

# CITY OF ESCANABA

## PROPERTY MAINTENANCE CODES

### CHAPTER I

#### ADOPTION OF A NATIONAL PROPERTY MAINTENANCE CODE

The City Council hereby adopts, by reference, the BOCA Property Maintenance Code, Fourth Edition, 1993, as published by the Building Officials and Code Administrators International, Inc. is hereby adopted as the Property Maintenance Code for the City of Escanaba, in the State of Michigan; for control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as it fully set out in this Ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Chapter II of this Ordinance.

### CHAPTER II

#### SECTION PM - 101.0 GENERAL

**PM - 101.1 Title:** These regulations shall be known as the Property Maintenance Code of the City of Escanaba hereinafter referred to as "this code". (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 101.2 Scope:** This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 101.3 Intent:** This code shall be constructed to secure its expressed intent, which is to insure public health, safety and welfare insofar as they are affected by the continued occupancy and maintaining of structures and premises. Existing structures shall be altered or repaired to provide a minimum level of health and safety as required herein. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 101.4 Referred Standards:** The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 101.5 Existing Remedies:** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 101.6 Workmanship:** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 101.7 Application of Other Codes:** Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFiPA 70. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 102.0 VALIDITY**

**PM - 102.1 Validity:** If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 102.2 Saving Clause:** This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 103.0 MAINTENANCE**

**PM - 103.1 Required:** All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 104.0 APPROVAL**

**PM - 104.1 Approved Materials and Equipment:** All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 104.2 Modifications:** Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 104.2.1 Records:** The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 104.3 Material and Equipment Reuse:** Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 104.4 Alternative Materials and Equipment:** The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistances, durability and safety. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 104.5 Research and Investigations:** Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant. (Implemented: Ordinance 907 as of May 17, 1996)

## SECTION PM - 105.0 DUTIES AND POWERS OF CODE OFFICIALS

**PM - 105.1 General:** The code official shall enforce all of the provisions of this code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.2 Notices and Orders:** The code official shall issue all necessary notices or orders to ensure compliance with the code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.3 Right of Entry:** The code official is authorized to enter the structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.4 Access by Owner or Operator:** Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.5 Identification:** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.6 Coordination of Enforcement:** Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.7 Rule-Making Authority:** The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt the promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.8 Organization:** The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.9 Restriction of Employees:** An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the Board of Appeals established under the provisions of Section PM-111.0, shall not be engaged in, or directly or indirectly connected with, the furnishings of labor, materials or appliances for construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

**Exception:** An official or employee connected with the administration and enforcement of city funded rehabilitation projects can engage in assisting the property owner with bid specifications,

material specifications and awarding of city funded rehabilitation contracts. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.10 Relief From Personal Responsibility:** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of the official duties in connection therewith. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 105.11 Official Records:** An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 106.0 VIOLATIONS**

**PM - 106.1 Unlawful Acts:** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 106.2 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 five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 106.3 Prosecution:** In case of any unlawful acts, the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-106.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity the person responsible for the violation for the purpose of ordering the person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

(Implemented: Ordinance 907 as of May 17, 1996)

## SECTION PM - 107.0 NOTICE AND ORDERS

**PM - 107.1 Notice to Owner or to Person or Persons Responsible:** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible thereof in the manner prescribed in Section PM-107.2 and PM-107.3. Notices for condemnation procedures shall also comply with Section PM-108.3. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 107.2 Form:** Such notice prescribed in Section PM - 107.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
4. Include a correction order allowing a reasonable time for the repairs and improvement required to bring the dwelling unit or structure into compliance with the provisions of this code.

**Exception:** In an owner, operator or tenant has previously received two (2) notices to abate any violation as stated in Section PM – 303.0 Exterior Property Areas within the preceding twelve (12) months, and another violation is verified, then that property will be considered in habitual violation of the ordinance and the City may abate the nuisance violation without any further notice to the property owner, operator or tenant. The cost that the City incurs in the abatement of the violation shall be actual costs thereof, plus twenty-five percent (25%) for the cost of inspection and other incidental costs in connection with the enforcement of the code and shall be recorded as a lien with the Delta County Treasurer’s Office.

(Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of December 6, 1997, Ordinance 1043 as of April 2, 2005, Ordinance 1056 as of April 1, 2006)

**PM - 107.3 Method of Service:** Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 107.4 Penalties:** Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 107.5 Transfer of Ownership:** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 108.0 UNSAFE STRUCTURES AND EQUIPMENT**

**PM - 108.1 General:** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.1.1 Unsafe Structure:** An unsafe structure means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

- A. A door, aisle, passageway, stairway or other means of exit does not conform to the approved Escanaba Property Maintenance Code adopted by the City of Escanaba.
- B. A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Escanaba Property Maintenance Code adopted by the City of Escanaba for a new building or structure, purpose or location.
- C. A part of the building or structure is likely to fall, become detached or dislodged or collapse and insure persons or damage property.
- D. A portion of the building or structure has settled to such an extent that wall or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Escanaba Property Maintenance Code adopted by the City of Escanaba.
- E. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- F. The building, structure or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- G. The building or structure is damaged by fire, wind or flood or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- H. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- I. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- J. An unsafe structure is one that is found to be dangerous to life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or completely collapse is likely.

(Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 1111 as of July 3, 2010)

**PM - 108.1.2 Unsafe Equipment:** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.1.3 Structure Unfit for Human Occupancy:** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.1.4 Unlawful Structure:** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.2 Closing of Vacant Structures:** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.3 Notice:** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section PM-107.3. The notice shall be in the form prescribed in Section PM-107.2. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.4 Placarding:** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.5 Prohibited Occupancy:** Any person who shall occupy a placard premises or shall operate placard equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placard premises or operate placard equipment shall be liable for the penalties provided by this code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 108.6 Removal of Placard:** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 109.0 EMERGENCY MEASURES**

**PM - 109.1 Imminent Danger:** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "Do Not Enter... Unsafe to Occupy". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same. (Implemented: Ordinance 907 as

**PM - 109.2 Temporary Safeguards:** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency. (Implemented:

Ordinance 907 as of May 17, 1996)

**PM - 109.3 Closing Streets:** When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. (Implemented: Ordinance

907 as of May 17, 1996)

**PM - 109.4 Emergency Repairs:** For the purpose of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. (Implemented: Ordinance

907 as of May 17, 1996)

**PM - 109.5 Cost of Emergency Repairs:** Cost incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 109.6 Hearing:** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 110.0 DEMOLITION**

**PM - 110.1 General:** Any dwelling, rooming house or other structure covered by the provisions of this code may be condemned as unfit for human habitation or a public nuisance in that it or they are a nuisance to public health and/or safety, by the City Council. Such condemnation shall occur only after a detailed report by the code official is filed with and submitted to the City Manager with his/her recommendations to the City Council. If the City Council decides to proceed with the condemnation it shall set a date and time for a public hearing on the matter not less than four (4) weeks after the date of the meeting which it decides to proceed. The City Manager shall have the name of the owners and any interested parties determined from the property records in the office of the County Register of Deeds or the City Assessor Office. Written notice of the proposed condemnation action shall be served on the owner and any others having an interest, setting forth the date, time and place of the public hearing, a legal description of the property, a statement of the defects in the building(s) or structure(s), and a statement of what must be done to the buildings or structures to place them in a condition so they are no longer a public nuisance to the public health and/or safety. Such notices may be served on the interested party or parties in person, or by certified mail, or if unknown or whereabouts unknown, by posting for not less than ten (10) days in two (2) conspicuous places on the buildings or structures in question.

