

## Chapter 7

### BUILDINGS AND BUILDING REGULATIONS

**Art. I In General, §§ 7-1 - - 7-19**

**Art. II Vacant Buildings, §§ 7-20 - - 7-24**

#### ARTICLE I. IN GENERAL

##### **Sec. 7-1. Enforcement of State Construction Code Act<sup>1</sup>.**

The City of Crosse Pointe Park assumes responsibility for administration and enforcement of the Stille-DeRossett-Hale Single State Construction Code Act and the Code promulgated thereunder.

##### **Sec. 7-2. Construction Board of Appeals.**

Unless and until a construction board of appeals is appointed pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, the City Council shall act as such construction board of appeals.

##### **Secs. 7-3. -- 7-9. Reserved**

##### **Sec. 7-10. Certificate of Occupancy and Use<sup>2</sup>.**

It shall be unlawful for any person, firm or corporation to hereafter occupy or continue to occupy, or for any owner or agent thereof, to permit the occupation or continued occupation of, any dwelling or structure or part thereof, for any purpose, unless a certificate of occupancy and use has been issued by the Building Department with respect to such dwelling or structure and such certificate has not expired or been revoked. A certificate of occupancy and use issued by the Building Department for a dwelling or structure or part thereof which is used for commercial purposes or is rented or leased for residential use shall, unless earlier revoked as provided herein, remain in effect for a two (2) year period, commencing from the date of initial inspection for issuance of the certificate of occupancy and use, and shall expire at the earlier of the end of that period or upon the first change of occupancy or use occurring more than one (1) year after the date of initial inspection for issuance of the certificate of occupancy and use. A certificate of occupancy and use issued by the Building Department for all other dwellings or structures or parts thereof shall, unless earlier revoked as provided herein, expire upon the first change in occupancy occurring more than two (2) years after the date of initial inspection for issuance of the certificate of occupancy and use. The provisions of this Section shall not apply to the continued residential occupation of a dwelling or structure or part thereof by its owner or members of such owner's family where occupancy by them has existed continuously since August 1, 1972. The certificate of occupancy and use shall state that the Building Department has inspected the dwelling or

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<sup>1</sup> Sections 7-1 and 7-2 were adopted as part of Ord. No. 157 on May 12, 2003, effective June 1, 2003.

<sup>2</sup> Sections 7-10 through 7-13 were adopted as part of Ord. No. 187 on May 12, 2003, effective June 1, 2003.

structure, and that said department has determined that the dwelling or structure may be occupied. Such certificate of occupancy and use may be revoked at any time upon a finding by the Building Department that the dwelling or structure for which such certificate is issued fails to be in conformance with the standards required for issuance of such certificate. The existence of an unexpired certificate of occupancy and use shall not bar enforcement of or excuse compliance with any building code or other ordinance of the City of Grosse Pointe Park.

The certificate of occupancy and use shall bear this legend in capital letters of boldface type:

“THIS CERTIFICATE DOES NOT CONSTITUTE ANY REPRESENTATION OR WARRANTY AS TO THE CONDITION OF THE DWELLING OR OTHER STRUCTURES ON SAID PREMISES DESCRIBED HEREIN (OR ANY ASPECT OF SUCH CONDITION), AND INTERESTED PERSONS ARE ADVISED AND ENCOURAGED TO MAKE THEIR OWN INSPECTION OF THE PREMISES IN ORDER TO DETERMINE THE CONDITION THEREOF.”  
(Ord. No. 203, §2, 12-9-13)

**Sec. 7-11. Application for Certificate of Occupancy and Use.**

Application for a certificate of occupancy and use of a dwelling or structure may be made by the owner or his designated agent, upon a form provided by the Building Department and the payment of an inspection fee as established from time to time by resolution of the City Council.

**Sec. 7-12. Inspection for Certificate of Occupancy and Use.**

Upon receipt of the application and fee, an inspector shall inspect the owner’s dwelling or structure within ten (10) days and, if such dwelling or structure and use are in conformance with the minimum standards set forth in the Stille-DeRossett-Hale Single State Construction Code Act, the Code promulgated thereunder, and other applicable laws and ordinances, a certificate of occupancy and use shall be issued. Such certificate of occupancy and use shall constitute the certificate of occupancy and use under Section 13 of the Stille-DeRossett-Hale Single State Construction Code Act. If the dwelling or structure is not in conformance with the minimum standards required herein, the inspector shall request remedy thereof and a certificate of occupancy and use shall not be issued until such standards are complied with to the reasonable satisfaction of the inspector.

