

TOWNSHIP OF SPRING ARBOR

AN ORDINANCE FOR ADOPTION OF THE 1987 BOCA  
NATIONAL EXISTING STRUCTURES CODE  
AND TO ESTABLISH A RESIDENTIAL RENTAL INSPECTION PROGRAM

ORDINANCE NO. 34-B

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE EXISTING STRUCTURES CODE.

BE IT ORDAINED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF SPRING ARBOR AS FOLLOWS:

SECTION 1. ADOPTION OF EXISTING STRUCTURES CODE.

That a certain document, three (3) copies of which are on file in the office of the Clerk of the Township of Spring Arbor, being marked and designated as "The BOCA National Existing Structures Code, Second Edition, 1987" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Existing Structures Code of the Township of Spring Arbor, in the State of Michigan; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Existing Structures Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. ADDITIONS, INSERTIONS AND CHANGES

That the BOCA National Existing Structures Code is modified and revised in the following respects:

Section ES-110.2 Penalty: Any person, firm, or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than \$500.00 or imprisonment for a term not to exceed 180 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with terms and provisions hereof, shall be deemed a separate offense.

Section ES-111.4 Restraining Action: Insert five (5) days.

Section ES-112.2.1 Membership: Four of the members shall be a licensed contractor or trades person with at least five years experience. The fifth member shall not be associated with the construction trades. No two members can be of the same trade.

Each member shall have been a resident of the jurisdiction for at least one year prior to appointment. The chief executive officer shall appoint one member for each of the following offices: chairman, vice-chairman and secretary.

Section ES-301.3 Loading Area: All passenger loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for night time use, lights shall not be permitted to cast directly upon dwellings nearby.

Section ES-301.6 Weeds: All lots shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. This section shall not be applicable to areas that are best maintained in the natural setting.

Section ES-301.7 Storage Area: All approved open salvage yards shall be completely obscured from surrounding property by a solid screen not less than 6 feet (1829 mm) in height.

Section ES-404.1.1 Water Closet Accessibility: Every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

Section ES-404.3 Prohibited Use: Kitchens (excluding kitchenettes in hotels/motels), nonhabitable spaces and public spaces cannot be used for sleeping purposes.

Section ES-502.5 Floors: Bathrooms and toilet rooms shall be provided with floors of moisture resistant material or with floors covered with carpeting.

Section ES-602.1.1 Receptacles: Every habitable space in a dwelling unit, and every guest room shall contain at least two separate and remote receptacle outlets. Every bathroom shall contain at least one receptacle with every receptacle having a ground fault device.

Section ES-904.4 Smoke Detectors: All residential buildings shall be provided with a minimum of one approved single station smoke detector in the sleeping area. Each guest room or suite of a hotel, motel, dormitory, lodging house, boarding house shall be provided with a minimum of one approved single station smoke detector. The detectors shall be installed in accordance with the building code listed in Appendix A and can be battery operated. When activated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

SECTION 3. ADOPTION OF RESIDENTIAL RENTAL INSPECTION PROGRAM.

That the following regulations shall apply to the establishment and implementation of a residential rental inspection program for the Township of Spring Arbor:

A. Definitions: For the purposes of this Article, the following words or phrases shall have the meanings ascribed to them.

1. The "Existing Structures Code" as adopted contains an Article titled "Definitions". All definitions therein contained shall be applicable to this Article.
2. "Rental unit" means any boarding house, house used as a dormitory, multi-family apartment house, one-family dwelling and two-family dwelling, rented or leased, or any dwelling unit occupied as a home or family unit containing certain rooms in excess of those occupied as a home or family unit, which is leased or rented to one or more persons outside the family.
3. "Landlord" means any owner, agent, lessor or other person having control of a rental unit.
4. "Tenant" means any person, other than a legal or equitable title holder, occupying or possessing a dwelling or part thereof.