If a property owner, by his/her own decision or in compliance with a condemnation order of the City Council, proposes to proceed with demolition of any building or structure, he/she shall apply to the Building Inspector for a demolition permit as provided for in the Uniform building Code. Such permit shall be taken out in the name of the owner of the property at the time of the condemnation proceedings. The permit shall list the name and residence address of the owner, the name of the demolition contractor if there be one, the time the property is to be cleared of the buildings and structures, both starting and completion date. The permit shall also require that the premises be cleaned up by removal of all scrap

material and rubbish, and basement or other depression be filled in and the lot left clean and level. If the demolition is not to be performed by a bonded contractor, the code official may, if in his/her opinion in circumstances and conditions make it desirable so to do, require a cash deposit of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000), as a guarantee of the faithful performance of the terms of the demolition permit. The amount of such cash deposit shall be returned to the applicant upon completion of the work to the satisfaction of the code official. At no time will the completion date of a building or structure exceed ninety (90) days from date of condemnation. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 110.2 Order:** All notices and orders shall comply with Section PM-107.0. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 110.3 Failure to Comply:** If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 110.4 Salvage Materials:** When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such surplus does not remain to be turned over, the report shall SO State. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 111.0 MEANS OF APPEAL**

**PM - 111.1 Application for Appeal:** Any person affected by a decision of the code official or a notice of order issued under this code shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal is filed within ten (10) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the code of the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirement of this code are adequately satisfied by other means. The Zoning Board of Appeals shall not have the authority to alter or change this code; provided, however, that in interpreting and applying the provisions of this code, the requirement shall be the spirit and intent of the code but not the granting of a special privilege. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 1076 as of November 2, 2007 as of November 2, 2007)

**PM - 111.2 Membership of the Board:** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a General Board of Appeals consisting of members who are not employees of the City. The building official shall be an ex-officio member of and shall act as secretary to said board but will have no vote on any matter before the board. The General Board of Appeals shall be appointed by the City Council of the City of Escanaba and shall hold office as specified by the Escanaba City Council. The board shall adopt rules of procedures for conducting its business, and shall render all decisions and findings in writing to the appellant with duplicate copy to the building official. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.2.1 Qualifications:** (Deleted per Ordinance 907 as of May 17, 1996)

**PM - 111.2.2 Alternate Members:** (Deleted per Ordinance 907 as of May 17, 1996)

**PM - 111.2.3 Chairman:** The board shall annually select one of its members to serve as a chairman.  
(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.2.4 Disqualification of Member:** A member shall not hear an appeal in which that member has any personal, professional or financial interest. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.2.5 Secretary:** The code official shall serve as secretary to the board. The code official shall have no voting authority and shall file a detailed record of all proceedings in the office of the City Manager. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.2.6 Compensation of Members:** Compensation of members shall be determined by law.  
(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.3 Notice of Meeting:** The board shall meet upon notice from the chairman, within ten (10) days of the filing of an appeal, or as stated periodic meetings. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.4 Open Hearing:** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.4.1 Procedure:** The board shall adopt and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.5 Postponed Hearing:** (Implemented: Ordinance 907 as of May 17, 1996, Deleted per Ordinance 907 as of May 17, 1996)

**PM - 111.6 Board Decision:** The board shall modify or reverse the decision of the code official by a concurring vote of three (3) members. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.6.1 Resolution:** The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.6.2 Administration:** The code official shall take immediate action in accordance with the decision of the board. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 111.7 Court Review:** All applications for writs of certiorari to correct errors of law shall comply with Section PM - 111.1. (Implemented: Ordinance 907 as of May 17, 1996)

## **CHAPTER III**

### **SECTION PM - 201.0 GENERAL**

**PM - 201.1 Scope:** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 201.2 Interchangeability:** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 201.3 Terms Defined in Other Codes:** Where terms are not defined in this code and are defined in this code and are defined in the building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them in those codes.

**PM - 201.4 Terms Are Not Defined:** Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 201.5 Parts:** Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "story", or "structure" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof". (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 202.0 GENERAL DEFINITIONS**

**Approved:** Approved by the code official. (Implemented: Ordinance 907 as of May 17, 1996)

**Basement:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Bathroom:** See Section PM - 502.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Building:** Any structure occupied or intended for supporting or sheltering any occupancy. (Implemented: Ordinance 907 as of May 17, 1996)

**Building Code:** The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy, and maintenance of buildings and structures. (Implemented: Ordinance 907 as of May 17, 1996)

**Code Official:** The official who is charged with the administration and enforcement of this code, or any duly authorized representative. (Implemented: Ordinance 907 as of May 17, 1996)

**Condemn:** To adjudge unfit for occupancy. (Implemented: Ordinance 907 as of May 17, 1996)

**Construction Documents:** All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale. (Implemented: Ordinance 907 as of May 17, 1996)

**Dwellings:** See Section PM - 201.5. (Implemented: Ordinance 907 as of May 17, 1996)

**Dormitory:** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group. (Implemented: Ordinance 907 as of May 17, 1996)

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (Implemented: Ordinance 907 as of May 17, 1996)

**Hotel:** Any building containing six (6) or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes or boarders. (Implemented: Ordinance 907 as of May 17, 1996)

**One-Family Dwelling:** A building containing one (1) dwelling unit with not more than five (5)

lodgers or boarders. (Implemented: Ordinance 907 as of May 17, 1996)

**Rooming House:** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling. (Implemented: Ordinance 907 as of May 17, 1996)

**Rooming Unit:** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes. (Implemented: Ordinance 907 as of May 17, 1996)

**Two-Family Dwelling:** A building containing two dwelling units with not more than five (5) lodgers or boarders per family. (Implemented: Ordinance 907 as of May 17, 1996)

**Exterior Property:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Extermination:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Family:** An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five (5) unrelated persons, living together as a single housekeeping unit in a dwelling unit. (Implemented: Ordinance 907 as of May 17, 1996)

**Garbage:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Habitable Space:** See Section PM - 402.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Infestation:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Let for Occupancy or Let:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Occupancy:** The purpose for which a building or portion thereof is utilized or occupied. (Implemented: Ordinance 907 as of May 17, 1996)

**Occupants:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Openable Area:** See Section PM - 402.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Operator:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Owner:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Person:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Plumbing:** See Section PM - 502.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Plumbing Fixture:** See Section PM - 502.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Premises:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Public Nuisance:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Registered Design Professional:** An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed. (Implemented: Ordinance 907 as of May 17, 1996)

**Rubbish:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Structure:** That which is built or constructed or a portion thereof. (Implemented: Ordinance 907 as of May 17, 1996)

**Toilet Room:** See Section PM - 502.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Ventilation:** See Section PM - 402.0. (Implemented: Ordinance 907 as of May 17, 1996)

**Workmanlike:** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work. (Implemented: Ordinance 907 as of May 17, 1996)

**Yard:** See Section PM - 302.0. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 301.0 GENERAL**

**PM - 301.1 Scope:** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 301.2 Responsibility:** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections PM-306.0 and PM-307.0. A person shall not occupy as owner-occupant or permit another to occupy premises which do not comply with the requirements of this chapter. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 301.3 Vacant Structures and Land:** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 302.0 DEFINITIONS**

**PM - 302.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein. (Implemented: Ordinance 907 as of May 17, 1996)

**Basement:** That portion of a structure which is partly or completely below grade. (Implemented: Ordinance 907 as of May 17, 1996)

**Exterior Property:** The open space on the premises and on adjoining property under the control of owners or operators of such premises. (Implemented: Ordinance 907 as of May 17, 1996)

**Extermination:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigation, trapping or by any other approved pest elimination methods. (Implemented: Ordinance 907 as of May 17, 1996)

**Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (Implemented: Ordinance 907 as of May 17, 1996)

**Infestation:** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests. (Implemented: Ordinance 907 as of May 17, 1996)

**Let For Occupancy or Let:** To permit possessions or occupancy of a dwelling, dwelling unit, rooming unit, building 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. (Implemented: Ordinance 907 as of May 17, 1996)

**Occupant:** Any person living or sleeping in a building; or having possessions of space within a building.

(Implemented: Ordinance 907 as of May 17, 1996)

**Operator:** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy. (Implemented: Ordinance 907 as of May 17, 1996)

**Owner:** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. (Implemented: Ordinance 907 as of May 17, 1996)

**Person:** An individual, corporation, partnership or any other group acting as a unit. (Implemented: Ordinance 907 as of May 17, 1996)

**Premises:** A lot, plot or parcel of land including any structures thereon. (Implemented: Ordinance 907 as of May 17, 1996)

**Public Nuisance:** Includes the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises that has unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation; or
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb, or property; or
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

(Implemented: Ordinance 907 as of May 17, 1996)

**Rubbish:** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. (Implemented: Ordinance 907 as of May 17, 1996)

**Yard:** An open space on the same lot with a structure. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 303.0 EXTERIOR PROPERTY AREAS**

**PM - 303.1 Sanitation:** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 303.2 Grading and Drainage:** All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. (Implemented: Ordinance 907 as of May 17, 1996)

**Exception:** Water retention areas and reservoirs approved by the code official.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 303.3 Sidewalks and Driveways:** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions to include snow and ice. Stairs shall comply with the requirements of Sections PM - 304.10 and PM - 702.9.

(Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of December 6, 1997)

**PM - 303.4 Weeds:** It shall be unlawful and constitute an immediate public nuisance of the owner or owners of property within the boundaries of the City of Escanaba, to allow real property to become overgrown with weeds. Between June 1 and October 30 of each year, all platted and/or developed premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds and/or plant growth 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.

**Exception:** Unplatted and/or undeveloped properties over 2 acres in size are required to cut a 50 foot swath between the adjacent platted and/or developed premises or exterior property line/boundary. Additionally, a 50 foot swath is required on all exterior premises or exterior property with adjacent to a roadway or other public way. (Implemented: Ordinance 907 as of May 17, 1996.

