literature, represents, advertises, or holds themselves out to be in the business of performing lead-based paint activities except a project that is exempt under the Michigan Lead Abatement Act; and
- (5) A project resulting in the permanent elimination of lead hazards that is conducted in response to a state or City abatement order, but does not include:
  - a. Renovation, remodeling, landscaping, or other activity, where the activity is not designed to permanently eliminate lead hazards, but is instead designed to repair, restore, or remodel a dwelling even though the activity may incidentally result in a reduction or elimination of a lead hazard;
  - b. An interim control, operation, maintenance activity, or other measure or activity designed to temporarily, but not permanently, reduce a lead hazard;
  - c. Any lead-based paint activity performed by the owner of an owner occupied residential dwelling or an owner-occupied multi-family dwelling containing four (4) or fewer units where the activity is performed only in that owner-occupied unit of the multi-family dwelling; and
  - d. The scraping or removal of paint, painting over paint, or other similar activity that may incidentally result in a reduction or elimination of a lead hazard.

Adult foster care facility means a governmental or non-governmental establishment which principally receives adults for foster care including a foster care family home for adults who:

- (1) Are aged, emotionally disturbed, developmentally disabled or physically handicapped;
- (2) Require supervision on an ongoing basis; and
- (3) Do not require continuous nursing care, but excludes a nursing home, a home for the aged, a hospital, a hospital for the mentally ill, a county infirmary, and a facility operated for the developmentally disabled by the Michigan Department of Mental Health.

Apartment means a one (1) family living space having one (1) or more rooms located within a building, and containing a kitchen equipped with a sink and a bathroom equipped with a bathtub or shower, a lavatory, and a toilet or water closet.

Approved means approved by the director of the buildings and safety engineering department or the public health director, or a device, material or practice that meets acceptable industry standards or an apparatus or a method which, by demonstration or test, has proven workable for its intended use.

Approved containers means receptacles designated for use in specific areas, or for specific uses by the director of the department of public works, which are limited to Courville containers, large movable or stationary containers, and portable containers, as defined in this section.

Article means the Detroit Property Maintenance Code.

Authorized local official means a Detroit police officer, or other City of Detroit employee or agent, who is authorized to issue blight violations in accordance with this article and the provisions of the 1984 Detroit City Code that are designated as blight violations.

Basement means that portion of a building or structure which is partly or completely below grade.

Bathroom means a room containing plumbing fixtures including a bathtub or shower.

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

Blight violation means any unlawful act, or any omission or failure to act, which is designated by the 1984 Detroit City Code as a blight violation pursuant to Section 4l(2) of the Michigan Home Rule Cities Act, being MCL 117.4(2).

Blight violation determination means a determination that:

- (1) An alleged violator is responsible for one (1) or more blight violations as a result of the admission of responsibility for the allegation(s) in a blight violation notice; or
- (2) After an administrative hearing that a person is or is not responsible for one (1) or more blight violations; or
- (3) As a result of a decision and order of default for failing to appear as directed by the blight violation notice, or other notice regarding one (1) or more blight violations, at a scheduled appearance at the department of administrative hearings in accordance with Section 4q(8)(c) of the Michigan Home Rule Cities Act, being MCL 117.4q(8)(c).

Blight violation notice means a written violation notice prepared by an authorized local official which directs an alleged violator i) to pay the civil fine(s) specified in the notice, including any required fees or costs, for one (1) or more blight violations in accordance with the fines, fees, or costs specified in this article and ii) to appear at the department of administrative hearings regarding the occurrence or existence of one (1) or more blight violations pursuant to Section 4q(8) of the Michigan Home Rule Cities Act, being MCL 117.4q(8).

Blight violation proceeding means an administrative process that results in a blight violation determination.

Building means a permanent structure that is constructed or used for a residential or nonresidential purpose, or any permanent accessory structure or facility used in conjunction with such use.

Buildings, premises, and structures, means all properties, equipment, and facilities which are part of, or used in conjunction with, any existing residential and nonresidential building, premises, or structure, including any vacant building.

Certificate of compliance means a certificate issued by the buildings and safety engineering department which states that a building, premises or structure, or a portion thereof, complies with the requirements of this article.

Certificate of registration means a certificate issued by the buildings and safety engineering department which states that a rental property complies with the requirements of this article.

Certified abatement worker means an individual who has been trained to perform lead abatement by an accredited training program and who is certified by the Michigan Department of Community Health to perform lead abatement.

Certified clearance technician means an individual who has completed an approved training course and is certified by the Michigan Department of Community Health to perform lead-clearance testing on interim controls or non-abatement/renovation projects to ensure that lead dust has been removed.

Certified lead inspector means an individual who has been trained by an accredited training program and certified by the Michigan Department of Community Health to conduct lead-based paint inspections for the purpose of identifying lead-based paint and take samples for the purpose of lead-abatement clearance testing.

Certified renovator means an individual who has successfully completed a lead hazard renovator course provided by an accredited training program for which the Michigan Department of Community Health, who has been issued a certificate to perform lead hazard renovations, or who directs or subcontracts to others under their supervision to perform lead hazard renovations.

Certified risk assessor means an individual who has been trained by an accredited training program and certified by the Michigan Department of Community Health to conduct evaluations, lead-based paint inspections, and risk assessments for lead-based paint hazards, and to take samples for the presence of lead in paint and dust for the purpose of post remedy inspection and certification.

City means the City of Detroit.

Clearance examination means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no lead-based paint hazards, as defined in this section, exist in the dwelling unit or work site.

Commercial establishments means all businesses, non-profit organizations, churches, governmental agencies, and other such institutions which cannot be classified as residential structures, as well as residential structures containing five (5) or more household units.

Commercial solid waste means:

- (1) The solid waste resulting from the operation of commercial establishments and;
- (2) Construction solid waste, but does not include domestic solid waste.

Community residential home means a location which provides shelter to prisoners placed pursuant to Section 65a of the Michigan Department of Corrections Act, being MCL 791.265.

Construction solid waste means waste from buildings construction, alteration, demolition or repair, and dirt from excavations.

Containment means a process to protect workers and the environment by controlling exposure to a dust lead hazard and debris created during lead abatement.

Courville containers means receptacles which are one hundred (100), three hundred (300) or four hundred (400) gallons in capacity, are the property of the city, are provided by the department of public works for use at residential structures and commercial establishments, and are mechanically emptied.

Condemnation means to determine a structure unfit for occupancy.

Condominium means that portion of a condominium conversion or project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business or recreational use, or use as a time share unit, or any other type of use.

Debris means the remains of an item broken down or destroyed.

Designated transitional housing means housing which is defined by the United States Department of Housing and Urban Development, in 24 C.F.R. 577.5 as "transitional housing" or in 24 C.F.R. 583.5 as "supportive housing."

Deteriorated paint means paint or other surface coating that is cracking, flaking, chipping, peeling, or otherwise damaged or separating from the substrate of a building component, unless the deteriorated paint surfaces total no more than:

- (1) Twenty (20) square feet on exterior surfaces;
- (2) Two (2) square feet in any one interior room or space; or
- (3) Ten (10) percent of the total surface area on an interior or exterior type of component with a small surface area.

Domestic solid waste means the solid waste resulting from the usual routine of housekeeping but does not include commercial solid waste.

Dust-lead hazard means surface dust in a residential dwelling that contains a concentration of lead at or in excess of levels identified by the United States Environmental Protection Agency pursuant to Title IV, Section 403, of the Toxic Substances Control Act, being 15 USC 2683, or as otherwise defined by rule.

Dwelling or dwelling unit means a single unit providing complete, independent living facilities occupied, or intended to be occupied, in whole or in part by one (1) or more persons, including permanent space and provisions for living, cooking, eating, sanitation, and sleeping.

Emergency means any condition in a building, premises, or structure that reasonably constitutes a threat to the public interest, safety, or welfare.

Emergency shelter means a facility which provides congregate-style temporary lodging either with or without meals and ancillary services on the premises to primarily the homeless for more than four (4) weeks in any calendar year but does not provide such lodging to any individual:

- (1) Who is required because of age, mental disability or other reason to reside either in a public or in a private institution; or
- (2) Who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, a nursing home, a temporary emergency shelter, and a warming center.

Encapsulate means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively-bonded covering material.

Encapsulation means the application of an encapsulant.

Enclosure means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

Evaluation means a risk assessment, a lead-hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

Exterior property means the open space on the premises and on adjoining premises or property under the control of owners or operators of such premises and property.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places, or by removing or making inaccessible materials that serve as their food, or by fumigating, poisoning, spraying, trapping or any other approved pest elimination method, or by a combination thereof.

Final decision and order means a final decision by an administrative hearings officer that a blight violation does or does not exist and constitutes a judgment for purposes of judicial review which may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

Friction surface means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

Garbage means, as defined by Section 11503 of the Michigan Natural Resources and Environmental Act, being MCL 324.11503, rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.

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

Graffiti means unauthorized drawings, lettering, illustrations, or other graphic markings on the exterior of a building, premises, or structure which are intended to deface or mar the appearance of the building, premises, or structure.

Guard means a building component, or a system of building components, located at or near the open sides of elevated walking surfaces that minimize the possibility of a fall from the walking surface to a lower level.

Habitable space means space in a structure for living, eating, cooking or sleeping, but does not mean bathrooms, closets, halls, storage or utility spaces, toilet rooms, or similar areas.

Hazard reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the (2) two.

Hazardous condition means a condition which may result in the death, injury, or illness of a person or in severe damage to a building, premises, or structure.

Homeless means an individual who, or family which, lacks a fixed, regular and adequate nighttime residence, or whose primary nighttime residence is:

- (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- (2) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Hotel means any building containing guest rooms which are intended or designed to be used, rented, or hired out by transient persons or by a transient family.

Household units means the individual residences of the residents of the city.

Imminent danger means a condition which could cause serious or life-threatening injury, or death, to persons at any time due to the maintenance, or lack of maintenance, of a building, premises, or structure.

Impact surface means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

Infestation means the presence, within or contiguous to, a building, premises or structure of insects, rats, vermin, or other pests.

Interim controls means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards including, but not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs. Labeled means appliances, devices, equipment, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization that is concerned with product evaluation and maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Large movable or stationary containers means receptacles which are two (2) cubic yards, three (3) cubic yards, six (6) cubic yards or larger in capacity and are mechanically emptied.

Lead-based paint means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5% by weight. Lead-based paint hazard means any of the following conditions:

- (1) Any lead-based paint on friction surface, or on an impact surface, such as windows or doors, unless they are replacement items that were manufactured after 1978, or unless a lead inspection is performed by a certified lead inspector or risk assessor to verify that the surfaces do not contain lead-based paint; or
- (2) Any lead-based paint on an friction surface, or on an impact surface, such as windows or doors, where the lead dust levels on the nearest horizontal surface are equal to or greater than the dust-lead hazard levels identified in rules promulgated under the Michigan Lead Abatement Act, being MCL 333.5451 et seq.; or
- (3) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component; or
- (4) An interior or exterior surface painted with lead-based paint that a young child can mouth or chew and includes an "accessible surface" as defined in Section 4851b(2) of the Residential Lead-Based Paint Hazard Reduction Act, being 42 USC 4851 et seq., provided, that hard metal substrates and other materials which cannot be dented by the bite of a young child are not considered chewable; or
- (5) Any other deteriorated lead-based paint in or on any residential building or child occupied facility; or

- (6) Surface dust in a residential dwelling or child-occupied facility that contains lead in a mass-per-area concentration equal to or exceeding the levels established by rules promulgated under the Michigan Lead Abatement Act, being MCL 333.5451 et seq.; or
- (7) Bare soil on residential rental property that contains lead equal to or exceeding levels established by rules promulgated under the Michigan Lead Abatement Act, being 333.5451 et seq.; or
- (8) A porch that is found to contain more than forty (40) µg. per square foot or leaded dust.

Lead clearance means:

- (1) A residential dwelling that has undergone interim controls or abatement to reduce or control lead-based paint hazards, and, the owner has received a post-remedy clearance report from a certified clearance technician or, for interim controls only, a certified inspector or risk assessor; or
- (2) The owner of a residential rental property has received report from a certified lead inspector or risk assessor that lead paint exists on the rental property, but there are no lead-based paint hazards on the rental property; or
- (3) The owner of a residential rental property has received a report from a certified lead inspector or risk assessor that lead-based paint does not exist on the rental property.

Lead inspection means a surface-by-surface investigation to determine the presence of lead paint and the provision of a report explaining the results of the investigation.

Let means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Litter means, as defined by section 8901 of the Michigan Natural Resources and Environmental Act, being MCL 324.8901, all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances.

Loft means a dwelling unit in a building originally constructed for other than residential use containing one (1) or more rooms or enclosed floor spaces arranged for living, eating, sleeping, and/or a home occupation, which contains bathroom and kitchen facilities, subject to the conditions specified in the Detroit Zoning Ordinance, being Chapter 61 of the 1984 Detroit City Code.

Motel means a building, or a group of buildings, on a single zoning lot, that contains rooming or dwelling units which may or may not be independently accessible from the outside, designed for or primarily occupied by transients and may include any such building or building group that is designated as a hotel, motor lodge, motor inn, or any other name intended for identification as providing lodging for compensation, and that is with or without a general kitchen and public dining room for use by the occupants.

Motor vehicle means any vehicle that is self-propelled and used for transportation of persons or goods.

Multiple dwelling means any building containing three (3) or more rooming or dwelling units.

Multiple-use building means any building containing two (2) or more areas or spaces of different occupancies.

Noxious weeds means plants such as Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow thistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* 1.) and poison ivy (*Rhus toxicon-* dendron), poison sumac (*toxicodendron vernix*), or other plant which in the opinion of the Public Health Director is regarded as a public nuisance.

Nursing home means a facility which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury or infirmity, and which is not a unit in a correctional facility that is operated by the Michigan Department of Community Health.

Occupancy means the purpose for which a building or structure is utilized or occupied.

Occupant means any individual living or sleeping in a building or structure, or having possession of a space within a building or structure.