**Sec. 7-13. Conditional Certificate.**

In the event, for any reason, an owner requests that a certificate of occupancy and use be issued prior to correction of all defects noted by an inspector and if such defects do not, in the judgment of the inspector, constitute a material health or safety hazard, a conditional certificate of occupancy and use may be issued upon the condition that such defects be remedied within thirty (30) days after that date of the conditional certificate of occupancy and use and the owner’s assurance that such defects will be remedied by deposit with the Department of Public Service of a cash bond in an amount to not exceed one hundred fifty (150%) percent of the estimated cost of remedying such defects. In the event of issuance of a conditional certificate of occupancy and use, the owner shall notify the inspector within thirty (30) days after date of issuance that the defects have been remedied, and a certificate of occupancy and use shall be issued and the owner’s bond returned if

the inspector is satisfied as to the owner's compliance. If the owner fails to remedy the defects as agreed, the Department of Public Service shall revoke the conditional certificate of occupancy and use and may use as much of the cash bond as is necessary to remedy the defects and will return any balance to the owner. In the event the thirty day (30) period above provided is not adequate due to weather conditions or other circumstances, the inspector may establish a longer period to remedy the defects.

#### **Sec. 7-14. Gutter and Downspout Disconnection<sup>3</sup>**

(a) No person owning or occupying any property shall be entitled to the issuance of a certificate of occupancy and use or building permit allowing such person to construct, permit, allow or maintain the connection of any gutter downspout with the sanitary sewer system of the City of Grosse Pointe Park or occupy any property where such condition exists, unless an exemption has been granted in accordance with Subsection (b) of this Section.

(b) Any person who can demonstrate to the Director of Public Service or his authorized Deputy that the disconnection from the Grosse Pointe Park sanitary sewer system of some or all of the gutter downspouts located on the property owned or occupied by such person would be impractical, an undue hardship, result in damage to such property or to abutting property, or would:

- (1) Cause water to discharge onto a driveway or sidewalk creating a hazardous condition;
- (2) Cause water to flow next to a basement wall and tend to create a basement water problem;
- (3) Cause water to discharge across or onto a patio or onto the ground near where children's play equipment is installed;
- (4) Cause water to flow directly into an in-ground swimming pool;
- (5) Create a flooding problem because of low grade;
- (6) Cause water run off to discharge unto a neighbor's property; or
- (7) Cause a practical hardship imposing unusual difficulty upon persons affected by such disconnection.

may apply for an exemption entitling such person to receive a certificate of occupancy and use or building permit notwithstanding the requirements of Subsection (a) of this Section, which exemption shall be in writing and shall relieve the person or property designated in such exemption from compliance with subsection (a) of this section. A copy of each exemption shall be recorded with the Department of Public Service.

(c) Any person failing to receive an exemption pursuant to this Section, or any person affected by a decision of the Director of Public Service or his authorized Deputy under this Section,

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<sup>3</sup> Section 7-20 as adopted as part of Ord. No. 187 on May 12, 2003, effective June 1, 2003.

may appeal such action or decision to the Construction Code Board of Appeals which shall have the power to confirm, revoke or modify any decision so appealed, or direct such action as may be appropriate. Appeals shall be made in writing filed with the City Clerk and shall not be considered until payment of an appeal fee is received by the City Treasurer in such amount as may be prescribed by resolution of the City Council.

**Secs. 7-15. -- 7-19. Reserved.**

## **ARTICLE II. VACANT BUILDINGS**

### **Sec. 7-20. Purpose.**

It is the purpose and intent of the City of Grosse Pointe Park through the adoption of this ordinance to protect residential, service and business districts from becoming blighted through the lack of adequate maintenance and security of vacant properties.

### **Sec. 7-21. Vacant Buildings; Owner Required to Act; Enforcement Authority; Penalties.**

(a) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership of a vacant building, whichever is later, file a registration statement for each such building with the Department of Public Service on forms provided by that department for such purposes. The registration shall remain valid for six months from the date of registration.