Amended: Ordinance 1043 as of April 2, 2005, Ordinance 1056 as of April 1, 2006)

**PM - 303.5 Rodent and Skunk Harborage:** All structures and exterior property shall be kept free from rodent and skunk infestation. Where rodents and/or skunks are found, they shall be promptly eliminated by approved processes which will not be injurious to human health. After elimination, proper precautions shall be taken to prevent re-infestation. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of December 6, 1997)

**PM - 303.6 Exhaust Vents:** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 303.7 Accessory Structures:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally 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. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of

December 6, 1997)

**PM - 303.8 Motor Vehicles:** Parking and storage of inoperable vehicles shall be located within an enclosed building or structure. For purposes of this section an inoperable vehicle includes:

1. A vehicle that is abandoned or lacking vital component parts essential to its mechanical functioning, including but not limited to the engine, drive train or wheels, or;

2. A vehicle that is so mechanically defective as to be unsafe for operation, or;
3. A vehicle that does display a current license plate, current license tab or current registration. This subsection shall not apply to a bona fide collector vehicle which displays a state-license collector plate or similar identification.

(Deleted per Ordinance 907 as of May 17, 1996, Implemented: Ordinance 931 as of December 6, 1997)

## **SECTION PM - 304.0 EXTERIOR STRUCTURE**

**PM - 304.1 General:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.2 Street Numbers:** Each structure to which a street number has been assigned shall have such number displayed on a position easily observed and readable from the public right-of-way. All numbers shall be in arabic numerals at least three (3) inches (76 mm) high and ½ inch (13 mm) stroke. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.3 Structural Members:** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.4 Foundation Walls:** All 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 rats. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.5 Exterior Walls and Surfaces:** All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipping paint shall be eliminated and surfaces repaired. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of December 6, 1997)

**PM - 304.6 Roofs and Drainage:** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.7 Decorative Features:** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.8 Overhang Extensions:** All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in safe and 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. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.9 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. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.10 Handrails and Guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior and interior flight of stairs having more than four (4) risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony. All stairways, decks, porches and balconies shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of December 6, 1997)

**PM - 304.11 Window and Door Frames:** Every window, door and frame shall be kept in sound condition, good repair and weather tight. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.11.1 Glazing:** All glazing materials shall be maintained free from cracks and holes.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.11.2 Openable Windows:** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.12 Insect Screens:** During the period from June 1 to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 fitted screens or not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

**Exception:** Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.13 Doors:** All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.14 Basement Hatchways:** Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 304.15 Guards for Basement Windows:** Every basement window that is openable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 305.0 INTERIOR STRUCTURE**

**PM - 305.1 General:** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 305.2 Structural Members:** The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 305.3 Interior Surface:** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 305.4 Lead-Based Paint:** Lead-based paint with a lead content of more than five-tenths (0.5) percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit, or child care facility, including fences and outbuildings. Existing interior or exterior painted surfaces containing an excess of five-tenths (0.5) percent lead shall be removed or covered in an approved manner. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 305.5 Stairs and Railings:** All interior stairs and railings shall be maintained in good condition and good repair. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 305.6 Handrails and Guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 306.0 RUBBISH AND GARBAGE**

**PM - 306.1 Accumulation of Rubbish or Garbage:** All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 306.2 Disposal of Rubbish:** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 306.2.1 Rubbish Storage Facilities:** The owner of every occupied, premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 306.3 Disposal of Garbage:** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 306.3.1 Garbage Facilities:** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leak-proof, covered, outside garbage container. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 306.3.2 Containers:** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leak-proof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 307.0 EXTERMINATION**

**PM - 307.1 Infestation:** All structures shall be kept free from insect, rodent, and skunk infestation. All

structures in which insects, rodents, or skunks are found shall be promptly eliminated by approved processes that will not be injurious to human health. After elimination, proper precautions shall be taken to prevent re-infestation. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of December 6, 1997)

**PM - 307.2 Owner:** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 307.3 Single Occupancy:** The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for extermination on the premises. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 307.4 Multiple Occupancy:** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 307.5 Occupant:** The occupant of any structure shall be responsible for the continued ratproof condition of the structure, and if the occupant fails to maintain the ratproof condition, the cost of extermination shall be the responsibility of the occupant. (Implemented: Ordinance 907 as of May 17, 1996)

## **CHAPTER IV LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

### **SECTION PM - 401.0 GENERAL**

**PM - 401.1 Scope:** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for the occupancy of a structure. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 401.2 Responsibility:** The owner of the 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 premises that do not comply with the requirements of this chapter. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 401.3 Alternative Devices:** In lieu of the means of natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building shall be permitted. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 402.0 DEFINITIONS**

**PM - 402.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein. (Implemented: Ordinance 907 as of May 17, 1996)

**Habitable Space:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable space. (Implemented: Ordinance 907 as of May 17, 1996)

**Openable Areas:** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors. (Implemented: Ordinance 907 as of May 17, 1996)

**Ventilation:** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 403.0 LIGHT**

**PM - 403.1 Habitable Spaces:** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be eight (8) percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of this building code. 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 shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 403.2 Common Halls and Stairways:** Every common hall and stairway, other than in one and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m<sup>2</sup>) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of one (1) foot-candle (11 lux) at floors, landings and treads. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 403.3 Other Spaces:** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 404.0 VENTILATION**

**PM - 404.1 Habitable Spaces:** Every habitable space 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 PM - 403.1. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 404.2 Bathrooms and Toilet Rooms:** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section PM - 404.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 404.3 Cooking Facilities:** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliances shall not be permitted to be present in a rooming unit or dormitory unit.

**Exception:** Where specifically approved in writing by the code official. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 404.4 Process Ventilation:** Where injurious, toxic, irritating or noxious fumes, gases, dusts 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 and not be recirculated to any space. (Implemented:

**PM - 404.5 Clothes Dryers Exhaust:** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer’s instructions. (Implemented: Ordinance 907 as of May 17, 1996)

**SECTION PM -405.0 OCCUPANCY LIMITATIONS**

**PM - 405.1 Privacy:** Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.2 Access From Sleeping Rooms:** No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.3 Area for Sleeping Purposes:** Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (7 m<sup>2</sup>) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (5 m<sup>2</sup>) of floor area for each occupant thereof. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.4 Water Closet Accessibility:** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.5 Overcrowding:** Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table PM - 405.5.

<b>Table PM – 405.5 MINIMUM OCCUPANCY AREA REQUIREMENTS</b>			
<b>Space</b>	<b>Minimum Occupancy Area in Square Feet</b>		
	<b>1-2 Occupants</b>	<b>3-5 Occupants</b>	<b>6 or More</b>
Living Room	No Requirement	120	150
Dining Room	No Requirement	80	100
Kitchen	50	50	60
Bedrooms	Shall Comply With Section PM – 405.3		

Note: See Section PM - 405.6 for combined living room/dining room spaces.

Note: 1 square foot = 0.093 m<sup>2</sup>

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.6 Combined Spaces:** Combined living room and dining room spaces shall comply with the requirements of Table PM - 405.5 if the total area is equal to that required for separate rooms and if space is located so as to function as a combination living room/dining room. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.7 Prohibited Occupancy:** Kitchens, non-habitable spaces and interior public areas shall not be occupied for sleeping purposes. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.8 Minimum Ceiling Heights:** Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than seven (7) feet four (4) inches (2235 mm). Hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than seven (7) feet (2134

mm).

**Exceptions:**

1. Beams or grinders spaced not less than four (4) feet (1219 mm) on center and projecting not more than six (6) inches (152 mm) below the required ceiling height, provided that the minimum clear height is not less than six (6) feet eight (8) inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than seven (7) feet (2134 mm) in height.
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 (2134 mm) over not less than one-third 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 (1524 mm) or more shall be included.
4. 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 four (4) inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 405.9 Minimum Room Widths:** A habitable room, other than a kitchen, shall not be less than seven (7) feet (2133 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. (Implemented:

Ordinance 907 as of May 17, 1996)

**PM - 405.10 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 facilities for temporary storage. (Implemented: Ordinance 907 as of May 17, 1996)

## **CHAPTER V PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **SECTION PM - 501.0 GENERAL**

**PM - 501.1 Scope:** The provisions of this chapter shall govern the minimum plumbing facilities and plumbing fixtures to be provided. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 501.2 Responsibility:** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

A person shall not alter, maintain, service or repair, or cause to permit the installation, altering, maintaining, servicing, or repairing of plumbing equipment in or on any building, structure, or part thereof, or on any premises, if by the persons actions the work does not conform with the latest edition of the Plumbing Code and the rules and regulations of the State of Michigan and the City of Escanaba.

(Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 502.0 DEFINITIONS**

**PM - 502.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein. (Implemented: Ordinance 907 as of May 17, 1996)

**Bathroom:** A room containing plumbing fixtures including a bathtub or shower. (Implemented: Ordinance 907 as of May 17, 1996)

**Plumbing:** The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code.

(Implemented: Ordinance 907 as of May 17, 1996)

**Plumbing Fixture:** A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises. (Implemented: Ordinance 907 as of May 17, 1996)

**Toilet Room:** A room containing a water closet or urinal but not a bathtub or shower. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 503.0 REQUIRED FACILITIES**

**PM - 503.1 Dwelling Units:** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same rooms as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 503.2 Rooming Houses:** At least one water closet, lavatory and bathtub or shower shall be supplied for each four (4) rooming units. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 503.3 Hotels:** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten (10) occupants. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 503.4 Employee's Facilities:** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 503.4.1 Drinking Facilities:** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposal cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 504.0 TOILET ROOMS**

**PM - 504.1 Privacy:** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 504.2 Location:** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 504.3 Location of Employee Toilet Facilities:** Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel

distance of 500 feet (152 m) from the employees' regular working area to the facilities. (Implemented:

Ordinance 907 as of May 17, 1996)

### **SECTION PM - 505.0 PLUMBING FIXTURES**

**PM - 505.1 General:** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 505.2 Fixture Clearances:** Plumbing fixtures shall have adequate clearances for usage and cleaning. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 506.0 WATER SYSTEM**

**PM - 506.1 General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 506.2 Contamination:** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. 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. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 506.3 Supply:** The water supply system 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 to function properly, safely and free from defects and leaks. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 506.4 Water Heating Facilities:** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 507.0 SANITARY DRAINAGE SYSTEM**

**PM - 507.1 General:** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 507.2 Maintenance:** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 508.0 STORM DRAINAGE**

**PM - 508.1 General:** 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. (Implemented: Ordinance 907 as of May 17, 1996)

## CHAPTER VI MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION PM - 601.0 GENERAL

**PM - 601.1 Scope:** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 601.2 Responsibility:** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit to another person to occupy any premise which does not comply with the requirement of this chapter. (Implemented: Ordinance 907 as of May 17, 1996)

### SECTION PM - 602.0 HEATING FACILITIES

**PM - 602.1 Facilities Required:** Heating facilities shall be provided in structures as required by this section.

Return air from dwelling unit shall not be discharged into another dwelling unit through the heating system or other air handling system. A person shall not alter, maintain, service or repair, or cause or permit the installation, altering, maintaining, servicing, or repairing of mechanical equipment in or on any building, structure, or part thereof, or on any premises, if by the person's actions the work does not conform with the latest edition of the Mechanical Code and the rules and regulations of the State of Michigan and the City of Escanaba. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 602.2 Residential Buildings:** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65° F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed.

Furnace and/or heating systems requiring electrical energy for operation and or control shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the appliance.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 602.2.1 Heat Supply:** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupant thereof shall supply sufficient heat during the period from October 31 to May 31 to maintain the room temperatures specified in Section PM - 602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60°F (16°C) during other hours.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 602.2.2 Room Temperature Exception:** When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position. (Implemented:

Ordinance 907 as of May 17, 1996)

**PM - 602.3 Nonresidential Structures:** Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 31 to May 31 to maintain a temperature of not less than 65°F (18°C) during all working hours.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 602.4 Room Temperature Measurement:** The required room temperatures shall be measured at a point three (3) feet (914 mm) above the floor and three (3) feet (914 mm) from the exterior walls.

(Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 603.0 MECHANICAL EQUIPMENT**

**PM - 603.1 Mechanical Equipment:** All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 603.2 Cooking and Heating Equipment:** All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 603.3 Flue:** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 603.4 Clearances:** All required clearances to combustible materials shall be maintained. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 603.5 Safety Controls:** All safety controls for fuel-burning equipment shall be maintained in effective operation. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 603.6 Combustion Air:** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 603.7 Energy Conservation Devices:** Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 604.0 ELECTRICAL FACILITIES**

**PM - 604.1 Facilities Required:** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section PM - 605.0. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 604.2 Service:** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by a main service that is not less than 60 amperes, three (3) wires. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 604.3 Electrical System Hazards:** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 605.0 ELECTRICAL EQUIPMENT**

**PM - 605.1 Installation:** A person shall not alter, maintain, service or repair or cause to permit the installation, altering, maintaining, servicing or repairing of electrical equipment in or on any building, structure, or part thereof, or on any premises, if by the person's actions the work does not conform with the latest edition of the National Electric Code and the rules and regulations of the State of Michigan and City of Escanaba. Every owner or operator shall be responsible for identifying all circuits in each electrical circuit panel. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 605.2 Receptacles:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle. All 125-volt, single phase, 15 and 20 ampere receptacles installed in bathrooms shall have ground fault circuit interrupt protection. All 125-volt single phase, 15 and 20 ampere receptacles installed in garages shall have ground fault interrupt protection. All 125-volt, single phase, 15-20 ampere receptacles installed outdoors shall have ground fault interrupter protection. All 125-volt, single phase, 15 and 20 ampere receptacles installed in crawl spaces at or below grade level and in unfinished basements shall have ground fault interrupt protection. All 125-volt, single phase, 15 and 20 ampere receptacles installed within six (6) feet of a kitchen sink which serve a countertop surface shall have ground fault interrupter protection. All 125-volt, single phase, 15 and 20 ampere receptacles installed in bathrooms of guest rooms, hotels, and motels shall have ground fault interrupt protection.

At least two (2) countertop 20 ampere appliance circuit outlets and one (1) furnace circuit outlet shall be installed in every dwelling and dwelling unit. All existing receptacles within reach of potential ground shall be grounded. If necessary, a local ground may be used. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 605.3 Lighting Fixtures:** At least one (1) wall switch controlled lighting outlet shall be installed in every habitable room, in bathrooms, hallways, stairways, attached garages, and detached garages with electric power, and at outdoor entrances or exits. Receptacle outlets controlled by a wall switch in lieu of a ceiling light outlet is acceptable in the living room, bedrooms, and dining room. Every structure's basement shall be wired for a minimum of one (1) lighting outlet in each two hundred (200) square feet or major fraction of area for use as general illumination. All enclosed areas that may be walked into, such a toilet room, storage room, and utility room shall be provided with at least one (1) lighting outlet.

(Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS**

**PM - 606.1 General:** Elevators, escalators and dumbwaiters shall be maintained to sustain safety and imposed loads, to operate properly, and to be free from physical and fire hazards. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 606.2 Elevators:** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. (Implemented: Ordinance 907 as of May 17, 1996)

## **CHAPTER VII FIRE SAFETY REQUIREMENTS**

### **SECTION PM - 701.0 GENERAL**

**PM - 701.1 Scope:** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 701.2 Responsibility:** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another to occupy any premises that do not comply with the requirements of this chapter. (Implemented: Ordinance 907 as of May 17, 1996)

## **SECTION PM - 702.0 MEANS OF EGRESS**

**PM - 702.1 General:** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.2 Exit Capacity:** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.3 Number of Exits:** In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

All parts of every multiple dwelling, above the first story, shall have access to two (2) independent means of egress either of which is accessible without passing through the other. No incumbrance or obstruction shall be placed or maintained on any part of a fire escape or in any means of access to a fire escape. All other buildings must comply with egress requirements of the Building Code.

**Exception:** In a one and two story structure, a single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke-proof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code is provided in addition to the single exit.
4. Where permitted by the building code.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.4 Arrangement:** Exits from dwelling units, rooming units, guestrooms or dormitory units shall not lead through other such units, or through toilet rooms or bathrooms. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.5 Exit Signs:** All means of egress shall be indicated with approved "Exit" signs where required by the building code. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.6 Corridor Enclosure:** All corridors serving an occupant load greater than thirty (30) and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

**Exceptions:**

1. Corridors in occupancies in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code are not required to be self-closing.

3. Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.7 Dead-End Travel Distance:** All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.8 Aisles:** Arrangements of chairs or tables and chairs shall provide for ready access by aisle access-ways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the building code. In all other occupancies, aisles shall have the minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than fifty (50), and 36 inches (914 mm) where serving an occupant load of fifty (50) or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.9 Stairways, Handrails and Guards:** Every exterior and interior flight of stairs having more than four (4) risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.10 Information Signs:** A sign shall be provided at each floor landing in all interior stairways more than three (3) stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be marked with approved signs in accordance with the requirements for new buildings in the building code.

**Exception:** The emergency signs shall not be required for elevators that are part of an accessible means of egress complying with the building code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.11 Locked Doors:** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section PM-702.11.1.

**PM - 702.11.1 Locks Permitted:** Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.
2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
3. Where the door hardware conforms to that permitted by the building code.

(Implemented: Ordinance 907 as of May 17, 1996)

**PM - 702.12 Emergency Escape:** Every sleeping room located in a basement in occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or

rescue; or shall have access to not less than two approved independent exits.