Openable area means that part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who is in charge, or has the care or control of a building, premises or structure, which is let, offered or rented for occupancy.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the building, premises or structure, or is recorded in the official records of the State of Michigan, County of Wayne, or the City as holding title to the building, premises or structure, or otherwise has the legal responsibility for the control and maintenance of the building, premises or structure, including the conservator or guardian of the estate of any such person, the executor or administrator of the estate of such person where ordered to take possession of a building, premises, or structure by a court, or is the taxpayer of record.

Permanent means an expected design life of at least twenty (20) years.

Person means an individual, partnership, firm, company, corporation, association, sole proprietorship, joint venture, owner, operator, or any other legal entity. Portable containers means receptacles which are not more than thirty (30) gallons in capacity and are manually emptied.

Post-remedy clearance report means a report from a certified clearance technician, for interim controls only, or a certified lead inspector or certified risk assessor that:

- (1) Identifies the lead-based paint hazards in the rental property; and
- (2) Certifies that the lead-based paint hazards have been abated or reduced by interim controls pursuant to standards under the Michigan Lead Abatement Act, being MCL 333.5451 et seq.

Premises means a lot, plot or parcel of land including any buildings or structures thereon.

Property means real property, including attachments and fixtures.

Public Health Director means the Director and Health Officer of the City of Detroit Department of Health and Wellness Promotion.

Rat control means the distribution of rat poison or the setting of rat traps or fumigation or such other methods of rat eradication as may be approved by the Public Health Director.

Rat harborage means any condition under which rats may find shelter or protection.

Ratproof and ratproofing mean a form of construction which will prevent the ingress or egress of rats to or from a given space or buildings, or will prevent rats from gaining access to food, water or harborage and consists of closing and keeping closed by the use of material impervious to rat gnawing of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods.

Reduction or reduce means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including, but not limited to, interim controls and abatement.

Rental property means a non-owner occupied dwelling unit or dwelling units that:

- (1) Is or are let or occupied by persons, including a family member of the owner, pursuant to an oral or written rental contract, or lease, or other oral or written agreement or understanding for occupation, with or without, monetary compensation; or
- (2) Will be offered for occupancy under an oral or written rental contract or lease, or other oral or written agreement or understanding for occupation, with or without, monetary compensation to any person; or
- (3) Is or are contained within a building with two (2) or more dwelling units that are not occupied by the owner; or



(4) Has or have been advertised to the public or previously registered with the city as rental property.

Repeat offense means a second, or any subsequent, blight violation determination regarding a blight violation notice that is made within a one (1) year for the same blight violation, except for a determination by an administrative hearings officer that a person is not responsible for a blight violation for the first or subsequent violation.

Residential structures mean the household units of the residents of the city.

Retaliatory action means any action that materially alters the terms of the tenancy of the premises such as an increase in rent, termination of a lease or tenancy, or interference with the tenants' occupancy or use of the premises.

Risk assessment means both of the following:

- (1) An on-site investigation conducted by a certified risk assessor to determine the existence, nature, severity, and location of a lead-based paint hazard; and
- (2) The provision of a report by the person conducting the risk assessment explaining the results of the investigation and options for reducing the lead-based paint hazard.

Room and board home means a rooming unit within a dwelling arranged to provide lodging and meals for monetary compensation. Rooming house means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming unit means any room, or group of rooms, that form a single habitable unit occupied, or intended to be occupied, for sleeping or living, but not for cooking purposes.

Rubbish means, as defined by Section 11505 of the Michigan Natural Resources and Environmental Act, being MCL 324.11505, non putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

Sanitary condition means a clean condition which guards against disease, illness or infection, or the growth of harmful bacteria.

Secured by other than normal means means a building secured in a manner other than one used in the construction, design, or approved plans for the building, or other than as required by Section 9-1-13(c) and (d) of the 1984 Detroit City Code.

Shelter means either an emergency shelter or a shelter for victims of domestic violence.

Shelter for victims of domestic violence means a residential facility which provides temporary accommodation and support to victims of domestic violence either with or without their minor children, and which is operated by a non-profit, charitable, or a religious agency that meets the precontract standards of the State of Michigan Domestic Violence Prevention and Treatment Board, but does not include an adult foster care facility, a community residential home, or a substance abuse service facility.

Solid waste means any material defined as a solid waste within the meaning of Section 11506 of the Natural Resources and Environmental Protection Act, being MCL 324.11506, and includes debris, garbage, litter, and rubbish, as defined by this section.

Structure means that which is built or constructed.

Substance abuse service facility means an establishment which is used on an outpatient basis for the dispensing of compounds or prescription medicines directly to persons that have drug or alcohol abuse problems, but excludes a generally recognized pharmacy or licensed hospital that dispenses prescription medicines.

Temporary certificate of compliance means a certificate issued by the buildings and safety engineering department stating that a building, premises, or structure, or a portion thereof, has been found to be safe for its intended purpose and use, is in substantial compliance with this article, and provides for an expiration

date of less than six (6) months from the date of issuance that is conditionally extendable in writing by the directors of the buildings and safety engineering department, or his or her designee.

Temporary emergency shelter means a building which is opened on an urgent basis to provide shelter for the homeless from the elements for not more than four (4) weeks in any calendar year, including those operated in concert by churches and other religious organizations that permit the homeless to utilize their facilities as a place of lodging on a weekly rotating basis.

Tenant means a person, corporation, partnership or group, whether or not the legal owner of record, who or which occupies a building or structure.

Toilet room means a room containing a water closet or urinal, but not a bathtub or shower.

Townhouse means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof and with no side yards except end units which have one (1) side yard.

Vacant building means a building or structure that is unoccupied for more than thirty (30) days, is unsecured, is secured by other than normal means, as defined in this section, is illegally occupied, or poses an imminent danger to the health and safety of surrounding residents and properties or to the general public by being unsafe as determined by an authorized local official, including, but not limited to, the existence of a fire hazard, a collapsed or dilapidated portion, the loss of a utility, or an unsanitary condition.

Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Vermin means small animals, such as bedbugs, lice and mice, that tend to occur in great numbers, are difficult to control, and are offensive as well as injurious.

Violation means any act that is prohibited or made or declared to be a blight violation by any section of this article, and any omission or failure to act where the act is required by any section of this article.

Violator means a person who is responsible for a blight violation.

Warming center means a facility which is not designed for lodging and is operated for the purpose of sheltering the transient homeless from the elements for brief intervals during any twenty-four (24) hour period.

Workmanlike means constructed or repaired in a skilled professional manner, for example, work that is generally plumb, level, square, in line, undamaged and without marring adjacent work and generally in compliance with any applicable requirements of the Michigan Construction Codes enacted pursuant to Section 4 of the Stille-Dearest-Hale Single State Construction Code Act, being MCL 125.1504.

Yard means an unobstructed open space on the same lot with a building or structure.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04; Ord. No. 29-09, § 1, 10-20-09; Ord. No. 11-10, § 1, 7-12-10; Ord. No. 17-11, § 1, 7-6-11)

Sec. 9-1-4. - Title and applicability.

- (a) This article shall be known as the Detroit Property Maintenance Code and establishes the minimum legal requirements for the maintenance, inspection and reinspection of all buildings, premises, and structures within the city and all buildings, premises, or structures outside of the city which are owned, operated and/or maintained by the city.
- (b) The provisions of this article shall apply to all existing residential and nonresidential buildings, premises, and structures and shall constitute minimum requirements and standards for such buildings, premises and structures, including facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from all hazards, and for safe and sanitary maintenance. This article shall govern the maintenance responsibility of owners, operators and occupants, the occupancy of existing premises and structures, and the administration, enforcement and penalties provided for in

this article consistent with provisions of Michigan law and of the 1984 Detroit City Code. Where, in a specific instance, different provisions of Michigan law or of the 1984 Detroit City Code specify different requirements for any building, premises or structure, the most restrictive of any such provisions shall govern.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-5. - Intent of code.

The Detroit Property Maintenance Code shall be construed to secure its expressed intent, which is to ensure the public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of buildings, premises, and structures within the City. Existing buildings, premises, and structures that do not comply with this article shall be altered or repaired to provide a minimum level of health, safety, and welfare as required by this article.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-6. - Savings clause.

Any prosecution arising from a violation of any provision of the 1984 Detroit City Code that is repealed by the enactment of this article, or rule or regulation promulgated thereto, which prosecution may be pending at the time that this article becomes effective, or any prosecution which may be started within one (1) year after the effective date of this article in consequence of any violation of any provision of the 1984 Detroit City Code repealed commensurate with the enactment of this article, which violation was committed previous to the effective date of this article, shall be adjudicated exactly as if such ordinance, provision, or rule or regulation promulgated thereto, had not been repealed.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-7. - Existing remedies preserved.

The provisions of this article shall not be construed to abolish or impair existing remedies of the city relating to the repair, renovation, rehabilitation, removal, or demolition of any building, premises, or structure which is dangerous, unsafe and/or unsanitary, or otherwise in violation of this article.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-8. - Referenced codes and standards.

The specific sections of the Michigan Construction Codes enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504, of the 1984 Detroit City Code, and of the Detroit Zoning Ordinance, being Chapter 61 of the 1984 Detroit City Code, which are referenced in this article are considered to be part of the requirements of this article to the prescribed extent of each such reference.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-9. - Requirements not covered by this article.

Requirements necessary for the strength, stability or proper operation of an existing building, premises, structure, fixture, or equipment, or for the public safety, health and welfare, not specifically covered by this

article, or any other applicable Michigan law or provision of the 1984 Detroit City Code, shall be determined by the director of the buildings and safety engineering department.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-10. - Application of other codes and requirements.

- (a) Repairs, additions or alterations to a building, premises or structure, or changes of occupancy governed under this article, shall be done in accordance with the procedures and provisions of the Michigan Construction Codes enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504, or such other applicable Michigan law or provisions of the 1984 Detroit City Code, concerning the repair, construction or reconstruction of buildings, premises, and structures.
- (b) Inspection and maintenance of boiler and pressure vessels, heating, and refrigeration units within buildings and structures shall be in accordance with the requirements of applicable Michigan law or the 1984 Detroit City Code, including those City ordinances that, pursuant to Section 1-1-7 of the 1984 Detroit City Code, were saved from repeal and are incorporated by reference into the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-11. - Minimum maintenance requirements.

- (a) The provisions of this article shall govern the minimum conditions and the responsibilities of owners, operators, and occupants for maintenance of buildings, premises, and structures, including exterior and interior property.
- (b) Failure of the owner, operator, and occupant to comply with any of the minimum requirements of this article shall be construed as maintaining an unsafe building, premises, or structure and shall be deemed a violation of this article.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-12. - Responsibility for maintenance; violations.

- (a) The owner of the building, premises, or structure shall maintain the building, premises or structure, and its exterior property, in compliance with these requirements, except as otherwise provided for in this article.
- (b) It shall be unlawful for a person to occupy as owner-occupant, or permit another person to occupy, a building, premises or structure, which is not maintained in a habitable, sanitary and safe condition in accordance with the requirements of this article.
- (c) Occupants of a dwelling unit are responsible for keeping that part of the dwelling unit or premises, which they occupy and control, in a clean, habitable, sanitary, and safe condition.
- (d) Except as otherwise specified within this article, each owner, or the owner's agent, shall be responsible for the maintenance of the building, premises, and structures regulated under this article, and for any violation or violations and any corresponding penalty or penalties, as a result of a failure to comply with the provisions of this article.
- (e) All owners are jointly and severally required:
  - (1) To comply with the requirements of this article; and
  - (2) To cure any blight violations that are issued under this article.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 11-10, § 1, 7-12-10)

Sec. 9-1-13. - Vacant buildings, premises, and structures generally.

All vacant buildings, premises, and structures shall be maintained in accordance with Division 4 of this article.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 11-10, § 1, 7-12-10)

Sec. 9-1-14. - Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this article shall be executed and installed in a workmanlike manner in accordance with applicable Michigan law and with the provisions of the 1984 Detroit City Code, and/or in accordance with the manufacturer's installation instructions.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-15. - Historic buildings, premises, and structures.

- (a) The provisions of this article shall be mandatory for existing buildings, premises, and structures designated by the United States, the State of Michigan, or the City, as historic to the extent that the requirements of this article are consistent with any federal, state, or City law or regulation governing historic buildings, premises and structures, provided, that where an inconsistency exists and the requirements of this article are not mandatory, the director of the buildings and safety engineering department is authorized to issue an order to the owner of the historic building, premises, or structure concerning an imminent danger or unsafe or unsanitary condition to protect the public health, safety, and welfare.
- (b) All work performed on historic buildings, premises, and structures pursuant to this article shall be in accordance with the requirements of applicable federal, or of Michigan law or regulation, or of the provisions of the 1984 Detroit City Code, including complying with any permit requirement.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-16. - Devices, equipment, safeguards, and systems; removal or abrogation.

Devices, equipment, safeguards, and systems that are required by this article, or a previous code or provision of the 1984 Detroit City Code, or regulation under which the building, premises or structure was constructed, altered or repaired, shall be maintained in good repair. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in an existing building, premises or structure.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-17. - Notice to owner or to person responsible for violation.

- (a) Whenever the director of the buildings and safety engineering department or the public health director determines that there has been a violation of this article, or has reasonable grounds to believe that a violation has occurred, a notice or order shall be given to the owner or the person responsible for the maintenance of the building, premises, or structure in the accordance with this section.

- (b) A notice or order under this section, except a blight violation notice, shall be deemed to be property served:
  - (1) Where the original, or a copy, of the notice or order is delivered personally, or sent by certified or first-class mail addressed to the last known address of the owner of the building, premises or structure; or
  - (2) Where the notice or order is returned showing that the mail was not delivered, proof that a copy of the notice or order was securely posted in a conspicuous place on or about the building, premises, or structure that is the subject of the notice or order.
- (c) A blight violation notice shall be issued in accordance with Chapter 8.5 of the 1984 Detroit City Code.
- (d) Notices or orders for condemnation or demolition procedures shall comply with the requirements of the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-18. - Receipt or service of a notice, order, blight violation notice; action by owner.