- (1) The owner shall be required to renew the registration for successive six (6) month periods as long as the building remains vacant and shall pay a registration or renewal fee in the amount prescribed in paragraph (3) of this subsection (a) for each registered vacant building; provided, however, that all religious, educational, benevolent, or charitable associations organized on a not-for-profit basis and all governmental agencies shall be exempt from the payment of the registration fee. The owner shall notify the Department of Public Service, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the Department of Public Service for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building. After filing a registration statement, the building owner shall provide access to the City to conduct an exterior and interior inspection of the building to determine compliance with the City's Code, including this Article, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
- (2) In addition to other information required by the Director of Public Service, the registration statement shall include the name, street address and telephone number of a natural person 21 years old or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in

any legal and/or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. The person so registered on the Registration Statement must maintain an office and/or reside in Wayne, Oakland, or Macomb County, Michigan. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate themselves as agent. By designating an authorized agent under the provisions of this subsection, the building owner consents to receive any and all notices of code violations concerning the registered building and all process in any legal and/or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice and/or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the Department of Public Service of a change of authorized agent or until the owner files a new annual registration statement. Any owner who fails to register a vacant building under the provisions of this subsection shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in any administrative and/or enforcement proceeding brought to enforce code provisions concerning the building.

- (3) The registration and renewal fee for each registered building shall be set at \$250 (the base registration fee), but may be increased or decreased from time to time by resolution of the City Council. Provided, however, that any vacant building subject to the base registration fee that is in violation of any provision of the City's Code at the time renewal is required shall be assessed a renewal fee of \$500 for such renewal period (the "doubled period"). If a vacant building in the doubled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$750 for such renewal (the "tripled period"). If a vacant building in the tripled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$1,000 for such renewal. and shall remain at \$1,000 for each subsequent renewal, if, at the time such renewal is required, the building is in violation (the "quadrupled period"). If the owner of a building that is in the doubled, tripled, or quadrupled period can show to the satisfaction of the Director of the Department of Public Service, at the time renewal is required, that the building is in full compliance with the building code and fire code, then such renewal shall revert to the base registration fee. For purposes of this Section, "in violation" shall mean that a citation and/or notice has been issued, and the conditions forming the basis for the citation and/or notice has not been fully remedied. In the event of a final determination that issuance of the citation was not factually supported, the increased fee for the six-month period(s) at issue shall be refunded to the owner.

(b) The owner of any building that has become vacant, and any person maintaining, operating or collecting rent for any building that has become vacant shall, within 30 days, do the following:

- (1) Enclose and secure the building as provided in Section 7-22 of this Code; and
- (2) Maintain the building in a secure and closed condition until the building is again

occupied or demolished or until repair or completion of the building has been undertaken.

(c) The Department of Public Service may issue rules and regulations for the administration of this Section.

(d) **Fines and penalties.** The first violation of this Section within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of this Section within thirty-six months shall be a civil infraction with a maximum penalty of \$100 fine. The third violation of this Section within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of this Section within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described above shall be in addition to cost assessments, expenses, and/or damages assessed under the law, including any unpaid registration fees as described in Section 7-21 (a)(3) of this Code. Every week that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Section shall be recoverable from the owner and shall be a lien on the subject property.

(e) For purposes of this Article, “vacant” means a building that is lacking habitual presence of human beings for more than 30 days who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has ceased for more than 30 days. Residential property shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property. Property owners of a vacant building that has been issued a certificate of occupancy in the prior twelve (12) months and/or where the vacant building has not been occupied in that prior twelve (12) month period and who are actively attempting to lease or sell the vacant building may apply to the Department of Public Service for a waiver of the registration fee as described in Section 7-21(a)(3) of this Code but must still comply with the requirements of Section 7-22 of this Code.

#### **Sec. 7-22. Minimum Requirements for Vacant Buildings.**

For purposes of this Section, the term “vacant” shall be defined as provided in Section 7-21 of this Code. In addition to any other applicable code requirements, each vacant building must be kept in compliance with the following requirements for as long as the building remains vacant:

(a) **Lot Maintenance Standards.** The lot the building stands on, and the surrounding public way, shall (in addition to other provisions of this Code) be maintained as follows:

- (1) All grass and weeds on the premises, including abutting sidewalks, gutters and alleys, shall be kept below five (5) inches in height, and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises;
- (2) The interior walkway leading to the main entry door, and any public sidewalk adjoining the lot, shall be shoveled clear of snow;
- (3) Junk, rubbish, waste, and any material that creates a health, safety or fire hazard, including but not limited to any mail or flyers that have been delivered to the building,

shall not be permitted to accumulate on any portion of the exterior lot of the building;

- (4) No portion of the lot, nor any structure, vehicle, receptacle, or object thereon, shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage; and
- (5) All fences and gates shall be maintained in sound condition and in good repair.