**Exception:** Buildings equipped throughout with an automatic fire suppression system. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 703.0 ACCUMULATIONS AND STORAGE**

**PM - 703.1 Accumulation:** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 703.2 Hazardous Material:** Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and fire prevention code. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 704.0 FIRE RESISTANCE RATINGS**

**PM - 704.1 General:** The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 704.2 Maintenance:** All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 705.0 FIRE PROTECTION SYSTEMS**

**PM - 705.1 General:** All systems, devices and equipment to detect a fire, activate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.2 Fire Suppression System:** Fire suppression systems shall be in proper operating condition at all times. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.2.1 Valves:** Control valves shall be in the fully open position. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.2.2 Sprinklers:** Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least eighteen (18) inches (457 mm) below sprinkler deflectors. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.2.3 Piping:** Piping shall be properly supported and shall not support any other loads. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.3 Standpipe Systems:** Standpipe systems shall be in proper operating condition at all times. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.3.1 Valves:** Water supply control valves shall be in the fully open position. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.3.2 Hose Connections:** Hose connections shall be identified and have ready access thereto. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.3.3 Hose:** Where provided, the hose shall be properly packed, dry and free from deterioration. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.4 Fire Extinguisher:** All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.5 Smoke Detectors:** Dwelling units, hotel and/or motels, lodging house guest rooms and/or similar uses shall be provided with smoke detectors. Detectors shall be installed in each sleeping room and outside of each separate sleeping area in the immediate vicinity of the sleeping room. Smoke detectors shall be installed on each additional story of a dwelling, including basement and cellars, but not including crawlspaces and uninhabitable attics. Smoke detectors shall be installed at the top of the first to second floor stairway and at the bottom of the basement stairway. Smoke detectors may be either an AC primary power source or a lithium battery with a functional life expectancy of ten (10) years or more. All AC primary power sourced detectors must receive their primary power from the building wiring and sound off simultaneously when activated. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. In dwelling units, detectors shall be mounted on the ceiling or wall at the point centrally located within the room or in accordance with the manufacturer's installation requirements. Detectors shall sound an alarm audible in all areas in which they are located. When the valuation of an electrical alteration or repair to a dwelling or dwelling unit exceeds \$1,000.00 and an electrical permit is required, or when one or more sleeping rooms are added or created in an existing dwelling or dwelling unit, smoke detectors shall be installed in accordance with the latest edition of the Building Code for new construction. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 931 as of December 6, 1997, Ordinance 1039 as of July 3, 2004)

**PM - 705.5.1 Installation:** All detectors shall be installed in accordance with the building code. When activated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.5.2 Power Source:** The power source for smoke detectors shall be either an AC primary power source or a lithium battery with a functional life expectancy of ten (10) years or more. All lithium battery smoke detectors shall be one in which the battery is sealed within the unit and cannot be removed from the unit without damage to the unit. No damaged or inoperative smoke alarm shall meet the requirements of this section. Mass-market battery powered units, including those powered by 9 volt batteries or lithium batteries not sealed within the unit do not comply with the requirements of this provision for required alarms. Additional smoke alarms which are installed but are not required by the article may be powered by alternating current or battery. The date of alarm installation shall be clearly marked on all smoke alarm units. (Implemented: Ordinance 907 as of May 17, 1996, Amended: Ordinance 1039 as of July 3, 2004)

**PM - 705.5.3 Tampering:** Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.6 Fire Protective Signaling Systems:** Fire protective signaling systems shall be in proper operating condition at all times. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.6.1 Control Panel:** The "power on" indicator shall be lit. Alarm or trouble indicators shall be illuminated. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.6.2 Manual Fire Alarm Boxes:** All manual fire alarm boxes shall be operational and unobstructed. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.6.3 Automatic Fire Detectors:** All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry. (Implemented: Ordinance 907 as of May 17, 1996)

**PM - 705.7 Records:** A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 706.0 ELEVATOR RECALL**

**PM - 706.1 Required:** All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A1 7.1. (Implemented: Ordinance 907 as of May 17, 1996)

### **SECTION PM - 707.0 MECHANICAL EQUIPMENT CONTROL**

**PM - 707.1 Smoke and Heat Detection:** Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm and serving more than one floor in buildings and exceed six (6) stories in height in accordance with the mechanical code. Activation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

(Implemented: Ordinance 907 as of May 17, 1996)

**ORDINANCE 907**

**AN ORDINANCE , ADOPTING BY REFERENCE, A NATIONAL PROPERTY MAINTENANCE CODE: 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 OCCUPANCY AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE NATIONAL PROPERTY MAINTENANCE CODE; AND REPEALING CHAPTER 6, ARTICLE III, SECTION 6-37 THROUGH 6-45 IN THE CODE OF ORDINANCES, AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

**ADOPTION OF A NATIONAL PROPERTY MAINTENANCE CODE**

The City Council hereby adopts, by reference, the BOCA Property Maintenance Code, Fourth Edition, 1993 as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code for the City of Escanaba, in the State of Michigan; for control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made apart hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Chapter II of this ordinance.

**CHAPTER II  
CHANGES IN THE CODE**

That the National Property Maintenance Code are hereby amended as indicated. The following chapter and section numbers refer to like numbers of chapters and sections of the National Property Maintenance Code.

PM-101.1 Title is amended to read:

These regulations shall be known as the Property Maintenance Code of the City of Escanaba hereafter referred to as "this code".

PM-105.9 Restriction of employees is amended to read:

An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section PM-111.0, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

Exception: An official or employee connected with the administration and enforcement of city funded rehabilitation projects can engage in assisting the property owner with bid specifications, material specifications and awarding of city funded rehabilitation contracts.

PM -106.2 Penalty is amended to read:

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 five hundred dollars (\$500.00) or

## Ordinance No. 907 - continued

imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

## PM-109.1 Imminent danger is amended to read:

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "Do Not Enter ... Unsafe to Occupy". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

"Do Not Enter ... Unsafe to Occupy" in place of "This structure is Unsafe and its Occupancy has been Prohibited by the Code Official".

## PM-110.1 General is amended to read:

Any dwelling, rooming house or other structure covered by the provisions of this code, may be condemned as unfit for human habitation or a public nuisance in that it or they are a nuisance to public health and/or safety, by the City Council. Such condemnation shall occur only after a detailed report by the code official, is filed with and submitted by the City manager with his/her recommendations to the City Council. If the City Council decides to proceed with the condemnation it shall set a date and time for a public hearing on the matter not less than four (4) weeks after the date of the meeting at which it decides to proceed. The City manager shall have the name of the owners and any other interested parties determined from the property records in the office of the County Register of Deeds or the City Assessors Office. Written notice of the proposed condemnation action shall be served on the owner and any others having an interest, setting forth the date, time and place of the public hearing, a legal description of the property, a statement of the defects in the building(s) or structure(s), and a statement of what must be done to the buildings or structures to place them in a condition so they are no longer a public nuisance to the public health and/or safety. Such notices may be served on the interested party or parties in person, or by certified mail, or if unknown or whereabouts unknown, by posting for not less than ten (10) days in two (2) conspicuous places on the buildings or structures in question.

If a property owner, by his/her own decision or in compliance with a condemnation order of the City Council, proposes to proceed with demolition of any building or structure, he/she shall apply to the Building Inspector for a demolition permit as provided for in the Uniform Building Code. Such permit shall be taken out in the name of the owner of the property at the time of the condemnation proceedings. The permit shall list the name and residence address of the owner, the name of the demolition contractor if there be one, the time the property is to be cleared of the buildings and structures, both starting date and completion date. The permit shall also require that the premises be cleaned up by removal of all scrap material and rubbish, and basement or other depression be filled in and the lot left clean and level. If the demolition is not to be performed by a bonded contractor, the code official may, if in his/her opinion the circumstances and conditions make it desirable so to do, require a cash deposit of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00), as a guarantee of the faithful performance of the terms of the demolition permit. The amount of such cash deposit shall be returned to the applicant upon completion of the work to the satisfaction of the code official. At no time will the completion date of a building or structure exceed ninety (90) days from date of condemnation.

## PM-111.1 Application for appeal is amended to read:

Any person affected by a decision of the code official or a notice of violation or order which has been issued in connection with the enforcement of this code may request and shall be granted a

## Ordinance No. 907 - continued

hearing on the matter before the General Appeals Board, provided that a written request for such hearing is filed with the City Clerk, setting forth the name, address and telephone number of the petitioner and brief statement of the reasons for requesting such hearing. Such request shall be filed within twenty (20) days after the notice of violation and order is served. Upon receiving such a request, the City Clerk shall fix a date, not to exceed thirty (30) days after the request is filed, and shall give the petitioner written notice of the time and place of the hearing. If the petitioner or his/her representative does not appear for the hearing, the provisions of this article shall be enforced. Any owner aggrieved by any final decision or order of the General Appeals Board may appeal the decision or order to the circuit court within 20 days from the date of the decision.