It shall be unlawful for the owner of any building, premises, or structure who has received or been served a notice, an order, or a blight violation notice, in accordance with section 9-1-17 of the 1984 Detroit City Code concerning a violation of this article to sell, Transfer, mortgage, lease or otherwise, dispose of such building, premises, or structure to another until the provisions of the notice, order, or blight violation notice have been complied with, without providing the grantee, transferee, mortgagee or lessee a duplicate copy of the notice, order, or blight violation notice issued by the city concerning the violation. Where a duplicate copy is provided, the owner shall furnish to the appropriate city official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of a copy of the notice, order, or blight violation notice and fully accepting responsibility without condition for making the alterations, corrections, or repairs required to cure the violation contained in the notice, order, or blight violation notice.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-19. - Violations.

- (a) In accordance with Section 4c(3) of the Michigan Home Rule Cities Act, being MCL 117.41(4) and Sections 1-1-9(c) and 8.5-2-1, of the 1984 Detroit City Code, a violation of this article is deemed to be a blight violation.
- (b) Any person who violates any section of this article may be issued a blight violation notice pursuant to Chapter 8.5 of the 1984 Detroit City Code for each day that the violation continues.
- (c) In accordance with Chapter 8.5 of the 1984 Detroit City Code, any person, firm, partnership or corporation, or anyone acting on behalf of said person, firm, partnership or corporation, who admits responsibility or is found to be responsible, through a blight violation determination, for violation of this article shall be subject to a civil fine.

(Ord. No. 18-03, § 1, 7-9-03)

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Sec. 9-1-20. - Civil fines for violations of article.

- (a) The following schedule of civil fines shall be assessed and paid at the Department of Administrative Hearings for the specified violations of this article:

		First Offense	Second Repeat Offense	Third and Subsequent Repeat Offense
I.	Failure to meet a requirement of this article, except as otherwise specified:			
	One- or two-family dwelling	\$50.00	\$100.00	\$200.00
	All other structures, except buildings with five (5) or more stories	100.00	200.00	500.00
	Buildings with five (5) stories	200.00	500.00	1,000.00
II.	Failure of to comply with an emergency or imminent danger order concerning an unsafe or unsanitary structure or unlawful occupancy.			
	One- or two-family dwelling	500.00	1,000.00	1,500.00
	All other structures, except buildings with five (5) or more stories	1,000.00	1,500.00	2,000.00
	Buildings with five (5) or more stories	1,500.00	3,000.00	5,000.00
III.	Failure of the owner to obtain a certificate of compliance in violation of section 9-1-36 of the 1984 Detroit City Code.	250.00	500.00	1,000.00
IV.	Failure of the owner to obtain a certificate of registration for vacant property in violation of section 9-1-50 of this Code.	250.00	375.00	500.00
V.	Failure of the owner to obtain a certificate of registration for rental property in violation of Section 9-1-81 of the 1984 Detroit City Code.	250.00	350.00	500.00
VI.	Failure to obtain a lead clearance for rental property in violation of section 9-1-83 of the 1984 Detroit City Code.			

	One- or two-family dwelling	500.00	1,000.00	2,000.00
	All other structures, except buildings with five (5) or more stories	1,000.00	2,000.00	4,000.00
	Buildings with five (5) or more stories	2,000.00	4,000.00	8,000.00
VII.	Failure to remove snow or ice in violation of Section 9-1-103 of the 1984 Detroit City Code:			
	One- or two-family dwelling	50.00	125.00	250.00
	All other buildings, premises, or structures.	100.00	250.00	500.00
VIII.	Weeds or plant growth in violation of Section 9-1-104 of the 1984 Detroit City Code.	50.00	125.00	250.00
IX.	Rodent harborage in violation of Section 9-1-105 of the 1984 Detroit City Code.	100.00	250.00	500.00
IX.	Failure to remove inoperable or unlicensed motor vehicle from premises in violation of Section 9-1-110 of the 1984 Detroit City Code.	100.00	250.00	500.00
XI.	Failure to maintain a vacant building or structure in accordance with the requirements of Section 9-1-113 of this Code.			
	One- or two-family dwelling	500.00	750.00	1,000.00
	All other structures, except buildings with five (5) or more stories	750.00	1,250.00	1,500.00
	Buildings with five (5) or more stories	1,000.00	2,000.00	3,000.00

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- (b) In the case of a firm, or a partnership, the civil fine may be imposed upon the partnership or members thereof, and in the case of a corporation, the civil fine may be imposed upon the officers thereof.



- (c) The imposition of a civil fine, or the payment of same, under this section shall not be construed as excusing or permitting the continuance of any violation of this article.
- (d) A civil fine that is paid before the administrative hearing date shall be reduced by ten (10) percent.
- (e) A civil fine that is paid after the administrative hearing date shall be increased by ten (10) percent.
- (f) A civil fine that is paid on the administrative hearing date neither shall be reduced nor shall be increased.
- (g) Pursuant to Section 4q(13) of the Michigan Home Rule Cities Act, being MCL 117.4q(13), and Section 8.5-3.5(a) of the 1984 Detroit City Code, Department of Administrative Hearings hearing officers shall impose a justice system assessment fee for each blight violation determination.
- (h) Pursuant to section 8.5-3.5(b) of the 1984 Detroit City Code, each blight violation notice shall be subject to an administrative processing and adjudication fee, established by the Director of the Department of Administrative Hearings and approved by the City Council.
- (i) Pursuant to Section 117.4q(3) of the Michigan Home Rules Cities Act, being MCL 117.4q(4), and section 8.5-3-2(4) of the 1984 Detroit City Code, a hearing officer from the Department of Administrative hearings may waive a fine for a blight violation at an owner-occupied dwelling for a first-time violator of the Code where the violator has corrected the circumstances of the violation.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04; Ord. No. 29-09, § 1, 10-20-09; Ord. No. 11-10, § 1, 7-12-10)

Sec. 9-1-21. - Civil remedies for violations; abatement of violation.

The imposition of the civil fines prescribed in section 9-1-20 of the 1984 Detroit City Code shall not preclude the corporation counsel from instituting a legal action or proceeding in equity in a court of competent jurisdiction to restrain, correct or abate a violation or violations of the provisions of this article, or to prevent illegal occupancy of a building, premises, or structure, or to stop an illegal act, conduct, business or utilization of the building, premises or structure. When necessary to compel correction or abatement of a violation or nuisance, the city shall utilize any available means under Michigan law, the 1997 Detroit City Charter, or the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-22—9-1-30. - Reserved.

## **DIVISION 2. - ADMINISTRATION AND ENFORCEMENT**

Sec. 9-1-31. - Authorization and enforcement issuance of blight violations.

- (a) The director of the buildings and safety engineering department and the public health director, through their authorized local officials and designees, are authorized to administer and enforce the provisions of this article.
- (b) In accordance with the prescribed procedures of the city, the director of the buildings and safety engineering department and the public health director shall have the authority to designate technical officers and inspectors who are authorized to enforce and to ensure compliance with the provisions of this article, to conduct inspections and reinspections, and to issue and serve upon a person a written notice or order, where the authorized local official has reasonable cause to believe that there has been a violation of this article.

- (c) In accordance with sections 1-1-9 and 8.5-2.11 of the 1984 Detroit City Code, the director of the buildings and safety engineering department and the public health director shall have the authority to designate authorized local officials who are authorized to issue and serve upon a person a blight violation where the authorized local official has reasonable cause to believe that there is a violation of this article.
- (d) A city official or employee who is connected with the enforcement of this article, except one whose only connection is that of a member of the board of zoning appeals established under the 1997 Detroit City Charter, neither shall be engaged in, or directly or indirectly be connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, premises or structure, or the preparation of construction documents thereof, unless that person is the owner of the building, premises or structure, nor shall engage in any work that conflicts with official duties or with the interests of the city.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-32. - Rules and procedures.

- (a) In accordance with Section 2-111 of the 1997 Detroit City Charter, the director of the buildings and safety engineering department shall have authority, as necessary, in the interest of public health, safety and welfare, to adopt and promulgate rules and procedures to govern certain procedures for resolving matters in dispute under this article. Such rules and procedures shall not have the effect of waiving any health or safety requirements of this article, or of violating accepted engineering requirements or methods involving public safety, or be used for resolving fines and costs levied as a result of any violation of this article.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-33. - Records.

All city officials and employees who are authorized to enforce this article shall keep official records of all business and activities concerning the enforcement of the provisions of this article in the enforcing department. Such records shall be retained in the official records as long as the building, premises, or structure to which such records relate remains in existence, unless otherwise provided for by Michigan law or by the city's record-retention schedule.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-34. - Fees.

- (a) The director of the buildings and safety engineering department shall establish fee schedules, including fees for certificates of compliance, certificates of registration, and inspections, pertaining to all buildings, premises, and structures that are subject to inspection or reinspection under this article and are determined to be necessary for the administration of this article, subject to the approval of the buildings and safety engineering department board of rules, and collection procedures for services. The fees authorized by this section shall cover the costs of rendering such services and be equitable and sufficient to cover, insofar as possible to determine, the cost incurred by the buildings and safety engineering department in the administration and enforcement of this article. Fees established pursuant to this section shall be reviewed, revised, and approved, as necessary, in accordance with this section.
- (b) The fees for registrations, certificates, inspections, and other services required under the provisions of this article shall be collected by the licenses and permits division of the buildings and safety engineering department.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-35. - Enforcement; inspections.

- (a) The director of the buildings and safety engineering department and the public health director, or their authorized local officials or designees, shall make the required inspections and reinspections under this article, or shall accept reports of inspections from any authorized city departments or agencies, or persons. All such inspection reports shall be in writing and be certified by an authorized local official of the buildings and safety engineering department or the Detroit Health and Wellness Promotion Department, or by the responsible person. The director of the buildings and safety engineering department and the public health director are authorized to engage, subject to any approvals required by the 1997 Detroit City Charter or by the 1984 Detroit City Code, such expert opinion as deemed necessary to report upon unusual or technical issues that arise as a result of any inspection or reinspection.
- (b) Subject to any constitutional restrictions on unreasonable searches and seizures, the director of the buildings and safety engineering department and the public health director, or their authorized local officials or designees, are authorized to enter any building, premises, or structure within the city, or any building, premises, or structure outside of the city which is owned, operated, and/or maintained by the city, at reasonable times to inspect. Where entry is refused or not obtained, the director of the buildings and safety engineering department or the public health director shall pursue recourse, as provided by law, to obtain entry.
- (c) The director of the buildings and safety engineering department and the public health director, or their authorized local officials or designees, shall carry and display proper city identification containing their photograph when inspecting a building, premises, or structure in the performance of their duties under this article.
- (d) The director of the buildings and safety engineering department, or his or her authorized local officials or designees, shall conduct inspections to obtain compliance with this article based upon at least one (1) of the following:
  - (1) All buildings of public assembly, including armories, bars, halls, rental halls, school buildings, theaters, buildings used for manufacturing and industrial purposes, multiple use buildings, all buildings used for other commercial purposes, including, but not limited to, apartment houses, condominiums, emergency shelters, hospitals, hotels, lofts, office buildings, motels, rooming houses, rooming units, shelters for victims of domestic violence, temporary shelters, townhouses, and buildings, premises and structures used for lumber yards, general storage yards and railroad yard facilities, and all other buildings occupied or used by large numbers of persons or which may constitute a hazard to life or property where not in compliance with this article, and wharves, fences, billboards, signs and other structures shall be inspected by the buildings and safety engineering department, from time to time, and as close as possible to once a year;
  - (2) The receipt of a complaint or other notice of a possible violation of this article;
  - (3) An observation by the director of the buildings and safety engineering department, or his or her authorized local official or designee, of a possible violation of this article;
  - (4) Pursuant to the issuance of certificates of compliance as required by Michigan law, by Section 9-1-36 of the 1984 Detroit City Code, or by other provision of the 1984 Detroit City Code;
  - (5) Pursuant to the registration of residential rental properties in accordance with section 9-1-82 of the 1984 Detroit City Code;
  - (6) Pursuant to the designation of an area within the city where all buildings, premises, and structures are to be uniformly inspected;
  - (7) Pursuant to a request for inspection by the owner, or authorized agent of the owner, of the building, premises, or structure;

- (8) All owners of buildings five (5) stories or more in height shall have all roof-mounted structures and every exterior wall of or part of the building's exterior, including connecting bridges, cornices, copings, sills, bays, or similar projections, thoroughly inspected and examined by competent persons at their own expense at intervals not to exceed five (5) years and shall furnish the director of the buildings and safety engineering department with a written report setting forth the true condition of the structure or wall inspected. The director of the buildings and safety engineering department shall be notified in advance of such an inspection of an existing building and may have an authorized local official or designee present. Where the conditions of a structure or wall cannot be determined by inspection of the exterior of the structure or wall, the director of the buildings and safety engineering department, or his or her authorized local official or designee, may require portions thereof to be removed for more thorough examination;
  - (9) The owners of the Ambassador Bridge, the Detroit River Railroad Tunnel, and the Detroit-Windsor Tunnel shall have these structures thoroughly inspected and examined by competent personnel at their own expense and at intervals not to exceed five (5) years and shall furnish the director of the buildings and safety engineering department with a written report setting forth the true conditions thereof;
  - (10) The exposed length of any metal or masonry stack eighteen (18) inches or more in diameter and twenty-five (25) feet or more in length above ground or roof shall be inspected at least every five (5) years by competent personnel, including steeplejacks, employed by the owner or user of such stack who shall furnish the buildings and safety engineering department with a written report on the condition of the stack and its support;
  - (11) To ensure compliance with the provisions of the Michigan Construction Codes enacted pursuant to Section 4 of the Derossett-Hale Single State Construction Code Act, being MCL 125.1504 the Housing Law of Michigan, being MCL 125.401 et seq.; and any other applicable law or provision in the 1984 Detroit City Code regulating the maintenance, occupancy, and use of buildings, premises, or structures; or
  - (12) To project the health, safety, and welfare of the public.
- (e) The public health director shall conduct inspections to obtain compliance with this article based upon, at least, one (1) of the following:
- (1) The receipt of a complaint or other notice of a possible violation of this article;
  - (2) An observation by the public health director, or his or her authorized local official or designee, of a possible violation of this article;
  - (3) Pursuant to the designation of an area within the city where all buildings, premises, and structures are to be uniformly inspected;
  - (4) Pursuant to a request for inspection by the owner, or authorized agent of the owner, of the building, premises, or structure;
  - (5) To ensure compliance with the provisions of the Housing Law of Michigan, being MCL 126.401 et seq.; or
  - (6) To provide the health, safety, and welfare of the public.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-36. - Certificate of compliance required; violation for failure to obtain; temporary certificate and modifications.