(b) **Exterior Maintenance Standards.** The exterior of the building shall be enclosed, secured and maintained as follows:

- (1) Foundations, basements, cellars, and crawlspaces shall be maintained in sound and water tight condition, adequate to support the building, and protected against the entry of rodents and other animals;
- (2) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals;
- (3) 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 from entering the building;
  - (A) exterior windows and doors shall be equipped with hardware for locking, and the locking mechanism shall be maintained in properly functioning condition;
  - (B) all points of possible ingress and egress, including, but not limited to exterior windows and doors, shall be secured to prevent unauthorized entry;
  - (C) any window which is broken, cracked or missing glass or glazing shall be replaced and maintained in good repair, or the building opening shall otherwise be adequately secured pursuant to subsection (d) of this Section;
  - (D) No window shall be boarded and/or covered with any material such as plywood, metal, or any other covering except for glass.
- (4) The roof shall be adequately supported, and shall be maintained in weather tight condition; the gutters, downspouts, scuppers, and appropriate flashing shall be in good repair and adequate to remove the water from the building or structure;
- (5) Chimneys and flues shall be kept in sound, functional, weather tight condition and in good repair;

- (6) Every outside stair or step shall be maintained in sound condition and in good repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose.

(c) **Interior Maintenance Standards.** The interior of any building shall be maintained as follows:

- (1) It is prohibited to accumulate or permit the accumulation of junk, trash and debris, boxes, lumber, scrap metal, junk vehicles or any other materials in such a manner that may produce any health, fire, or safety hazard, or provide harborage for rodents or other animals on the premises; materials stored by the owner or permitted to be stored by the owner shall be stacked safely, and away from stairs or hallways, and any other places of ingress and egress;
- (2) Every foundation, roof, floor, wall, stair, ceiling, and any other structural support shall be safe and capable of supporting the loads that normal use may cause to be placed thereon, and shall be kept in sound condition and in good repair; floors and stairs shall be free of holes, grooves, and cracks that could be potentially hazardous;
- (3) Any plumbing fixtures shall be maintained with no leaking pipes; and all pipes for water shall be either completely drained or heated to resist being frozen;
- (4) Every exit door maintained as such in compliance with subsection (d)(3) of this Section shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the Department of Public Service, and every such exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge;
- (5) Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened, and have no rotting, loose, or deteriorating supports; and
- (6) Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises;
- (7) All exterior pools and/or spas shall be kept in working order so that water remains free and clear of pollutants and debris or drained and kept dry, and must comply with the minimum security fencing requirements of the State of Michigan and this Code; and
- (8) The buildings and all other structures on the property shall be maintained free of graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

(d) **Rules and Regulations.** The Department of Public Service may issue rules and regulations for the administration of this Article. These rules may specify additional board-up materials which may be used when securing a building, if proof is provided, satisfactory to the building commissioner, that such materials will perform in a manner equivalent to, or better than, the materials specified herein.



(e) Any vacant building and structure shall not be occupied until a certificate of occupancy has been issued by the City, and all violations have been corrected in accordance with applicable Michigan law and this Code.

**Sec. 7-23. Improperly Maintained Buildings and Structures Subject to Nuisance Abatement Proceedings.**

(a) The following buildings and structures are hereby declared to be public nuisances subject to abatement proceedings under this Chapter:

- (1) A building or structure found to be vacant and open after the effective date of an order to secure and enclose issued by a court of competent jurisdiction or the Department of Public Service hearings within the previous 12 months, unless stayed by a court of competent jurisdiction;
- (2) A building or structure that contains any violation of a health, fire, electrical, plumbing, building or zoning provision of this Code which is imminently dangerous and hazardous;
- (3) Building or structure for which the costs of the repairs necessary to bring the building or structure into compliance with applicable laws would exceed the market value of the building or structure after the repairs would have been made, or when the owner cannot show that it has readily available and sufficient assets to make such repairs or where such repairs otherwise are economically infeasible; or
- (4) A building or structure where an owner has failed to correct the code violation(s) that form the basis of an adverse order or judgment involving that building or structure issued by a court of competent jurisdiction or by the Department of Public Service hearings, within 60 days of entry, unless such adverse order or judgment has been stayed by a court of competent jurisdiction.

For purposes of this Section, “vacant” shall be defined as provided in Section 7-22 of this Code; and “open” refers to a building that has any door, window or wall missing or unsecured, or has any other opening so as to allow entry by a human being.

**Sec. 7-24. Defenses to Building Code Violations.**

It shall be a defense to a building code violation adjudicated under this Article, if the owner, manager, person exercising control, his attorney, or any other agent or representative proves to the municipal court judge or circuit court judge:

(a) The building code violation alleged in the notice did not in fact exist at the time of the inspection resulting in the notice;

(b) At the time of the hearing on the issue of whether the building code violation does or does not exist, the violation has been remedied or removed.