PM-111.2 Membership of the board is amended to read:

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a General Board of Appeals consisting of members who are not employees of the City. The building official shall be an ex-officio member of and shall act as secretary to said board but will have no vote on any matter before the board. The General Board of Appeals shall be appointed by the city council of the City of Escanaba and shall hold office as specified by the Escanaba City Council. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

PM-111.2.1 Qualifications is hereby deleted.

PM-111.2.2 Alternate members is hereby deleted.

PM-111.2.5 Secretary is amended to read:

The code official shall serve as secretary to the board. The code official shall have no voting authority and shall file a detailed record of all proceedings in the office of the City Manager.

PM-111.7 is amended to read:

All applications for writs of certiorari to correct errors of law shall comply with Section PM-111.1.

PM-303.8 Motor Vehicles is hereby deleted.

PM-304.12 Insect Screens is amended to read:

During the period from June 1 to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 fitted screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

PM-305.4 Lead-based paint is amended to read:

Lead based paint with a lead content of more than five-tenths (0.5) percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit, or child care facility, including fences and outbuildings. Existing interior or exterior painted surfaces containing an excess of five-tenths (0.5) percent lead shall be removed or covered in an approved manner.

## Ordinance No. 907 - continued

PM-405.2 Access from sleeping rooms is amended to read:

No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

PM-501.2 Responsibility is amended to read:

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

A person shall not alter, maintain, service or repair, or cause to permit the installation, altering, maintaining, servicing, or repairing of plumbing equipment in or on any building, structure, or part thereof, or on any premises, if by the persons actions the work does not conform with the latest edition of the Plumbing Code and the rules and regulations of the State of Michigan and the City of Escanaba.

PM-602.1 Facilities required is amended to read:

Heating facilities shall be provided in structures as required by this section.

Return air from dwelling unit shall not be discharged into another dwelling unit through the heating system or other air handling system. A person shall not alter, maintain, service or repair, or cause or permit the installation, altering, maintaining, servicing, or repairing of mechanical equipment in or on any building, structure, or part thereof, or on any premises, if by the persons actions the work does not conform with the latest edition of the Mechanical Code and the rules and regulations of the State of Michigan and the City of Escanaba.

PM-602.2 Residential buildings is amended to read:

Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

Furnace and or heating systems requiring electrical energy for operation and or control shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the appliance.

PM-602.2.1 Heat Supply is amended to read:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 31 to May 31 to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

PM-602.3 Nonresidential structures is amended to read:

Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 31 to May 31 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

Exceptions: 1. Processing, storage and operation areas that require cooling or special temperature conditions.

Ordinance No. 907 - continued

2. Areas in which persons are primarily engaged in vigorous physical activities.

PM-605.1 Installation is amended to read:

A person shall not alter, maintain, service or repair or cause or permit the installation, altering, maintaining, servicing or repairing of electrical equipment in or on any building, structure, or part thereof, or on any premises, if by the persons action the work does not conform with the latest edition of the National Electric Code and the rules and regulations of the State of Michigan and City of Escanaba. Every owner or operator shall be responsible for identifying all circuits in each electrical circuit panel.

PM-605.2 Receptacles is amended to read:

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle. All 125-volt, single phase, 15 and 20 ampere receptacles installed in bathrooms shall have ground fault circuit interrupt protection. All 125-volt single phase, 15 and 20 ampere receptacles installed in garages shall have ground fault interrupt protection. All 125-volt, single phase, 15-20 ampere receptacles installed outdoors shall have ground fault interrupter protection. All 125-volt, single phase, 15 and 20 ampere receptacles installed in crawl spaces at or below grade level and in unfinished basements shall have ground fault interrupt protection. All 125-volt, single phase, 15 and 20 ampere receptacles installed within six (6) feet of a kitchen sink which serve a countertop surface shall have ground fault interrupter protection. All 125-volt, single phase, 15 and 20 ampere receptacles installed in bathrooms of guest rooms, hotels, and motels shall have ground fault interrupt protection.

At least two (2) countertop 20 ampere appliance circuit outlets and one (1) furnace circuit outlet shall be installed in every dwelling and dwelling unit. All existing receptacles within reach of potential ground shall be grounded. If necessary, a local ground may be used.

PM-605.3 Lighting Fixtures is amended to read:

At least one (1) wall switch controlled lighting outlet shall be installed in every habitable room, in bathrooms, hallways, stairways, attached garages, and detached garages with electric power, and at outdoor entrances or exits. Receptacle outlets controlled by a wall switch in lieu of a ceiling light outlet is acceptable in the livingroom, bedrooms, and dining room. Every structures basement shall be wired for a minimum of one (1) lighting outlet in each two hundred (200) square feet or major fraction of area for use as general illumination. All enclosed areas that may be walked into, such a toilet room, storage room, and utility room shall be provided with at least one (1) lighting outlet.

PM-702.3 Number of exits is amended to read:

In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

All parts of every multiple dwelling, above the first story, shall have access to two (2) independent means of egress either of which is accessible without passing through the other. No incumbrance or obstruction shall be placed or maintained on any part of a fire escape or in any means of access to a fire escape. All other buildings must comply with egress requirements of the Building Code.

Exception: In a one and two story structure, a single exit is acceptable under any one of the following conditions:

## Ordinance No. 907 - continued

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the building code listed in Chapter 8.

PM-705.5 Smoke detectors is amended to read:

Dwelling units and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions. Smoke detectors may be battery operated or may receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or are giving access to each separate sleeping area. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. Detectors shall also be installed in the basement of dwelling units having a stairway which opens from the basement into the dwelling. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located. If efficiency dwelling units, hotel suites, and hotel sleeping rooms, detectors shall be located on the ceiling or wall of the main room or hotel sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit, hotel suite, or sleeping room in which it is located. When the valuation of an addition, alteration, or repair to a dwelling or dwelling unit exceeds one thousand dollars (\$1000.00) and a permit is required, or when one or more sleeping rooms are added or created in an existing dwelling or dwelling unit, smoke detectors shall be installed in accordance with the Building Code. Repairs to exterior surfaces of a dwelling or dwelling unit are exempt from the requirements of this section.

### CHAPTER III ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this National Property Maintenance Code shall be the responsibility of the City Manager of Escanaba, who may delegate certain duties as may from time-to-time, in his/her opinion, be necessary.

### CHAPTER IV VALIDITY

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phases thereof be declared unconstitutional.

Any laws or rules promulgated by the State of Michigan which negate, supersede, or take precedence over local regulations, shall be considered enforceable provisions of this ordinance. The existence of any such rules or promulgation of any such new rules by the State of Michigan, shall not affect the validity of any section, subsection, sentence, clause, or phrase of this ordinance, nor the National Property Maintenance Code, except such specified section,

Ordinance No. 907 - continued

subsection, sentence, clause, or phrase as may be designated in such rules.

**CHAPTER V  
REPEALING CLAUSE**

Chapter 6, Article III,  
Section 6-37  
Section 6-38  
Section 6-39  
Section 6-40  
Section 6-41  
Section 6-42  
Section 6-43  
Section 6-44  
Section 6-45

in ordinance 752, are hereby repealed. All other ordinances inconsistent with the provisions of the Housing Code herein adopted are, to the extent of such inconsistency, hereby repealed.

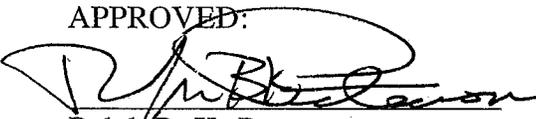
**CHAPTER VII  
SAVING CLAUSE**

That nothing in this ordinance or in the National Property Maintenance 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 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

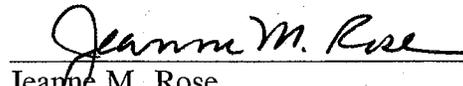
**CHAPTER VII  
EFFECTIVE DATE**

This ordinance shall be in full force and effect ten (10) days after the date of its publication.

APPROVED:

  
Ralph B. K. Peterson  
City Attorney

APPROVED:

  
Jeanne M. Rose  
Mayor

ATTEST:

  
Robert S. Richards  
City Clerk

I hereby certify that the above and foregoing Ordinance was duly passed and adopted at a meeting of the City Council held on May 2, 1996, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba, on May 7, 1996.

  
Robert S. Richards  
City Clerk

## ORDINANCE 931

AN ORDINANCE, ADOPTING AND AMENDING BY REFERENCE, A NATIONAL PROPERTY MAINTENANCE CODE AND ORDINANCE 907, ESCANABA'S PROPERTY MAINTENANCE CODE:

THE CITY OF ESCANABA ORDAINS:

CHAPTER I  
CHANGES IN THE CODE

That the National Property Maintenance Code and Ordinance 907 are hereby amended as follows. The following chapter and section numbers refer to like numbers of sections of the National Property Maintenance Code.