- (a) The following buildings and structures shall be required to have a certificate of compliance issued by the buildings and safety engineering department:

- (1) All buildings and structures required to be inspected pursuant to section 9-1-35(d) of the 1984 Detroit City Code; and
  - (2) One- and two-family dwellings, or any part of a residential structure, which are occupied by persons pursuant to an oral or written rental contract or lease agreement for monetary compensation. This requirement shall not include one-family dwellings which are occupied by the owner of the structure and the owner's immediate family and those portions of a two family dwelling which are occupied by the owner and the owner's immediate family.
- (b) As required by this article, certificates of compliance for buildings and structures shall be issued, upon inspection, by the buildings and safety engineering department, correction of any violations, and a determination by the buildings and safety engineering department that the building or structure is in compliance with this article.
  - (c) The certificate of compliance, that is issued by the buildings and safety engineering department pursuant to this article, shall be posted in a conspicuous place within the building or structure and readily available for inspection with the exception of certificates of compliance issued for one and two-family rental dwellings. Certificates of compliance for one- and two-family rental dwellings shall be maintained by the owner and made available upon request by the director of the buildings and safety engineering department or the public health director, or their authorized local officials or designees, or by any current or prospective tenant.
  - (d) It shall be unlawful to occupy or use a building, premises, or structure required to have a certificate of compliance under this article, or cause same to be occupied, without the required certificate of compliance for the building, premises, or structure. Upon the issuance of a blight violation notice and a finding that the building, premises, or structure is unsatisfactory for human habitation, the director of the buildings and safety engineering department or public health director may order such building, premises, or structure vacated.
  - (e) Whenever there are practical difficulties involved in carrying out the provisions of this article, the director of the buildings and safety engineering department shall have the authority to issue a temporary certificate of compliance or grant modifications for individual cases, provided the director of the buildings and safety engineering department shall first find a specific reason that:
    - (1) Would make the strict letter of this article impractical;
    - (2) The modification from the requirement is in compliance with the intent and purpose of article; or
    - (3) Such modification does not lessen any health and safety requirements of any provision of Michigan law, of this article, or of the 1984 Detroit City Code as determined by the appropriate city official.
  - (f) The details of any action granting a modification from this article shall be recorded, entered, and maintained in the records of the buildings and safety engineering department.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-37. - Suspension of certificate of compliance.

- (a) The director of the buildings and safety engineering department may suspend a certificate of compliance or a temporary certificate of compliance where the owner fails to comply with one (1) or more blight violation notices. The suspension of a certificate of compliance shall be by written notice to the owner of the building, premises or structure, or his or her legal representative, and contain the specific reason for the suspension.
- (b) It shall be unlawful for any rental dwelling to be occupied for more than sixty (60) days after the written notice of suspension of the certificate by the buildings and safety engineering department, provided, that where the notice of suspension states there is an immediate danger due to a violation or violations of this article, the dwelling may be ordered immediately vacated by the director of the buildings and safety engineering department, or his or her designee, and any occupancy shall therefore be unlawful.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-38. - Alternative materials and methods.

- (a) The installation of an alternative material or the use of an alternative method of construction not specifically prescribed or prohibited by this article may be allowed, provided, that any such alternative material or method of construction has been approved by the director of the buildings and safety engineering department.
- (b) An alternative material or method of construction shall be approved where the director of the buildings and safety engineering department finds that the proposed design is satisfactory and complies with the intent of the provisions of this article, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this article in durability, effectiveness, quality and strength, and provides the same safety.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-39. - Required testing of material or method.

- (a) Whenever there is insufficient evidence of compliance with the provisions of this article, or evidence that a material or method does not conform to the requirements of this article, or in order to substantiate claims for alternative materials or methods, the director of the buildings and safety engineering department shall have the authority to require tests to be made as evidence of compliance at no expense to the city.
- (b) Test methods shall be as specified in this article or by other recognized test standards. In the absence of recognized and accepted test methods, the director of the buildings and safety engineering department shall approve the testing procedures.
- (c) All tests shall be performed by an approved agency or organization.
- (d) Reports of tests shall be retained by the buildings and safety engineering department for the period required by Michigan law or by the city's record-retention schedule.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-40. - Material, equipment, and devices reuse.

Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-41. - Unsafe building, premises, structures, equipment or devices; closing or condemnation.

- (a) Where a building, premises, or structure (i) is determined by the director of the buildings and safety engineering department to be dangerous to the life, health, property, or safety of the public or the occupants of the building, premises, or structure by not providing minimum safeguards to protect occupants, or (ii) is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible, or (iii) is determined to contain unsafe equipment or a device, such as a boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment which is in such disrepair or condition that such equipment or device is a hazard to life, health, property or safety of the public or occupants of the building, premises, or structure, or (iv) is determined to be unsafe and unfit

for human occupancy or (v) is otherwise determined to be unlawful by the appropriate city official, such building, premises, or structure may be closed or condemned by the director of the buildings and safety engineering department or the public health director pursuant to the applicable provisions of Michigan law, of this article, or the 1984 Detroit City Code. Further, the director of the buildings and safety engineering department or the public health director, or their designees, are authorized to issue any other appropriate notice or order concerning the subject building, equipment, structure, or device to protect the immediate public health, safety, and welfare in accordance with applicable Michigan law, with this article, or with the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-42. - Unlawful occupancy of buildings, premises, or structure; abatement.

Where a building, premises, or structure is determined by the director of the buildings and safety engineering department or the public health director to be (i) an unlawful structure due to the fact that it is, in whole or in part, occupied by more persons than permitted under this article, or (ii) altered, erected, or occupied contrary to Michigan law, to this article, or to the 1984 Detroit City Code, the director of the buildings and safety engineering department or the public health director may issue a notice or order preventing such unlawful occupancy or take any appropriate action to abate the condition in accordance with the provisions of Michigan law, of this article, or of the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-43. - Buildings, premises, or structures unfit for human occupancy; emergency notices and orders.

- (a) Where a building, premises, or structure is determined by the director of the buildings and safety engineering department or the public health director to be unfit for human occupancy due to a determination that the building, premises, or structure (i) is unsafe or unlawful due to the degree to which the building, premises, or structure is in disrepair or lacks maintenance, or (ii) is unsanitary, vermin or rat infested, or contains filth and contamination, or (iii) lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this article, and where such building, premises, or structure constitutes a hazard to the occupants or to the public due to its location, such building, premises, or structure may be declared unfit for human occupancy by the director of the buildings and safety engineering department or the public health director. Further, the director of the buildings and safety engineering department and the public health director are authorized to issue any other appropriate notice, order, or emergency order concerning the subject building, premises or structure, or equipment within, to protect the immediate public health, safety, and welfare in accordance with Michigan law, with this article, or with the 1984 Detroit City Code.
- (b) Where a building, premises, or structure does not have water, sewerage, or electrical service and the director of the buildings and safety engineering department or the public health director determines that a structure is unsafe for occupancy by any person, the director of the buildings and safety engineering department or the public health director may issue an emergency order to close or vacate the building, premises, or structure.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-44. - Closing of unlawful and vacant buildings, premises, and structures.

- (a) Where a building, premises, or structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the director of the buildings and safety engineering department and the public health director are authorized to order the building, premises, or structure closed and

to post a public notice of closure on the building, premises, or structure to prevent entry by any person. Upon service of the closure notice upon the owner of the building, premises, or structure and failure of the owner to close up and secure the building, premises, or structure within the time specified in the order, the director of the buildings and safety engineering department or the public health director may cause the building, premises, or structure to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost of such closing and security charged against the real property upon which the building, premises, or structure is located, which shall be a lien upon the real property in favor of, and collectable by, the city.

- (b) Whenever the director of the buildings and safety engineering department or public health director has closed a building, premises or structure under the provisions of this section, notice shall be posted in a conspicuous place in or about the building, premises, or structure affected by such notice and served, by first class mail, upon the owner or the person or persons responsible for the building, premises, or structure. The notice shall be in the form prescribed by the director of the buildings and safety engineering department or the public health director.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-45. - Posting notice on buildings, premises, and structures; prohibited occupancy; removal of notice; failure to comply with notice or order.

- (a) Upon failure of the owner of the building, premises or structure, or the person responsible, to comply with a notice or order issued by the director of the buildings and safety engineering department of the public health director concerning an unsafe or unlawful building, premises, or structure unfit for human occupancy within the time given by the notice or order, the director of the buildings and safety engineering department or the public health director, or their authorized local officials or designees, shall post on the building, premises, or structure, or on defective equipment, a notice visible to the public bearing the words "Closed by Authority of the City of Detroit Director of the Buildings and Safety Engineering Department or "Closed By Authority of the City of Detroit Public Health Director" and a statement of the penalties for occupying the building, premises, or structure subject to the notice, or removing the notice posted pursuant to this section.
- (b) It shall be unlawful for any person to occupy a building, premises, or structure subject to a posted notice of closure or to operate equipment, devices, or fixtures therein, or for any owner or any person responsible for the building premises, or structure, to allow any person to occupy such a building, premises, or structure or operate equipment, devices or fixtures, therein, subject to the posted notice.
- (c) The director of the buildings and safety engineering department or the public health director, or their authorized local officials or designees are authorized to remove the notice closing the building, premises, or structure whenever the defect or defects upon which the action of posting the closing notice were based upon has or have been eliminated. It shall be unlawful for any person to deface or remove any closing or condemnation notice from any building, premises or structure without the authorization of the director of the buildings and safety engineering department or the public health director, or to fail to comply with any notice or order of the director of the buildings and safety engineering department or the public health director under this section.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-46. - Imminent danger; emergency measures and safeguards; review of order.

- (a) When, in the opinion of the director of the buildings and safety engineering department, there is imminent danger of failure or collapse of a building, premises, or structure which endangers life, or when any building, premises, or structure has fallen and life is endangered by the occupation of the building, premises or structure, or when there is actual or potential danger to the occupants of the building, premises, or structure or those in the proximity of the building, premises, or structure, because



of explosive, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the director of the buildings and safety engineering department is hereby authorized and empowered to order and require the occupants to immediately vacate the building, premises, or structure. The director of the buildings and safety engineering department shall cause to be posted at each entrance to such building, premises, or structure a notice reading: "This Building, Premises, or Structure is Unsafe and Its Occupancy or Use Has Been Prohibited by the Director of the Buildings and Safety Engineering Department." It shall be unlawful for any person to enter such building, premises, or structure except for the purpose of securing the building, premises, or structure, making the required corrections or repairs, removing the hazardous condition, or demolishing the same.

- (b) Notwithstanding other provisions of this article, whenever, in the opinion of the director of the buildings and safety engineering department, that there is an imminent danger due to an unsafe condition in a building, premises, or structure, the director of the buildings and safety engineering department may order temporary safeguards and the necessary work to be done to protect the public health and safety, including the boarding up of openings, to render such unsafe building, premises, or structure temporarily safe notwithstanding whether any notice, order, or emergency order required under this article has been issued or served, and shall cause such other action to be taken as the director of the buildings and safety engineering department deems necessary to meet such imminent danger or emergency in accordance with michigan law, with this article, and with the 1984 Detroit City Code.
- (c) Where due to an imminent danger and, when necessary, to protect the public safety, the director of the buildings and safety engineering department may temporarily close buildings, premises and structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe buildings, premises and structures, and prohibit the same from being utilized, except as specified in the notice or order of closure.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-47. - Demolition of dangerous and unsafe buildings; wrecking.

The demolition of dangerous and unsafe buildings, and the wrecking of such buildings, shall be governed by the applicable provisions of the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-48. - Emergency repairs; costs; unpaid costs to result in liens.

- (a) For the purposes of emergency measures concerning an emergency, imminent danger, or an unsafe condition at a building or structure, or an unsafe, hazardous or unsanitary condition at a building or structure, the Director of the Buildings and Safety Engineering Department, or his or her designer, may secure and use necessary labor and materials to perform the required repairs or work as expeditiously as possible to protect the public health, safety, and welfare.
- (b) Costs incurred in the performance of emergency repairs or work concerning an emergency, imminent danger, or an unsafe condition at a building or structure, shall be paid by the City and recovered from the owner or owners, or the agents or assignees of the owner or owners and recovered from the owner. The Corporation Counsel may institute appropriate legal action against the owner of the building, premises, or structure for the recovery of all costs incurred by the City in the performance of such repairs or work.
- (c) Where the cost for repairs and work at a building or structure incurred by the City as a result of the emergency, imminent danger, or unsafe condition is not paid to the City by the owner or owners:
  - (1) The amount of the costs shall be forwarded by the Buildings and Safety Engineering Department to the Board of Assessors for assessment on the subject property and recorded as a lien against real property in accordance with state law, the Detroit City Charter, and this Code; and

- (2) Liens assessed pursuant to this section shall be enforced in the manner prescribed in state law, the Detroit City Charter, and this Code for the enforcement of special assessment liens or tax liens.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 11-10, § 1, 7-12-10)

Sec. 9-1-49. - Review of order.

Any person ordered to take emergency measures to abate an imminent danger or to safeguard the public health or safety shall comply, immediately, with such order. Thereafter, any affected person may request the director of the buildings and safety engineering department to review the order to take emergency measures and the costs, if any, that are assessed as a result of the emergency work paid for by the city.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-50. - Requirement to register vacant buildings and structures; enforcement authority; establishment of annual fee.