B. Registration of Certain Rental Units:

1. Every Landlord shall register all rental units within the Township of Spring Arbor with the Township Clerk prior to February 28, 1989, or thereafter, within ten (10) working days after the date of acquiring control of the rental unit.
2. To register a rental unit, the Landlord shall:
  - a. Truthfully provide the following information on a form provided by the Township:
    - (1) Name, address and telephone number of the property owner and the same information for any agent, lessor or other person representing the property owner and registering the rental unit.
    - (2) The street address of the rental unit, along with other identification if more than one rental unit has the same street address.
    - (3) The number of bedrooms in the rental unit and the intended number of occupants.
    - (4) Such other information as is reasonably required by the Township.
  - b. Pay an administrative fee to the Township, in an amount prescribed by resolution of the Township Board.

C. Certificate of Occupancy:

1. Prior to permitting occupancy of a rental unit by a tenant, the Landlord shall obtain either a Certificate of Occupancy or a Temporary Certificate of Occupancy

from the Township. The issuance of all such Certificates shall be based upon the standards of the applicable building, housing, zoning and new and existing structures codes.

2. A "Certificate of Occupancy" shall be issued when no code defects are known to be present.
3. A "Provisional Certificate of Occupancy" shall be issued when some code defects are known to be present. The Landlord to whom the Certificate is issued is required to correct the defects by a date certain, and further, to execute and return to the Township an "Affidavit of Completion" indicating the stated defects have been corrected. Upon the timely execution and return of an accurate and truthful "Affidavit of Completion", the Provisional Certificate of Occupancy shall be deemed a Certificate of Occupancy. In the event the "Affidavit of Completion" is either not executed and returned or fraudulently executed and returned to the Township by the date certain, the Provisional Certificate of Occupancy becomes void.
4. A "temporary Certificate of Occupancy" shall be issued when several and/or significant code defects are known to be present, but in the opinion of the building inspector, such defects do not render the rental unit uninhabitable. Such a Certificate shall enumerate the defects to be corrected and indicate a date certain by when the defects are to be corrected. A re-inspection is required. In the event the described defects are not corrected by the date certain, the Temporary Occupancy Certificate becomes void.
5. No Landlord shall permit any rental unit to be occupied by any person or persons without having a valid Temporary, Provisional or Certificate of Occupancy for that rental unit.
6. Each Temporary Certificate of Occupancy, Provisional Certificate of Occupancy and Certificate of Occupancy shall indicate the maximum permitted number of occupants of the rental unit. No Landlord shall allow and/or permit a rental unit to be occupied by more persons than that stated on the applicable Certificate of Occupancy.

D. Inspections:

1. Before issuing a Temporary Certificate of Occupancy, Provisional Certificate of Occupancy or Certificate of Occupancy, personnel of the Township of Spring Arbor shall inspect the rental unit.
2. There shall be an administrative fee charged for this inspection, as determined by resolution of the Township Board. If it is determined by the Building Inspector that an inspection by the Electrical, Mechanical and/or Plumbing Inspector is required, the resultant Electrical, Mechanical and/or Plumbing inspection fee shall be charged according to the applicable Township Board resolution or ordinance.
3. No Temporary Certificate of Occupancy, Provisional Certificate of Occupancy or Certificate of Occupancy shall be valid until all administrative fees are paid.

E. Appeal:

1. All administrative actions, including the assessment of administrative fees, may be appealed in the manner provided by the Existing Structures Code.

2. Any person taking an appeal shall first pay the applicable administrative fee, as set by resolution of the Township Board.
3. In the event of an appeal, all related enforcement action is stayed pending a decision by the Board of Appeals.

F. Penalty: Violations of this Article shall be punishable in accordance with the "Existing Structures Code".

G. Special Assessment: All administrative fees charged pursuant to this Article may be assessed as a special assessment, with all such penalties as are permitted by law.

H. Destruction of Property: No person shall wilfully or intentionally injure, destroy, mar or deface the house, apartment, dwelling or dwelling unit of another.

I. Sanitary Conditions: No person shall vacate or move from any dwelling or dwelling unit without first removing therefrom all ashes, garbage, rubbish, dirt, glass, paper and refuse of every kind and nature.

SECTION 4. INCONSISTENT ORDINANCES REPEALED.

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

SECTION 5. SAVING CLAUSE:

That nothing in this Ordinance or in the Existing Structures Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6. DATE OF EFFECT

That the Township Clerk of the Township of Spring Arbor shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.

Signed:

Adopted: October 11, 1988

Effective: November 20, 1988

Bryon J. Gallagher  
Supervisor

Estelle Sundell  
Clerk