PM - 107.2 Form: Is hereby amended to read as follows:

PM - 107.2 Form: Such notice prescribed in Section PM-107.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
4. Include a correction order allowing a reasonable time for the repairs and improvement required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Include an appeal statement explaining Section PM - 111.1 Application for Appeal.

PM - 111.5 Postponed Hearing is hereby deleted.

PM - 303.3 Sidewalks and Driveways: Is hereby amended to read as follows:

PM - 303.3 Sidewalks and Driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in proper state of repair, and maintained free from hazardous conditions to include snow and ice. Stairs shall comply with the requirements of Section PM-304.10 and PM-702.9.

PM - 303.5 Rat Harborage: Is hereby amended to read as follows:

PM - 303.5 Rodent and Skunk Harborage: All structures and exterior property shall be kept free from rodent and skunk infestation. Where rodents and/or skunks are found, they shall be promptly eliminated by approved processes which will not be injurious to human health. After elimination, proper precautions shall be taken to prevent reinfestation.

PM - 303.7 Accessory Structures: Is hereby amended to read as follows:

PM - 303.7 Accessory Structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally 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.

PM - 303 is hereby amended by the addition of PM - 303.8, which shall read as follows:

PM - 303.8 Motor Vehicles: Parking and storage of inoperable vehicles shall be located within an enclosed building or structure. For purposes of this section an inoperable vehicle includes:

1. A vehicle that is abandoned or lacking vital component parts essential to its mechanical functioning, including but not limited to the engine, drive train or wheels, or:

## Ordinance 931 - continued

2. A vehicle that is so mechanically defective as to be unsafe for operation, or:
3. A vehicle that does not display a current license plate, current license tab or current registration. This subsection shall not apply to a bona fide collector vehicle which displays a state-license collector plate or similar identification.

PM - 304.5 Exterior Walls and Surfaces: Is hereby amended to read as follows:

PM - 304.5 Exterior Walls and Surfaces: All exterior paint shall be free from holes, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipping paint shall be eliminated and surfaces repaired.

PM - 304.10 Handrails and Guards: Is hereby amended to read as follows:

PM - 304.10 Handrails and Guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior and interior flight of stairs having more than four (4) risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony. All stairways, decks, porches and balconies shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

PM - 307.1 Infestation: Is hereby amended to read as follows:

PM - 307.1 Infestation: All structures shall be kept free from insect, rodent, and skunk infestation. All structures in which insects, rodents, or skunks are found shall be promptly eliminated by approved processes that will not be injurious to human health. After elimination, proper precautions shall be taken to prevent reinfestation.

PM - 705.5 Smoke Detectors: Is hereby amended to read as follows:

PM 705.5 Smoke Detectors: Dwelling units and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions. Smoke detectors may be battery operated or may receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or are giving access to each separate sleeping area. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. Detectors shall also be installed in the basement of dwelling units having a stairway which opens from the basement into the dwelling. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located. In efficiency dwelling units, hotel suites, and hotel sleeping rooms, detectors shall be located on the ceiling or wall of the main room or hotel sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. When activated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit, hotel suite, or sleeping room in which it is located. When the valuation of an electrical, plumbing, mechanical or structural addition, alteration, or repair to a dwelling or dwelling unit exceeds one thousand dollars (\$1000.00) and a permit is required, or when one or more sleeping rooms are added or created in an existing dwelling or dwelling unit, smoke detectors shall be installed in accordance with the Building Code. Repairs to exterior surfaces of a dwelling or dwelling unit are exempt from the requirements of

Ordinance 931 - continued

this section. When the addition, alteration, or repair of the electrical system exceeds \$1,000, direct wired smoke detectors must be installed in accordance with the requirements of the Building Code. In all other situations, as provided for in the Building Code, smoke detectors may be battery powered and operated or may receive their primary power from the building wiring when such wiring is served from a commercial source.

CHAPTER II  
SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases thereof be declared unconstitutional.

CHAPTER III  
REPEALING CLAUSE

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinances are hereby repealed.

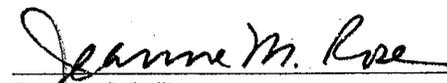
CHAPTER IV  
EFFECTIVE DATE

This Ordinance shall be in full force and in effect ten (10) days after its passage and publication.

APPROVED:

  
Ralph B.K. Peterson  
City Attorney

APPROVED:

  
Jeanne M. Rose  
Mayor

ATTEST:

  
Robert S. Richards, CMC  
City Clerk

I, hereby certify that the above and foregoing Ordinance was duly passed and adopted at a meeting of the City Council held on November 20, 1997 and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba, on November 26, 1997.

  
Robert S. Richards, CMC  
City Clerk

**ORDINANCE NO 1039**

**AN ORDINANCE TO AMEND THE CITY PROPERTY MAINTENANCE CODE TO PROVIDE FOR AC PRIMARY POWER SOURCE OR A LITHIUM BATTERY SMOKE ALARM WITH A FUNCTION LIFE EXPECTANCY OF TEN (10) YEARS OR MORE IN DWELLING UNITS.**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

**CHAPTER 6, ARTICLE VII SECTION 6-112 IS HEREBY AMENDED BY ADDING THE FOLLOWING LANGUAGE:**

**PM - 705.5 Smoke Detectors.** Dwelling units, hotel and/or motels, lodging house guest rooms and/or similar uses shall be provided with smoke detectors. Detectors shall be installed in each sleeping room and outside of each separate sleeping area in the immediate vicinity of the sleeping room. Smoke detectors shall be installed on each additional story of a dwelling, including basement and cellars, but not including crawlspaces and uninhabitable attics. Smoke detectors shall be installed at the top of the first to second floor stairway and at the bottom of the basement stairway. Smoke detectors may be either an AC primary power source or a lithium battery with a functional life expectancy of ten (10) years or more. All AC primary power sourced detectors must receive their primary power from the building wiring and sound off simultaneously when activated. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located within the room or in accordance with the manufacturer's installation requirements. Detectors shall sound an alarm audible in all areas in which they are located. When the valuation of an electrical alteration or repair to a dwelling or dwelling unit exceeds \$1,000.00 and an electrical permit is required, or when one or more sleeping rooms are added or created in an existing dwelling or dwelling unit, smoke detectors shall be installed in accordance with the latest edition of the Building Code for new construction.

**PM - 705.5.2 Power Source:** The power source for smoke detectors shall be either an AC primary power source or a lithium battery with a functional life expectancy of ten (10) years or more. All lithium battery smoke detectors shall be one in which the battery is sealed within the unit and cannot be removed from the unit without damage to the unit. No damaged or inoperative smoke alarm shall meet the requirements of this section. Mass-market battery powered units, including those powered by 9 volt batteries or lithium batteries not sealed within the unit do not comply with the requirements of this provision for required alarms. Additional smoke alarms which are installed but are not required by this article may be powered by alternating current or battery. The date of alarm installation shall be clearly marked on all smoke alarm units.

**CHAPTER II**  
**SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**CHAPTER III**  
**CONFLICTING ORDINANCES B REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

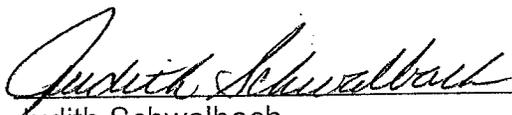
**CHAPTER IV**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effective August 1, 2004.

APPROVED:

  
\_\_\_\_\_  
Ralph B.K. Peterson  
City Attorney

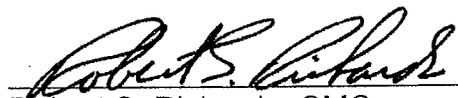
APPROVED:

  
\_\_\_\_\_  
Judith Schwalbach  
Mayor

ATTEST:

  
\_\_\_\_\_  
Robert S. Richards  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a regular meeting held Thursday, the 17th day of June 2004, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on June 23, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
\_\_\_\_\_  
Robert S. Richards, CMC  
City Clerk

**ORDINANCE NO. 1043**

**AN ORDINANCE TO AMEND SECTION PM-303.4 WEEDS AND PM-107.2 FORM OF ORDINANCE 907, PROPERTY MAINTENANCE CODE, AS CODIFIED UNDER THE CODE OF ORDINANCES.**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

**CHAPTER 6, ARTICLE VII SECTION 6-112 IS HEREBY AMENDED BY ADDING THE FOLLOWING LANGUAGE:**

**PM-303.4 WEEDS.** It shall be unlawful and constitute an immediate public nuisance for the owner or owners of property within the boundaries of the City of Escanaba, to allow real property to become overgrown with weeds. Between June 1 and October 30 of each year, all platted and/or developed premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds and/or plant growth 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.