- (a) Within thirty (30) days of a building or structure becoming vacant or after receiving notice from the City that the Building or structure is vacant, the owner of the vacant building or structure shall register the property with the Buildings and Safety Engineering Department, and obtain a Certificate of Registration of Vacant Property from the Department. Application for a Certificate of Registration of Vacant Property shall be made on a form available at the Department by providing following information:
  - (1) A description of the building or structure, including the address, square footage, number of stories, approximate year of construction, and the most recent use of the building or structure;
  - (2) The names, addresses, and telephone numbers of all owners of the building or structure and, where an owner resides or is located outside this state, the name, address, and phone number of a local person or agent who is responsible for maintenance of the property and for receipt of notices or process concerning the building or structure;
  - (3) The names and address or all known mortgage or lien holders and any bank, financial institution, or other party with a legal or equitable interest in the building or structure; and
  - (4) A plan and a timetable:
    - a. For returning the property to active use; or
    - b. Demolition where the building or structure has major structural defects and the owner has determined that the defects would not allow for rehabilitation, or the building or structure has been ordered demolished by the City Council.
- (b) A Certificate of Registration of Vacant Property shall be renewed annually on or before the date of the original registration. Vacant buildings or structures that have been returned to active use, or demolished, are not required to be registered.
- (c) A notice that is sheltered from the weather, which indicates the name and telephone number of a local person to be contacted in the event of an emergency or other concern at the property, shall be visually posted on the side of the vacant building or structure. In addition, pursuant to Section 38-4-8 of this Code, the owner may request the Detroit Police Department to post a warning sign on the vacant building or structure.
- (d) The annual fee for registration of a vacant building or structure shall be established in accordance with section 9-1-34 of this Code and shall be collected by the Buildings and Safety Engineering Department Licenses and Permits Division.

- (e) All vacant buildings and structures shall be subject to an annual inspection and obtain a Certificate of Compliance, provided, that where, upon inspection all the criteria of this article are met, the annual fee for the registration of a vacant building or structure shall be waived.
- (f) Where the building or structure is sold or transferred to a party other than the owner(s) listed on the Certificate of Registration of Vacant property and the property remains vacant, the new owner(s) shall obtain a new Certificate of Registration of Vacant Property within thirty (30) days of taking title to the property. This requirement is in addition to presale inspection for single- and two-family dwellings that is required under Chapter 26, Article II, of this Code.
- (g) After registration, a vacant building or structure shall at all times be secured from trespass and the building or structure and surrounding property maintained as provided for in this article. An owner may receive and shall comply with any emergency order, correction notice and blight violation issued under this article concerning a vacant building or structure, until the property is secured and maintained as determined by an authorized local official.
- (h) Pursuant to Sections 9-1-44 and 9-1-46(b), and 9-1-48 of this Code, the City may undertake demolition, maintenance or securing of any vacant building or structure that presents an imminent danger, is in an emergency condition, or is not in compliance with a notice or blight violation under this article.
- (i) In addition to all other remedies available under this article or at law, the costs of demolition, administration including the value of tasks performed by the City under this article shall be recorded as liens against the real property upon which the vacant building or structure is located. A lien that arises under this subsection shall be reported to the Board of Assessor, which shall assess the costs against the subject property. Any liens shall be enforced in the manner prescribed in state law. the Detroit City Charter and this Code for the enforcement of special assessment liens or tax liens.
- (j) In accordance with sections 9-1-44, 9-1-46, and 9-1-48 of this Code, the City may undertake emergency measures, including the boarding closing, emergency repairs, and securing of a vacant building or structure, to protect the public health and safety from an imminent danger or to remedy the failure of an owner to comply with a notice or an order issued under this article. Pursuant to this article, any costs incurred by the City in undertaking emergency measures may be recovered by the City from the owner. The Corporation Counsel may institute appropriate legal action against the owner of the vacant building or structure for the recovery of the costs of the emergency measures. A lien upon the real property may be placed on the subject property in accordance with state law and the 1984 Detroit City Code.

(Ord. No. 11-10, § 1, 7-12-10)

Secs. 9-1-51—9-1-80. - Reserved.

### **DIVISION 3. - REQUIREMENTS FOR RENTAL PROPERTY**

Subdivision A. - In General

Sec. 9-1-81. - Registration of rental property.

- (a) The owners or agents of rental property shall register all such dwellings with the buildings and safety engineering department and obtain a certificate of registration as provided for in this section. Application for the certificate of registration of a rental property shall be made on forms provided by the department and shall contain:
  - (1) The location and use of the rental property;

- (2) The name, address, telephone number, and driver license number or state identification number, of the rental property owner applicant, if an individual, and the name and address of the resident agent, if a corporation;
  - (3) Information listed in subsection (a)(2) of this section for each partner, corporate officer, or any other person having any interest in the rental property; and
  - (4) The names address and telephone numbers of any persons or firms other than the owner(s) who are responsible for property maintenance, or a person who is a caretaker of the rental property pursuant to section 9-1-85 of the 1984 Detroit City Code.
- (b) It shall be unlawful for any person to provide false information on an application for a certificate of registration of a rental property required by this section.
  - (c) Certificates of registration of a rental property shall be renewed annually on the date established by the buildings and safety engineering department. The department shall maintain a registry of owners and rental property governed by this section.
  - (d) Where rental property required to be registered under this section is sold or otherwise transferred to a new owner, the certificate of registration issued the previous owner shall expire on the date of the sale or transfer and, within ninety (90) days after the sale or transfer of the rental property, the new owner shall apply for a certificate of registration in the prescribed manner in this section.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-82. - Inspection of registered rental property; certificate of compliance required.

- (a) The director of the buildings and safety engineering department shall cause an inspection, as closely as possible to once a year, to be made of all rental property required to have a certificate of registration under Section 9-1-81 of the 1984 Detroit City Code.
- (b) It shall be unlawful for a rental property required to be registered pursuant to section 9-1-81 of the 1984 Detroit City Code to be occupied without a certificate of compliance issued by the buildings and safety engineering department in accordance with section 9-1-36 of the 1984 Detroit City Code.
- (c) The buildings and safety engineering department shall issue a certificate of compliance for a rental property where the department determines that the rental property, its units, accessory structures and the premises, including exterior areas, comply with the standards and requirements of this article.
- (d) It shall be unlawful for a rental property, as defined by section 9-1-3 of the 1984 Detroit City Code, on which the original construction was completed prior to January 1, 1978 and required to be registered pursuant to Section 9-1-81 of the 1984 Detroit City Code, to be occupied without a lead-clearance report being obtained and provided to the Buildings and Safety Engineering Department in accordance with Division 3, Subdivision B, of this article, provided, that the owner shall not be required to obtain a lead clearance until the next prescribed annual inspection date for the owner for the rental property occurring after the effective date of this section.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-83. - Inspection and lead clearance risk assessment for lead-based paint hazards, where required.

- (a) Where interim controls were used to reduce lead-based paint hazards in a rental property, as prescribed in Subdivision B of this article, or where a lead inspection reveals the presence of lead paint on the rental property, the owner shall have an annual lead inspection/risk assessment performed on the rental property, and obtain an annual lead-clearance report in accordance with this section.

- (b) Where abatement was used to remove all identified lead hazards, as prescribed in Division 2, Subdivision B, of this article, the owner shall have a lead inspection/risk assessment performed on the rental property every three (3) years, and the lead-clearance report shall be valid for three (3) years.
- (c) Where all lead-based paint was fully abated in a rental property in accordance with the Michigan Lead Abatement Act, being MCL 333.5451 et seq., and as certified by a certified lead inspector or risk assessor, or where a certified lead inspector certifies that no lead paint exists on the rental property, no further risk assessment or lead clearance shall be required in order to obtain a certificate of compliance for rental property.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-84. - Reserved.

**Editor's note**— Ord. No. 29-09, § 1, adopted Oct. 20, 2009, repealed former § 9-1-84 in its entirety which pertained to the posting of tenants' rights and house rules of tenant responsibilities. Former § 9-1-84 derived from Ord. No. 18-03, § 1, adopted July 9, 20043.

Sec. 9-1-85. - Caretaker; responsible person; warning devices.

- (a) Where the owner of the rental property does not reside in the building, the owner shall designate a responsible person or persons who reside in each building with a common entrance and eight (8) or more dwelling units, seven (7) or more sleeping rooms, or any combination thereof. The unit(s) occupied by the responsible person or persons shall be identified and the information posted in a visible place at the common entrance of the building, except for rental property that has a business office with posted regular office hours on-site. Where there is no centralized business office and a number of buildings exist which are owned by the same rental property owner, the responsible person(s) may be located in a remote location, provided, that the location of the responsible person(s) is identified and posted in a conspicuous location at the common entrance of each building.
- (b) In addition, all Group R-1 multiple rental properties that neither are of fire-proof construction nor are protected with an approved sprinkler system or an approved, self-supervised and properly maintained automatic fire alarm system, that has sleeping accommodations for over fifty (50) persons above the first floor, shall have one (1) employee, and more if necessary, on duty at all times able to notify the tenants and the Fire Department in case of a fire or other emergency. There shall be at least one (1) employee on duty at all times for this purpose for each one hundred (100) persons and for each next fraction of one hundred (100) persons in the building.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-86—9-1-90. - Reserved.

Subdivision B. - Lead Clearance

Sec. 9-1-91. - Purpose and intent; requirements.

- (a) For purposes of this subdivision, all paint on the interior or exterior of any residential rental property on which the original construction was completed prior to January 1, 1978, is presumed to be lead-based and that all windows and doors on homes constructed prior to January 1, 1978, are lead-based paint hazards unless they are replacement items that were manufactured after 1978 or unless a lead-based paint inspection is performed by a certified lead inspector who verifies they do not contain lead-

based paint. The purpose and intent of this subdivision is to protect the health and welfare of children who occupy rental property that contains lead-based paint hazards since exposure to lead can cause serious problems for children, including learning problems, behavioral problems, and speech and language problems and statistics show that the highest percentage of young children with elevated blood levels in the city reside in rental property.

- (b) This subdivision sets forth the requirements for obtaining a lead clearance, which is required by this article prior to the occupancy of rental property. Owners of rental property shall have a lead inspection/risk assessment performed by a certified lead inspector/certified risk assessor to inspect for the presence of lead-based paint and lead-based paint hazards and where lead-based paint hazards are present, the owner must correctly reduce and control hazards prior to families occupying the rental property.
- (c) The interior and exterior of any residential rental property, on which the original construction was completed prior to January 1, 1978, shall be maintained in a condition such that the paint does not become deteriorated paint in section 9-1-3 of the 1984 Detroit City Code.

(Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-92. - Lead inspection and risk assessment, reports required.

- (a) The owner of rental property shall obtain a lead inspection and risk assessment, as defined in section 9-1-3 of the 1984 Detroit City Code, from a certified lead inspector and/or risk assessor in order to obtain a lead clearance as required by section 9-183 of the 1984 Detroit City Code.
- (b) The lead inspection report shall contain the following information:
  - (1) Date of the lead inspection;
  - (2) Address of the rental property, including apartment or dwelling unit number, where applicable;
  - (3) Date the rental property was built;
  - (4) Name, address and telephone number of the owner(s);
  - (5) Name, signature and certification number of each individual conducting testing on the rental property;
  - (6) Name, address and telephone number of the company employing the individual(s) conducting the testing, where applicable;
  - (7) Each testing method, device and sampling procedure used for paint analysis, and where used, the serial number of any x-ray fluorescence lead testing device;
  - (8) Specific locations of each painted component tested for the presence of lead-based paint; and
  - (9) The result of the inspection in units of measure that match the type of sampling method used.
- (c) The risk assessment report shall contain the following information:
  - (1) Date of the risk assessment;
  - (2) Address of the rental property, including apartment or dwelling unit number, where applicable;
  - (3) Date the rental property was built;
  - (4) Name, address and telephone number of the owner(s);
  - (5) Name, signature and certification number of risk assessor conducting the assessment;
  - (6) Name, address and telephone number of the company employing the risk assessor conducting the assessment, where applicable;
  - (7) Name, address, and telephone number of each laboratory conducting analyses of collected samples;

- (8) Results of the visual inspection;
  - (9) Testing method and sampling procedure used for paint analysis;
  - (10) Specific locations of each painted component tested for lead;
  - (11) Results from on-site testing and, where used, the serial number of any x-ray fluorescence lead testing device;
  - (12) All results from the laboratory analysis of collected paint and dust samples;
  - (13) Any other sampling results;
  - (14) Any background information regarding the physical characteristics of the property and use patterns of the residents that may cause lead paint exposure to young children;
  - (15) To the extent that they are used as part of the risk assessment, the results of any previous inspections or analyses for lead paint or hazards;
  - (16) A description of the location, type, and severity or identified lead paint hazards and any other potential lead hazards; and
  - (17) A description of temporary and/or permanent options to fix each lead paint hazard found, and a priority for fixing each hazard from the most serious to the least and, where the use of an encapsulant paint or physical barrier (siding or paneling) is recommended, the report should recommend a maintenance and monitoring schedule for these solutions.
- (d) An individual who is certified as both a lead inspector and a risk assessor may combined the information required in reports under subsections (b) and (c) of this section.

(Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-93. - Remedy for lead-based paint hazards.

Where the risk assessment indicates a lead-based paint hazard or hazards exists at the rental property, the condition(s) may be corrected only by one (1) of the following methods:

- (a) Abatement by a certified abatement worker, pursuant to the rules promulgated under the Michigan Lead Abatement Act, being MCL 333.5451 et seq.; or
- (b) Interim controls performed only by a person who has received a certificate that the person has undergone Lead Safety for Renovation, Repair and Painting Training pursuant to 40 CFR 745(e) and who has become a certified renovator.

(Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-94. - Post-remedy clearance report.

- (a) After lead abatement or interim controls are performed, the owner of rental property shall have a clearance examination on the property and obtain a post-remedy clearance report, as defined in section 9-1-3 of the 1984 Detroit City Code.
- (b) In order to obtain lead clearance for the rental property, the owner shall provide the post-remedy clearance report to the buildings and safety engineering department.

Sec. 9-1-95. - Requirement to avoid conflict of interest regarding lead-clearance inspection.

Any lead inspection, risk assessment or lead clearance is required to be performed by persons or entities independent of persons performing abatement or interim controls.

(Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-96. - Occupant protection during abatement or interim controls.

In order to minimize the harm to persons occupying rental property where there are interim controls or lead abatement, which may disturb lead paint and potentially cause further harm or hazards to persons occupying the premises, the following shall be required:

- (1) Occupants of rental property shall not be permitted to enter the dwelling until after abatement or interim controls have been completed and clearance has been achieved;
- (2) Occupants of rental property shall be temporarily relocated by the owner for the safety of occupants during interim controls or abatement until certification by a certified clearance technician, for interim controls only, or certified lead inspector/risk assessor, for abatement or interim controls, is received; and occupants who relocated to a dwelling unit not owned by the landlord shall not be liable to the landlord for rent accruing during this time period, provided, that relocation of occupants shall not be necessary where:
  - a. Abatement or interim controls will not disturb lead-based paint;
  - b. Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the area being treated are sealed during abatement or interim controls and cleaned afterward, and an entry free of lead-based paint hazards and debris is provided; and
  - c. Abatement or interim controls of the interior will be completed within one (1) period of eight (8) daytime hours, the area treated is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards;
- (3) The dwelling unit and the area treated shall be secured against unauthorized entry, and the occupants' belongings protected from contamination by lead dust and debris during or interim controls or abatement;
- (4) Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed;
- (5) The area treated shall be prepared, including the placement of containment barriers, to prevent the release of leaded dust, and shall contain lead-based paint chips and other debris from hazard reduction activities within the area treated until they can be safely removed;
- (6) Practices that minimize the spread of leaded dust, paint chips, and debris shall be used; and
- (7) A warning sign shall be posted at each entry to a room where abatement or interim controls are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated. Each warning sign shall be provided in the occupants primary language.

Sec. 9-1-97. - Exterior abatement or interim controls, weather conditions.

Performance of abatement or interim controls on an exterior painted surface as required under this subdivision may be delayed for a reasonable period of time during a period when weather conditions render the completion of activities impossible.

(Ord. No. 29-09, § 1, 10-20-09)

Sec. 9-1-98. - Termination of tenancy to avoid compliance with this division or retaliatory action prohibited.



- (a) An owner of rental property, or any person acting on his or her behalf, shall not:
  - (1) Terminate, or cause to be terminated, the tenancy of any person for the purpose of avoiding compliance with any section of this division; or
  - (2) Take any retaliatory action, as defined in section 9-1-3 of the 1984 Detroit City Code, toward a tenant who reports a suspected lead-based paint hazard to the owner or to the city.
- (b) Action by the rental property owner to achieve compliance with this subdivision shall not be deemed a basis for the modification or termination of a tenancy for the property.

(Ord. No. 29-09, § 1, 10-20-09)

Secs. 9-1-99—9-1-100. - Reserved.

#### **DIVISION 4. - PROPERTY MAINTENANCE REQUIREMENTS**

Subdivision A. - Requirements for Exteriors of Buildings, Premises, and Structures

Part I. - General Requirements

Sec. 9-1-101. - Accumulation of solid waste prohibited; owner; occupants.

- (a) All exterior of buildings, premises, and structures shall be maintained free from any accumulation of solid waste and be maintained in a clean, safe and sanitary condition.
- (b) The occupant of the building, premises or structure shall keep that portion of the exterior area that is under the occupant's control in a clean, safe, and sanitary condition.
- (c) Solid waste shall be separated and stored in approved containers in accordance with the requirements of Chapter 22, Article II, of the 1984 Detroit City Code, which is enforced, by the department of environmental affairs.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-102. - Grading and drainage.

All property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon, except for the provision and maintenance of approved water retention areas and reservoirs.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-103. - Driveways, parking spaces and lots, sidewalks, stairs, walkways, and similar areas of traverse; removal of snow and ice from sidewalks.

- (a) All driveways, parking spaces and lots, sidewalks, stairs, walkways, and similar, areas of traverse shall be kept in a good repair, be maintained free from hazardous conditions, and be maintained to prevent the accumulation of stagnant water thereon.
- (b) All parking lots and parking areas shall be free of cracks and holes. Any cracks and holes shall be patched with approved like materials. All parking surfaces should be properly sealed. All commercial parking spaces should be striped and of sufficient width for the intended vehicles in accordance with

the Detroit Zoning Ordinance, being Chapter 61 of the 1984 Detroit City Code. All parking areas adjacent to public right of ways shall be separated by a minimum of bumper blocks pinned in place. All exterior lighting fixtures for parking areas shall be in good condition. All parking areas shall be maintained free of weeds and plant growth in excess of eight (8) inches (204 mm) and of litter.

- (c) Snow or ice that has fallen or formed on any sidewalk in the front, rear, or on the sides of any house, premises, building or lot owned, occupied or controlled shall be removed within twenty-four (24) hours after the snow or ice has fallen or formed, or a quantity of salt, sand, ashes or other approved materials applied to the snow or ice sufficient to render the sidewalk safe for persons to walk upon. However, snow or ice shall not be plowed, shoveled, brushed or piled from private properties, other than residential, onto the paved roadway of any city street or highway. Snow or ice plowed shoveled or brushed from any residential property or public sidewalk shall not be placed in any manner so as to interfere with public travel.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-104. - Weeds and plant growth.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches (204 mm) and from all noxious weeds. For purposes of this section, weeds and plant growth shall include all grasses, annual plants and vegetation, other than trees or shrubs, but does not include plant growth in exterior areas where flowers and gardens are maintained and cultivated.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-105. - Rodent control and harborage; storage and handling of items, certification of buildings where food or foodstuffs are stored or processed; alteration of buildings and ratproofing.

- (a) All buildings, premises, and structures and exterior property, including all vacant or unimproved property, shall be ratproofed and maintained in a ratproof condition and be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. The owner of such building or vacant or unimproved property shall be responsible for complying with the provisions of this section.
- (b) No building, premises, or structure shall be used for the storage or handling of solid waste, including debris, garbage, litter and rubbish, which provide a place for rodents to harbor.
- (c) All barrels, bottles, building materials, boxes, cans, cartons, containers, fabricated goods, food, foodstuff, junk, lumber, machinery, raw materials and similar things which may afford harborage or food for rats shall be kept, stored or handled in a manner or method approved by the Public Health Director.
- (d) Whenever there is a rat infestation in any building, open area or other premises, the occupants thereof and, in the case of a multiple dwelling, the owner thereof, shall immediately institute rat control and shall continuously maintain such measures until any such building, open area or other premises are declared by the Public Health Director to be free of rat infestation.
- (e) No building or part thereof shall be used as a place where food or foodstuff is stored, processed, prepared, manufactured, sold or offered for sale unless such building or part thereof is free from vermin and rodents. No license shall be issued for the storing, processing, preparing, manufacturing, selling or offering for sale of any food, foodstuff or food products until the applicant therefor secures approval or a certification from the public health director that the place where such operation is to be conducted is of ratproof construction or has been rendered ratproof.
- (f) Owners, occupants, contractors, employees or agents of public utilities or any other persons, who makes alterations, additions, extensions, enlargements or repairs or in the installation of wires,

conduits, pipes or other installations or for any other purpose, shall not remove or fail to restore in like condition the ratproofing from any building or to make new openings therein that are not ratproofed.

- (g) A person shall not feed wild birds other than from approved food containers, which shall be elevated at least forty-eight (48) inches above the ground level.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-106. - Exhaust vents and other means.

Exhaust blowers, conductors, fans, ducts, pipes, or vents shall not discharge gases, grease, hot air, steam, vapor, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another occupant or tenant.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-107. - Accessory structures.

All accessory structures, including detached fences, garages and walls, shall be maintained structurally sound and in good repair.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-108. - Gates.

Gates which are required to be self-closing and self-latching shall be maintained in good repair and in such a manner that the gate will positively close and latch when released from the gatepost from a still position of six (6) inches (152 mm).

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-109. - Swimming pools.

- (a) Swimming pools shall be maintained in a clean and sanitary condition. Pools shall be entirely enclosed by at least a four (4) foot wire mesh fence or other type fence which prevents direct access to the pool. Pools shall have a self-latching gate maintained in good repair.
- (b) Swimming pools shall be equipped with a properly maintained water filtration device and shall be installed in a manner consistent with the Michigan Construction Codes, enacted pursuant to Section 4 of the Derosssett-Hale Single State Construction Code Act. being MCL 125.1504. In grade swimming pools shall be equipped and maintained with adequate underwater lighting to render visible all areas of the pool floor and walls. Swimming pools that are not in use shall be completely drained of all standing water, and either barricaded against trespass or completely filled in with Grade A fill soil or sand.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-110. - Inoperable motor vehicles; painting of vehicles.

- (a) Except as provided for in other provisions of the 1984 Detroit City Code, it shall be unlawful to keep, park, or store inoperative or unlicensed motor vehicles on any premises or property, including any motor vehicle which is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, provided, that an individual may perform mechanical work on one (1) motor vehicle on the

premises or property as long as such work is performed inside a garage or other enclosed structure, or area designed and approved for such purposes.

- (b) It shall be unlawful to paint any motor vehicle on the premises or property unless such activity is permitted on the premises or property by the Detroit Zoning Ordinance, being Chapter 61 of the 1984 Detroit City Code, and by other applicable codes and regulations governing such activity, and such activity is contained within an approved spray booth.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-111. - Graffiti and defacement; duty to remove.

- (a) It shall be unlawful for any person to willfully or wantonly damage, deface or mutilate any exterior surface of any building, premises, or structure on any private or public property by placing thereon any carving, graffiti, marking, or painting.
- (b) The owner, or his or her agent, shall have the continuing responsibility to restore any exterior surface on a building, premises, or structure that has been damaged by any carving, graffiti, marking, or painting to an approved state of maintenance and repair.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-112. - Recreation equipment and furniture.

Movable recreation equipment, including furniture, portable basketball poles and hoops, and other play items, shall not be placed or located in any front yard or adjacent driveway of any building or structure for a period of longer than twenty-four (24) consecutive hours.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-113. - Minimum requirements for vacant buildings and structures.

In addition to the other applicable requirements set forth in this Division, each vacant building or structure shall remain in compliance with the following requirements during the time that the building or structure vacant:

- (1) All grass and weeds on the premises, including grass and weeds that abut sidewalks, gutters and alleys, shall not be permitted to grow more than eight (8) inches in height;
- (2) All dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises;
- (3) The interior walkway leading to the main entry door, and any public sidewalk adjoining the lot, shall be cleared and remain free of snow;
- (4) Debris, garbage, litter, rubbish, or any solid waste that creates a health, safety or fire hazard including, but not limited to, any mail or flyers, which have been delivered to the building or structure, shall not be permitted to accumulate on any portion of the exterior lot of the building or structure;
- (5) Foundations, basements, cellars, and crawlspaces shall be maintained in sound and watertight condition, shall be adequate to support the building or structure, and shall protect against the entry of rodents or other animals;
- (6) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition, which might admit rain or dampness to the interior portions of the walls or the interior spaces, and shall protect against the entry of rodents or other animals;
- (7) Peeling paint shall be removed from all exterior surfaces of any building or structure;

- (8) Exterior windows and doors shall be maintained in sound condition and good repair. Windows and doors shall fit tightly within their frames and the frames shall be constructed and maintained in such relation to the adjacent wall construction as to prevent rain or dampness from entering the building or structure. Any window which is broken, cracked or missing glass or glazing shall be replaced and maintained in good repair, or the opening for the building or structure shall otherwise be adequately secured pursuant to this section;
- (9) All exit areas shall have continuous exterior lighting from dusk to dawn, provided, that the normal intensity of lighting shall be not less than two (2) foot candles per square foot on the floor surfaces, within an eight-foot radius around said exit and shall shine away from adjacent properties. This requirement may be met by the use of battery-powered or solar-powered lighting if such lighting meets the performance standards set by this subsection;
- (10) As applicable, all openings of a building or structure shall be closed and secured using secure doors, glazed windows, commercial-quality steel security panels, or filled with like-kind material as the surrounding wall to prevent entry by unauthorized persons and, except as authorized by Subsection (10) of this section, the use of plywood is prohibited. All barricades shall be secured to the building or structure in such a manner that entry to the building or structure through the barricade is not possible, unless the barricade has a lock device and is designed to be opened and closed to allow for authorized or legal access to the building or structure;
- (11) Openings that are less than one (1) square foot in area and higher than eight (8) feet above the ground may be boarded with plywood, provided, that the plywood is made weather tight and finished with varnish, or paint of a similar color to the exterior wall, and cut to the inside dimension of the exterior of the opening, and otherwise secured in the manner prescribed by the Department; and
- (12) At least one (1) entrance to the building or structure shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons. A minimum of two (2) exit doors shall be available to exit from the interior of the building or structure, with at least one (1) exit door available per one hundred fifty (150) linear feet or horizontal travel at ground-floor level.

(Ord. No. 11-10, § 1, 7-12-10)

Secs. 9-1-114—9-1-200. - Reserved.

## Part II. Exteriors of Buildings, Premises, and Structures

Sec. 9-1-201. - General.

- (a) The exterior of a building, premises, or structure shall be maintained in good repair, and be structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) All exterior surfaces, including, but not limited to, balconies, cornices, decks, doors, door and window frames, fences, porches, and trim shall be maintained in good condition and be free of broken, crumbling, loose, missing, rotting, or inadequately finished materials. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted with lead-free paint. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained in good repair, be weather resistant and be water tight. All metal surfaces that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-202. - Building identification.

All buildings on city streets or roads shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Address numbers shall contrast with their background and shall be arabic numerals or roman letters. Numbers shall be a minimum of four (4) inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-203. - Structural members.

All structural members within a building or structure shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead or stationary and live loads.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-204. - Foundation walls.

All building or structure foundation walls shall be maintained plumb and free from open cracks and breaks, and shall be kept in such condition so as to prevent the entry of rodents and other pests. Basement walls shall be maintained so as to prevent water leakage and to keep the basement in a dry condition.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-205. - Exterior walls.

All building and structure exterior walls shall be free from breaks, holes, and loose or rotting materials, and shall be maintained weatherproof and properly surface coated, where required, to prevent deterioration.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-206. - Roofs and drainage.

- (a) The roof and flashing on a building or structure shall be in good repair, sound, tight and not have defects that permit the entry of rain or moisture. Where repairs to an existing roof are made, approved materials shall be used and the material and color shall blend with the appearance of the balance of the roof. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building or structure. Where required, roof drains, gutters and down spouts shall be maintained and in good repair, and be free from obstructions.
- (b) Water running off of the roof shall not be discharged in a manner that undermines the foundation or maintenance of any building, structure, sidewalk or drive. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-207. - Decorative features.

All belt courses, corbels, cornices, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-208. - Overhang extensions.

All overhang extensions including, but not limited to, canopies, exhaust ducts, fire escapes, marquees, metal awnings, signs, and standpipes, shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-209. - Balconies, decks, porches, and stairways.

All exterior balconies, decks, porches and stairways, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, and with proper anchorage, and be capable of supporting the imposed loads.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-210. - Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-211. - Handrails and guards.

Where required for safety, handrails and guards shall be installed for exterior steps and elevated areas in a workmanlike manner, shall be firmly fastened and capable of supporting normally imposed loads, and shall be maintained in good condition.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-212. - Door, skylight, and window frames.

All door, skylight, and window frames shall be kept in good condition and repair, and be sufficiently tight to prevent the entry of rain, snow, and wind.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-213. - Glazing.

All glazing materials shall be maintained free from cracks and holes, and be in good repair.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-214. - Openable windows.

Other than a fixed window, all windows shall be easily openable and easily capable of being held in position by window hardware.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-215. - Insect screens.

During the period from May 15th through October 15th, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self closing device in good working condition, provided, that screen doors shall not be required where other approved means, such as air curtain or insect repellent fans, are used.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-216. - Doors.

All building or structure exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 9-1-309 of the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-217. - Basement hatchways.

All basement hatchways shall be maintained to prevent the entry of rodents, rain, and surface drainage water.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-218. - Guards for basement windows.

All basement windows that are openable shall be supplied with rodent shields, secure screens, storm windows or other approved protection to prevent the entry of rodents into the building or structure.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-219. - Mail receptacles.

- (a) The owner or agent of every multiple dwelling and/or residential hotel where the building has a common street entrance shall be responsible for installing and maintaining approved mail receptacles for each dwelling unit in accordance with the applicable United States Postal Service regulations.



- (b) Each individual receptacle in a multiple dwelling must be equipped with a full-length door through which the mail may be removed by the tenant. The doors of the mail receptacles shall be secured by key locks. A sufficient number of key changes must be used to prevent the opening of receptacles by the use of a key to another receptacle in the same dwelling or in the immediate locality. Locks for mail receptacles must be securely fastened to the door. Each lock shall be clearly numbered on the back so that, when a key is lost, a duplicate may be ordered by number.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-220. - Skirting for exterior openings.

All exterior openings at or near the base of the building or structure, including crawl spaces and areas underneath porches and stairs, shall have skirting attached to the structure or premises. All skirting shall be maintained in good condition, and shall be free from defects and deterioration.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-221. - Storage of certain items.

- (a) It shall be unlawful to store, outside a building, premises, or structure, items such as firewood that is not stacked and useable, construction material, excluding such material that is stored in a manner to protect its utility and prevent deterioration and that is reasonably expected to be used at the site, or any other items which are of a type or quantity inconsistent with the normal and usual use of the building, structure, or premises.
- (b) Storage of firewood for domestic use on the premises shall be permitted where such wood is stored on a rack at least eighteen (18) inches above ground or in an alternate approved method to prevent the harborage of rats or other vermin.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-222—9-1-300. - Reserved.

Subdivision B. - Requirements for Interiors of Buildings and Structures

Part I. - General

Sec. 9-1-301. - General requirements for interior maintenance.

The interior of a building or structure, and equipment within, shall be maintained in good repair, be structurally sound, in a sanitary condition, and be free from solid waste. The occupants of the building or structure shall keep the portion of the building or structure that is under the occupant's control in a clean and sanitary condition. Every owner of a building or structure that contains a rooming house, a hotel, a dormitory, two (2) or more dwelling units or two (2) or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-302. - Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-303. - Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered in a safe manner and, where appropriate, surfaces repainted with lead free paint. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-304. - Stairs and other walking surfaces.

All balconies, decks, landings, porches, ramps, stairs, and other walking surfaces shall be maintained in sound condition and in good repair.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-305. - Handrails and guards.

All handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-306. - Interior doors.

All interior doors shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to headers, jambs or tracks as intended by the manufacturer of the attachment hardware.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-307. - Means of egress generally.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-308. - Aisles.

All aisles within the building or structure shall be safe and continuous, and shall be unobstructed.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-309. - Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made from without the need for keys, or special knowledge or effort, except where the door hardware conforms to that permitted by the Michigan Construction Codes, enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-310. - Opening protectives.

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-311. - Smoke detectors.

- (a) All existing one- and two-family dwellings not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.
- (b) Approved single-station smoke alarms shall be installed within, or immediately outside of, sleeping areas on each level of existing rental dwelling units.
- (c) In existing one- and two-family dwellings, single-station smoke alarms shall be battery operated or shall receive their primary power from the building wiring, provided, that such wiring is served from a commercial source and, in the case of an interruption in the primary power, a battery backup is provided. When power is provided by the building wiring, the wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-312. - Protection of basements and collars.

Every multiple dwelling having twenty (20) or more sleeping rooms or sleeping accommodations for forty (40) or more persons and exceeding two (2) stories in height and having a basement or cellar, the floor above which is not of fireproof construction, shall have its basement or cellar ceiling protected with metal lath and three-quarters ( $\frac{3}{4}$ ) of an inch of Portland cement or gypsum plaster, or fire-rated material of equal rating, or the basement or cellar shall be protected with approved automatic, sprinkler system or an approved self-supervised and property maintained automatic sprinkler system of an approved self-supervised and property maintained automatic fire alarm system. The floor of the cellar or lowest floor in every dwelling shall be free from dampness, and when determined to be necessary by an authorized local official, shall be concreted with not less than three (3) inches of concrete of good quality and with a finished surface.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-313. - Shafts and courts.

In every dwelling where there is a court or shaft of any kind, there shall be at the bottom of every such court or shaft a door giving sufficient access to such court or shaft to enable it to be properly cleaned out, provided, that where a window already gives proper access, it shall be deemed sufficient.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-314. - Access to roof.

Every flat roof multiple dwelling, exceeding three (3) stories in height shall have at least one (1) convenient and permanent means of access to the roof located in a public part of the building which is not in a room or closet.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-315—9-1-330. - Reserved.

## Part II. - Solid Waste

Sec. 9-1-331. - Accumulation of solid waste prohibited.

All interiors of buildings and structures shall be maintained free from any accumulation of solid waste and be maintained in a clean, safe, and sanitary condition.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-332. - Disposal of domestic solid waste from buildings or structures.

- (a) All occupants of buildings and structures shall dispose of all domestic solid waste in a clean and sanitary manner.
- (b) Domestic solid waste shall be separated and stored in accordance with the requirements of Chapter 22, Article II, of the 1984 Detroit City Code, which is enforced by the department of environmental affairs.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Sec. 9-1-333. - Disposal of commercial solid waste by commercial establishments.

The owner or operator of every commercial establishment that produces commercial solid waste shall separate and store such solid waste in accordance with the requirements of Chapter 22, Article II, of the 1984 Detroit, City Code, which is enforced by the department of environmental affairs.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 36-04, § 1, 11-17-04)

Secs. 9-1-334—9-1-350. - Reserved.

## Part III. - Examination

Sec. 9-1-351. - Buildings and structures to be free from infestation; prompt and approved action required to prevent infestation and reinfestation.

All building and structures shall be kept free from infestation. All buildings or structures where infestation has occurred shall be promptly exterminated by an approved process that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 17-11, § 1, 7-6-11)

Sec. 9-1-352. - Owner responsible for extermination prior to renting or leasing.

Prior to the renting or leasing of any building or structure, the owner shall be responsible:

- (1) For extermination within the building or structure; and
- (2) For providing any prospective occupant with a copy of any records concerning extermination by a licensed exterminator within the last year from the date of inquiry by the prospective occupant to rent or lease and by receiving acknowledgment in writing from the prospective occupant that he or she has received a copy of such records.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 17-11, § 1, 7-6-11)

Sec. 9-1-353. - Responsibility of single occupant; exception for defects in building or structure.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination within the building or structure, provided, that where infestation is caused by defects in the building or structure, the owner shall be responsible for extermination.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 17-11, § 1, 7-6-11)

Sec. 9-1-354. - Multiple occupancy; owner to post or distribute information concerning infestation and extermination; responsibility for extermination; remedy for uncooperative occupant; owner to provide documentation to Buildings, Safety Engineering, and Environmental Department concerning resolution of vermin complaints.

The owner of a building or structure that contains two (2) or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure:

- (1) Shall permanently affix in a common area of the building or structure a poster, which contains information concerning infestation and extermination, or distribute a pamphlet, which shall be printed from the Buildings, Safety Engineering, and Environmental Department Website, while documenting the distribution of the pamphlet to an adult occupant of each dwelling unit;
- (2) Shall be responsible for extermination in all areas of the building or structure and exterior property, provided, that, where an occupant fails to cooperate, the City may obtain entry to the dwelling unit in accordance with Section 9-1-35 of this Code; and
- (3) Shall provide to the Buildings, Safety Engineering, and Environmental Department documentation, which verifies that a complaint concerning vermin in a dwelling unit has been resolved and contains:
  - (a) The location of the dwelling unit;
  - (b) The name and state license number of the exterminator;
  - (c) The printed name and signature of the occupant of the dwelling unit or their respective representative;
  - (d) The printed name and signature of the owner of the dwelling unit or their respective representative; and

- (e) The printed name of any association, which represents the occupant of the dwelling unit along with the printed name and signature of a representative of the association.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 17-11, § 1, 7-6-11)

Sec. 9-1-355. - Reserved.

**Editor's note**— Ord. No. 17-11, § 1, adopted July 6, 2011, repealed former § 9-1-355 in its entirety which pertained to owner and occupant responsibilities.

Secs. 9-1-356—9-1-370. - Reserved.

#### Part IV. - Light and Ventilation Requirements

Sec. 9-1-371. - Scope.

The provisions of this part shall govern the minimum conditions and standards for light, ventilation, and space for occupying a building or structure.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-372. - Responsibility.

The owner of the building or structure shall provide and maintain light, ventilation, and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any building or structure that does not comply with the requirements of this part.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-373. - Alternative devices.

In lieu of the means for natural light and ventilation prescribed in this part, artificial light or mechanical ventilation complying with the Michigan Construction Codes, enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504, shall be permitted.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-374. - Light for habitable spaces.

All habitable spaces shall have at least one (1) window of approved size that faces directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight (8) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window neither shall be deemed to face directly to the outdoors or to a court nor shall be included as part of the minimum total window area for the room required by this section, provided, that where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-375. - Lighting for common halls and stairways.

All common halls and stairways in residential buildings, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each two hundred (200) square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided, that the spacing between lights shall not be greater than thirty (30) feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one (1) footcandle (11 lux) at floors, landings and treads.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-376. - Lighting for other spaces.

All spaces, other than common halls and stairways in dwellings intended to be occupied by more than two (2) families, shall be provided, at a minimum, with natural or artificial light that is sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space, and utilization of the appliances, equipment and fixtures in the dwelling.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-377. - Ventilation for habitable spaces.

All habitable spaces shall have at least one (1) openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in section 9-1-374 of the 1984 Detroit City Code, provided, where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-378. - Ventilation for bathrooms and toilet rooms.

All bathrooms and toilet rooms shall comply with the ventilation requirements for habitable spaces as required by section 9-1-377 of the 1984 Detroit City Code, provided, that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from all bathrooms or toilet rooms shall discharge to the outdoors and shall not be recirculated.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-379. - Cooking facilities.

Unless approved in the certificate of occupancy issued by the buildings and safety engineering department for the building or structure, the cooking of food is prohibited in any dormitory unit or rooming unit. Cooking appliances or facilities are prohibited in a dormitory unit or rooming unit, except where specifically approved, in writing, by the director of the buildings and safety engineering department.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-380. - Use of kitchen.

Kitchen or cooking accommodations are prohibited from being maintained in any rooms or space of any building for the common or joint use of the individual occupants of a two-family or multiple dwelling, except where specifically approved, in writing, by the director of the buildings and safety engineering department.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-381. - Use of local exhaust for ventilation.

Where injurious, irritating, noxious or toxic dusts, fumes, gases, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior of the structure and not recirculated to any space within the structure.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-382. - Clothes dryer exhaust required.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instruction. Only approved materials shall be used in exhaust systems.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-383—9-1-400. - Reserved.

Part V. - Occupancy Requirements

Sec. 9-1-401. - Privacy.

Individual dormitory units, dwelling units, hotel units, and rooming units shall be arranged to provide privacy and be separate from other adjoining spaces.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-402. - Minimum room widths.

Other than a kitchen, a habitable room shall not be less than seven (7) feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three (3) feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-403. - Minimum ceiling heights.

Bathrooms, corridors, hallways, laundry areas, toilet rooms, habitable spaces, and habitable basement areas shall have a clear ceiling height of not less than seven (7) feet (2,134 mm) with these exceptions:



- (1) In one- and two-family dwellings, beams or girders spaced not less than four (4) feet (1,219 mm) on center and projecting not more than six (6) inches (152 mm) below the required ceiling height;
- (2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six (6) feet eight (8) inches (2,033 mm) with not less than six (6) feet four (4) inches (1,932 mm) of clear height under beams, ducts, girders, and similar obstructions; and
- (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7) feet (2,134 mm) over not less than one-third (1/3) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet (1,524 mm) or more shall be included.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-404. - Bedroom requirements.