Exception: Unplatted and/or undeveloped properties over 2 acres in size are required to cut a 50 foot swath between the adjacent platted and/or developed premises or exterior property line/boundary. Additionally, a 50 foot swath is required on all exterior premises or exterior property when adjacent to a roadway or other public way.

**PM-107.2 FORM.** Such notice prescribed in Section PM-107.1 shall:

1. Be in writing;
2. Include a description of the real property sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and,
4. Include a correction order allowing a reasonable time for the repair and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

Exception: If an owner, operator or tenant has previously received two (2) notices to abate any violation as stated in Section PM-303.0 Exterior Property Areas within the preceding twelve (12) months, and another violation is verified, then that property will be considered in habitual violation of the ordinance and the City may abate the nuisance violation without any further notice to the property owner, operator or tenant. The costs that the City incurs in the abatement of the violation shall be actual costs thereof, plus twenty percent (20%) for the cost of inspection and other incidental costs in connection with the enforcement of the code and shall be recorded as a lien with the Delta County Treasurer's Office.

**CHAPTER II**  
**SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**CHAPTER III**  
**CONFLICTING ORDINANCES B REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER IV**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effective ten (10) days after its passage and publication.

Ordinance No. 1043 cont.

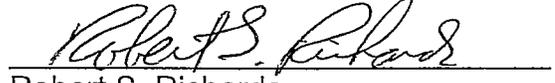
APPROVED:

  
\_\_\_\_\_  
Ralph B.K. Peterson  
City Attorney

APPROVED:

  
\_\_\_\_\_  
Judith Schwalbach  
Mayor

ATTEST:

  
\_\_\_\_\_  
Robert S. Richards  
City Clerk

I hereby certify that the above and foregoing Ordinance was duly passed and adopted at a meeting of the City Council held on the 17<sup>th</sup> day of March 2005, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba, on the 23<sup>rd</sup> day of March 2005.

  
\_\_\_\_\_  
Robert S. Richards  
City Clerk

**ORDINANCE NO. 1056**  
**AN ORDINANCE TO AMEND PM-107.2 FORM OF ORDINANCE 1043, PROPERTY MAINTENANCE CODE, AS CODIFIED UNDER THE CODE OF ORDINANCES.**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

**CHAPTER 6, ARTICLE VII SECTION 6-112 IS HEREBY AMENDED BY ADDING THE FOLLOWING LANGUAGE:**

**PM-303.4 WEEDS.** It shall be unlawful and constitute an immediate public nuisance for the owner or owners of property within the boundaries of the City of Escanaba, to allow real property to become overgrown with weeds. Between June 1 and October 30 of each year, all platted and/or developed premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds and/or plant growth 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.

Exception: Unplatted and/or undeveloped properties over 2 acres in size are required to cut a 50 foot swath between the adjacent platted and/or developed premises or exterior property line/boundary. Additionally, a 50 foot swath is required on all exterior premises or exterior property when adjacent to a roadway or other public way.

**PM-107.2 FORM.** Such notice prescribed in Section PM-107.1 shall:

1. Be in writing;
2. Include a description of the real property sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and,
4. Include a correction order allowing a reasonable time for the repair and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

Exception: If an owner, operator or tenant has previously received two (2) notices to abate any violation as stated in Section PM-303.0 Exterior Property Areas within the preceding twelve (12) months, and another violation is verified, then that property will be considered in habitual violation of the ordinance and the City may abate the nuisance violation without any further notice to the property owner, operator or tenant. The costs that the City incurs in the abatement of the violation shall be actual costs thereof, plus twenty-five percent (25%) for the cost of inspection and other incidental costs in connection with the enforcement of the code and shall be recorded as a lien with the Delta County Treasurer's Office.

**CHAPTER II**  
**SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**CHAPTER III**  
**CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

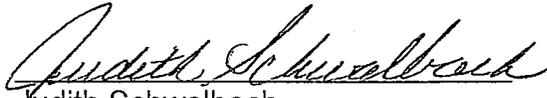
**CHAPTER IV**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effective ten (10) days after its passage and publication.

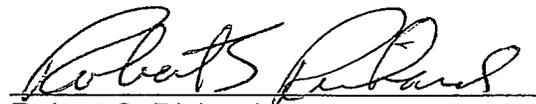
APPROVED:

APPROVED:

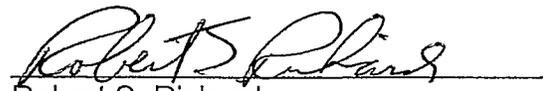
  
Ralph B.K. Peterson  
City Attorney

  
Judith Schwalbach  
Mayor

ATTEST:

  
Robert S. Richards  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on the 16th day of March 2006, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on March 22, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
Robert S. Richards  
City Clerk

**ORDINANCE NO. 1076**

**AN ORDINANCE TO AMEND BY DELETING DIVISION 3 GENERAL BOARD OF APPEALS OF ARTICLE III OF CHAPTER 2 ADMINISTRATION AND BY AMENDING SECTION PM-111 PROPERTY MAINTENANCE CODE TO PROVIDE THAT APPEALS SHALL BE TO THE ZONING BOARD OF APPEALS**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

Chapter 2, Administration, Article III, Division 3, General Board of Appeals is hereby amended by deleting Division 3, Section 2-86 and Section 2-87.

**CHAPTER II  
PROPERTY MAINTENANCE CODE**

The National Property Maintenance Code, Section PM-111, Means of Appeal, is hereby amended in its entirety to read as follows:

PM-111.1 Application for Appeal: Any person affected by a decision of the code official or a notice of order issued under this code shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal is filed within ten (10) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirement of this code are adequately satisfied by other means. The Zoning Board of Appeals shall not have the authority to alter or change this code; provided, however, that in interpreting and applying the provisions of this code, the requirement shall be the spirit and intent of the code but not the granting of a special privilege.

Chapter 3, Sections 301 through 307 of the Escanaba Zoning Ordinance shall govern said appeals.

**CHAPTER III  
SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**CHAPTER IV  
CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER V  
EFFECTIVE DATE**

This Ordinance shall be in full force and in effect ten (10) days after its passage and publication.

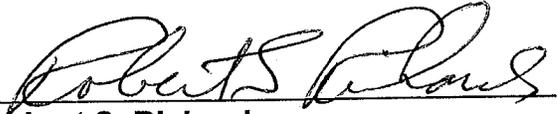
Ordinance No. 1076 - continued  
APPROVED

  
\_\_\_\_\_  
**Ralph B.K. Peterson**  
City Attorney

APPROVED

  
\_\_\_\_\_  
**Judith Schwalbach**  
Mayor

ATTEST

  
\_\_\_\_\_  
**Robert S. Richards**  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on Thursday the 18<sup>th</sup> day of October 2007, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on October 23<sup>rd</sup>, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
\_\_\_\_\_  
**Robert S. Richards**  
City Clerk

## ORDINANCE NO. 1111

### AN ORDINANCE TO AMEND THE CITY PROPERTY MAINTENANCE CODE TO PROVIDE FOR AN EXPANDED DEFINITION OF UNSAFE STRUCTURES.

THE CITY OF ESCANABA ORDAINS:

#### CHAPTER I

PM-108.1.1 of the City Property Maintenance Code, Ordinance #907, is hereby amended to read as follows:

**PM – 108.1.1 Unsafe Structure:** An unsafe structure means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

- a. A door, aisle, passageway, stairway or other means of exit does not conform to the approved Escanaba Property Maintenance Code adopted by the City of Escanaba.
- b. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Escanaba Property Maintenance Code adopted by the City of Escanaba for a new building or structure, purpose or location.
- c. A part of the building or structure is likely to fall, become detached or dislodged or collapse and injure persons or damage property.
- d. A portion of the building or structure has settled to such an extent that wall or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Escanaba Property Maintenance Code adopted by the City of Escanaba.
- e. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- f. The building, structure or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- g. The building or structure is damaged by fire, wind or flood or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- h. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- i. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- j. An unsafe structure is one that is found to be dangerous to life, health, property or safety of the public or the occupants of the structure by not providing

minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

**CHAPTER II**  
**SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**CHAPTER III**  
**CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER IV**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED

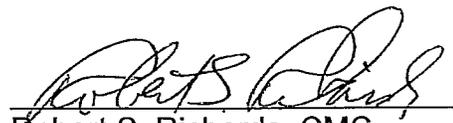
  
Ralph B. K. Peterson  
City Attorney

APPROVED

  
Gilbert X. Cheves  
Mayor

Date Approved: June 17, 2010  
Date Published: June 23, 2010

ATTEST:

  
Robert S. Richards, CMC  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a regular Meeting held on the 17th day of June, 2010, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on June 23, 2010, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
Robert S. Richards, CMC  
City Clerk