- (a) In addition to the requirements in sections 9-1-401 through 9-1-403 of the 1984 Detroit City Code, all bedrooms shall comply with the following requirements:
  - (1) All bedrooms occupied by one (1) person shall contain at least seventy (70) square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one (1) person shall contain at least fifty (50) square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof;
  - (2) Bedrooms neither shall constitute the only means of access to other bedrooms or habitable spaces nor shall serve as the only means of egress from other habitable spaces, except for units which contain fewer than two (2) bedrooms; and
  - (3) All bedrooms shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom. All bedrooms in a dwelling unit shall have access to at least one (1) water closet and lavatory located on the same story as the bedroom or on an adjacent story.
- (b) Bedrooms shall also comply with the applicable provisions of this article including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this part, the plumbing facilities and water-heating facilities requirements of Part VI of this subdivision, the heating facilities and electrical receptacle requirements of Part VII of this subdivision, and the any fire safety-related requirements of this article.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-405. - Emergency escape openings.

In sleeping areas, at least one (1) window shall be operational and accessible from inside the room without the use of keys or tools to provide for emergency escape and rescue. Bars, grates, grilles, or similar devices are permitted to be placed over emergency escape and rescue openings, provided, that the minimum net clear opening size complies with the Michigan Building Code enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504, and such devices shall be releaseable 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 opening.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-406. - Prohibited occupancy.

Kitchens and other non-habitable spaces shall not be used for sleeping purposes.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-407. - Overcrowding.

(a) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following table:

Minimum Area Requirements

Minimum area in square feet			
Space	1—2 occupants	3—5 occupants	6 or more occupants
Living room <sup>a,b</sup>	No requirements	120	150
Dining room <sup>a,b</sup>	No requirements	80	100
Kitchen;sup\sup;	50	50	60
Bedrooms	Shall comply with Section 9-1-404 of the 1984 Detroit City Code		
—			

For SI: 1 square foot = 0.093 m<sup>2</sup>.

- a. See Section 9-1-408 of the 1984 Detroit City Code for combined living room/dining room spaces.
  - b. See Section 9-1-404 of the 1984 Detroit City Code for limitations on determining the minimum occupancy area for sleeping purposes.
- (b) In determining the minimum occupancy area for sleeping purposes, the minimum occupancy area required by this section shall not be included as a sleeping area. All sleeping areas shall comply with Section 9-1-404 of the 1984 Detroit City Code.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-408. - Combined spaces.

Combined living room and dining room spaces shall comply with the minimum area requirements of the table in section 9-1-407 of the 1984 Detroit City Code where total area is equal to that required for separate rooms and where the space is located so as to function as a combination living room/dining room.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-409. - Efficiency unit.

Nothing in this part shall prohibit an efficiency living unit from meeting the following requirements:

- (1) A unit occupied by not more than two (2) occupants shall have a clear floor area of not less than two hundred twenty (220) square feet (20.4 m<sup>2</sup>). A unit occupied by three (3) occupants shall have a clear floor area of not less than three hundred twenty (320) square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by subsections (2) and (3) of this section;
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each with a clear working space of not less than thirty (30) inches (762 mm) in front. Light and ventilation that conforms to Part IV of this subdivision shall be provided;
- (3) The unit shall be provided with a separate bathroom containing a bathtub or shower, a lavatory, and a toilet or water closet; and
- (5) The maximum number of occupants shall be three (3).

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-410. - Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including containers or facilities for temporary storage.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-411. - Lodgers prohibited.

The director of the buildings and safety engineering department may prohibit the letting of lodgings or boarders in any multiple dwelling by any of the tenants occupying such multiple dwelling, and may prescribe conditions under which lodgers or boarders may be taken in multiple dwellings. It shall be the duty of the owner of multiple dwellings to see that the requirements of the director of the buildings and safety engineering department are complied with at all times. The provisions of this section may be extended to private and two-family dwellings as the director may determine necessary.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-412. - Room and board homes.

Where a one- or two-family dwelling is used for a room and board home, the number of rooming units shall not exceed three (3), in each family dwelling unit, unless such dwelling is made to comply in all aspects with the provisions of the 1984 Detroit City Code and the Detroit Zoning Ordinance, being Chapter 61 of the 1984 Detroit City Code, relating to one-family, two-family, or multiple dwellings.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-413—9-1-430. - Reserved.

Part VI. - Plumbing and Drainage Requirements

Sec. 9-1-431. - Scope.

The provisions of this part shall govern the minimum facilities, fixtures, and systems for plumbing and drainage to be provided.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-432. - Responsibility.

- (a) The owner of the building or structure shall provide and maintain facilities, fixtures, and systems for the plumbing and drainage in compliance with the requirements of this part.
- (b) It shall be unlawful for a person to occupy as owner-occupant, or permit another person to occupy, any building or structure which does not comply with the requirements of this part.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-433. - Requirements for dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, toilet or water closet, and a kitchen sink, which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the toilet or water closet, or located in close proximity to the door leading directly into the room where such toilet or water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-434. - Requirements for rooming houses.

At least one (1) bathtub or shower, one (1) lavatory, and (1) toilet or water closet shall be supplied for each four (4) rooming units.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-435. - Requirements for hotels.

Where bathtubs, lavatories, and private toilets and private water closets are not provided in a hotel, one (1) bathtub or shower, one (1) lavatory and one (1) toilet or water closet with access from a public hallway shall be provided for each ten (10) occupants.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-436. - Facilities for employees.

- (a) A minimum of one (1) drinking facility, one (1) lavatory, and one (1) toilet or water closet shall be available to employees.
- (b) Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in bathrooms or in toilet rooms.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-437. - Bathroom and toilet facilities generally.

- (a) Bathrooms and toilet rooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and for all toilet rooms in a multiple dwelling.
- (b) Bathrooms and toilet rooms that serve dormitory units, hotel units, or rooming units shall have access from a common hall or passageway by traversing not more than one (1) flight of stairs.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-438. - Bathroom and toilet facilities for employees.

Bathroom and toilet facilities shall have access from within the employees' regular working area and shall be located not more than one (1) story above or below the employees' regular working area. The path of travel to such facilities shall not exceed a distance of five hundred 500 feet (152 m). Employee bathroom and toilet facilities shall be either separate facilities or public customer facilities, provided, that such facilities are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of five hundred 500 feet (152 m) from the employees' regular working area to the facilities.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-439. - Installation and maintenance of plumbing fixtures.

All plumbing fixtures shall be properly installed with adequate clearances for usage and cleaning, shall be maintained in good repair, shall be kept free of leaks and defects, shall be maintained in a safe, sanitary and functional condition, and shall be capable of performing the function for which such plumbing fixtures are designed.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-440. - Plumbing system drainage.

All drains for the plumbing system shall be maintained, shall be free of obstructions, and shall allow for proper drainage into the public sewer system.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-441. - Water supply system for plumbing facilities and fixtures.

- (a) All bathtubs, drinking fountains, lavatories, showers, sinks, toilets and water closets, or other plumbing fixtures shall be properly connected to the public water system. All bathtubs, kitchen sinks, laundry facilities, lavatories, and showers shall be supplied with hot or tempered and cold running water in accordance with the Michigan Plumbing Code enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504.
- (b) The water supply system for a building or structure shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture in accordance with the Michigan Plumbing Code enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504. Shampoo basin faucets, janitor sink

faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

- (c) The water supply system for a building or structure shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures, devices, and appurtenances to function properly, safely, and free from defects and leaks in accordance with the Michigan Plumbing Code and the Michigan Mechanical Code both enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-442. - Water heating facilities.

Water heating facilities for a building or structure shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at all required bathtubs, laundry facilities, lavatories, showers, and sinks at a temperature of not less than 120° Fahrenheit (49° Celsius). A gas-burning water heater shall not be located in any bathroom, bedroom, toilet room, or other occupied room normally kept closed. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-443. - Sanitary drainage system generally.

- (a) All plumbing facilities and fixtures shall be properly connected to the public sewer system.
- (b) All plumbing stacks, vents, waste and sewer lines shall function properly and be kept free from defects, leaks, and obstructions.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-444. - Plumbing or drainage system hazards; emergency orders.

- (a) It shall be unlawful for an owner to maintain a plumbing or drainage system that constitutes a hazard to the health, safety, or welfare of the occupants or to the safety of a building or structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, or otherwise in violation of this article.
- (b) Where it is found that a plumbing or drainage system of any building or structure creates a hazard to the health, safety, or welfare to the occupants of a building or structure, the director of the buildings and safety engineering department or the public health director may issue a notice or an order requiring that the defect or violation to be corrected to eliminate the hazard.
- (c) Where the plumbing or draining system of any building or structure endangers the health, safety, or welfare of the occupants in the building or structure or in any other building or structure, or the city water supply or sewerage system, or its users, the director of the buildings and safety engineering department and the public health director are vested with emergency powers to order closure and vacation of the building or structure and/or to order shut-off of the water supply to the building or structure until the condition or conditions that are endangering the public health, safety, and welfare are abated.

(Ord. No. 18-03, § 1, 7-9-03)

Secs 9-1-445—9-1-460. - Reserved.

Part VII. - Mechanical and Electrical Requirements

Sec. 9-1-461. - Scope.

The provisions of this part shall govern the minimum mechanical and electrical equipment, and facilities, for buildings and structures.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-462. - Responsibility.

- (a) The owner of the building or structure shall provide and maintain mechanical and electrical equipment and facilities in compliance with the requirements of this part.
- (b) It shall be unlawful for a person to occupy as owner-occupant, or permit another person to occupy, any building or structure which does not comply with the requirements of this part.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-463. - Heating facilities generally.

Mechanical heating facilities shall be provided in buildings or structures as required by this part.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-464. - Heating for residential dwellings; use of cooking appliances.

All dwellings shall be provided with mechanical heating facilities capable of maintaining a room temperature of 65° Fahrenheit (18° Celsius) in all habitable rooms, bathrooms, and toilet rooms based on the winter outdoor design temperature for the city in accordance with the Michigan Plumbing Code enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-465. - Heating requirements for rental properties.

- (a) All owners and operators of any rental property who rent, lease or lets one (1) or more dwelling unit, dormitory, guestroom, or rooming unit on terms and agrees, either expressed or implied, to furnish heat to the occupants of the dwelling shall provide heat sufficient to maintain a temperature of not less than 68° Fahrenheit (20° Celsius) in all habitable rooms, bathrooms, and toilet rooms between the hours of 12:00 midnight and 7:00 a.m. and not less than 70° Fahrenheit (21° Celsius) between the hours of 7:00 a.m. and 12:00 midnight when measured at a distance of three (3) feet above floor level and three (3) feet from any exterior wall.
- (b) Where the owner or operator of a rental property fails to provide sufficient heat to occupants to maintain a minimum temperature as required under this section, such failure shall be deemed an unsafe condition subject to the issuance of an emergency or imminent danger order.

(Ord. No. 18-03, § 1, 7-9-03; Ord. No. 8-04, § 2-25-04)

Sec. 9-1-466. - Heating requirements for indoor work spaces for employees.

Indoor work spaces designated for employees shall be supplied with heat sufficient to maintain a temperature of not less than 65° Fahrenheit (18° Celsius) during the period the spaces are occupied, with these exceptions:

- (1) Processing, storage and operation areas that require cooling or special temperature conditions; and
- (2) Work areas where persons are primarily engaged in vigorous physical activities.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-467. - Room temperature measurement.

The required room temperatures for this part governing heating requirements shall be measured three (3) feet (914 mm) above the floor near the center of the room and two (2) feet (610 mm) inward from the center of each exterior wall.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-468. - Mechanical appliances and equipment generally.

All mechanical appliances, cooking appliances, fireplaces, solid fuel-burning appliances, and water-heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-469. - Removal and ventilation for mechanical appliances and equipment.

All fuel-burning appliances and equipment shall be connected to an approved chimney or vent with the exception of fuel-burning appliances and equipment which are labeled for unvented operation.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-470. - Clearances for mechanical appliances and equipment.

All required clearances from mechanical appliances and equipment to combustible materials shall be maintained.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-471. - Safety controls for mechanical appliances and equipment.

All safety controls for fuel-burning appliances and equipment shall be maintained in effective operation.

(Ord. No. 18-03, § 1, 7-9-03)



Sec. 9-1-472. - Combustion air for mechanical appliances and equipment.

A supply of air for complete combustion of fuel and for ventilation of the space containing fuel-burning appliances or equipment shall be provided for the fuel-burning appliance or equipment.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-473. - Energy conservation devices on mechanical appliances and equipment.

Devices intended to reduce fuel consumption by attachment to fuel-burning appliances or equipment, to a fuel supply line thereto, or to a vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-474. - Electrical facilities required.

All occupied buildings or structures shall be provided with an electrical system in compliance with the requirements of this part.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-475. - Electrical service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Michigan Electrical Code enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act, being MCL 125.1504. All dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-476. - Electrical system hazards.

Where it is found that the electrical system in a building or structure constitutes a hazard to the occupants or to the building or structure by reason of deterioration or damage, improper fusing, improper wiring or installation, inadequate service, insufficient receptacle and lighting outlets, or for similar reasons, the director of the buildings and safety engineering department shall require the defect or violation to be corrected to eliminate the hazard.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-477. - Installation of electrical equipment generally.

All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-478. - Electrical receptacles.

All habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets in accordance with the table contained that follows in this section. All laundry areas shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

Electrical Receptacles

Room or Space	Receptacles Required	Amperage
Living room	4	15
Kitchen	3	20
Bath	1	15
Laundry area	1	20
Other (habitable)	2	15

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-479. - Lighting fixtures.

All bathrooms, boiler rooms, furnace rooms, interior stairways, kitchens, laundry rooms, public halls, and toilet rooms shall contain at least one (1) electric lighting fixture.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-480—9-1-500. - Reserved.

Part VIII. - Elevators, Escalators, Dumbwaiters, and Duct Systems

Sec. 9-1-501. - General.

All elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-502. - Elevators.

In buildings or structures equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building or structure is occupied, provided, that a building or structure equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for a reasonable amount of time for testing or servicing.

(Ord. No. 18-03, § 1, 7-9-03)

Sec. 9-1-503. - Duct systems general.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 18-03, § 1, 7-9-03)

Secs. 9-1-504—9-1-520. - Reserved.