

AN ORDINANCE TO AMEND IN ITS ENTIRETY CHAPTER 140 TITLE VIII OF THE CODE OF THE CITY OF GRAND RAPIDS ENTITLED "HOUSING CODE."

ORDINANCE NO. 00-

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Chapter 140 of Title VIII of the Code of the City of Grand Rapids be amended in its entirety to read as follows:

ARTICLE 1. GENERAL

Sec. 8.501. Title and Purpose

Title

This Chapter shall be known as the "Housing Code" of the City of Grand Rapids.

Purpose

The general purpose of this Chapter is to protect the public health, safety and general welfare of the people of the city, as authorized by Section 3(j) of the Home Rule Cities Act (MCL 117.3 (j)) and Section 8 of the Housing Law of Michigan (MCL 125.408). The general purpose includes, among others, the following specific objectives:

- (1) To protect the character and stability of residential areas within the city.
- (2) To provide minimum standards of maintenance of existing residential buildings and thus to prevent the spread of slums and blight.
- (3) To preserve the taxable values of lands and buildings throughout the city.

Sec. 8.502. Application of other Laws, Ordinances, Rules and Regulations.

Compliance with the requirements imposed by this Chapter shall not excuse compliance with other applicable laws, ordinances, rules or regulations and compliance with other applicable laws, ordinances, rules and regulations shall not excuse compliance with this Chapter.

Sec. 8. 503. – 8.504. Reserved.

ARTICLE 2. DEFINITIONS

Sec. 8.505. Definitions

Interpretation:

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

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

Terms defined in other Chapters of the Grand Rapids Code of Ordinances: Where terms are not defined in this Chapter and are defined in the Grand Rapids Code of Ordinances, such terms shall have the meanings ascribed to them as in those Chapters.

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

Parts: Whenever the words “dwelling unit,” “dwelling,” “property,” “building,” “rooming house,” or “rooming unit,” are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof”.

Terms Defined

- (1) *Abandoned Residential Structure*** means a residential structure that has been vacant for 30 days and meets any of the following criteria
 - (a) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
 - (b) Has been boarded for at least 60 days ;
 - (c) Has taxes in arrears for a period of time exceeding 365 days;
 - (d) Has utilities disconnected or not in use;
 - (e) Is not maintained in compliance with this Code
- (2) *Accessory Building*** means any structure other than a dwelling which is located upon a property which formerly contained a dwelling, and includes but is not limited to garages, sheds, swimming pools, walls, fences, sidewalks, steps, driveways, antennas and tanks.
- (3) *Administrator*** means the City Manager or his/her designee charged with the responsibility for administering the provisions of this Chapter.
- (4) *Basement*** means that portion of an enclosed space under a dwelling which is partially or wholly below grade and which has poured concrete, cinderblock, stone or similar durable bearing walls and a poured concrete floor.

- (5) *Basic structural element* means the parts of a building which provide the principle strength, stability, integrity, shape and safety including but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components of a building or structure.
- (6) *Cellar* means an enclosed space beneath a dwelling that is partially or wholly below grade and which has a wall or a floor of earth or of cement stuccoed earth.
- (7) *City* means the City of Grand Rapids and includes all authorized agents of the City when acting within the scope of their authority.
- (8) *Domestic animal* means an animal that the City determines is not likely to bite without provocation nor cause death, maiming or illness of a human, including but not limited to the following Animals:
- (a) Bird (caged)
 - (b) Cat (domestic)
 - (c) Chinchilla
 - (d) Ferret
 - (e) Dog (domestic)
 - (f) Fish
 - (g) Lizard (non-venomous)
 - (h) Snake (non-venomous)
 - (i) Spider (non-venomous or non- poisonous)
- (9) *Dwelling* means any building or structure occupied or intended to be occupied, in whole or in part, as a home, residing place or sleeping space for one (1) or more human beings, either permanently or transiently.
- (10) *Dwelling unit* means a room or group of rooms located within a dwelling that includes a bathroom, or bathrooms, sleeping accommodations and a kitchen or kitchenette for the exclusive use of a one (1) family.
- (11) *Egress* means an opening through which an individual can safely exit a building in compliance with the Single State Construction Code.
- (12) *Emergency* means a condition of imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or the severe damaging of real or personal property.
- (13) *Family* means one (1) or more persons related by blood, marriage, legal adoption or foster parent-child relationship who live together as a single housekeeping group in a

dwelling unit, or up to four (4) unrelated persons, living together as a single housekeeping group in a dwelling unit.

- (14) *Farm animal* means any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck or turkey. Farm animal also means any other animal, raised for commercial profit, slaughter, or more than 2 breeder rabbits.
- (15) *Finish surfaces* means the materials used as the final covering of basic structural elements. Finish surfaces shall include, but not be limited to, ceilings, walls, wainscoting, kick boards, moldings, stops and floor coverings.
- (16) *Garbage* means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter, used or intended for food or that attends the preparation use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable.
- (17) *Good repair* means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.
- (18) *Good workmanship* means completing a task of construction, repair or replacement to commonly accepted industry standards, using materials, finishes and design equal to or equivalent to those being repaired or replaced. The result shall be free of defects, operate as intended and create no unsafe conditions.
- (19) *Habitable floor area* means the square foot floor area of habitable room or habitable rooms, excluding any part of a room where the ceiling is less than five (5) feet above the floor.
- (20) *Habitable room or Space* means any room or space which meets all light, ventilation and area standards of this Chapter excluding:
- a. Any room or space that has an unfinished wall, ceiling or floor so that unfinished basic structural elements are exposed to view.
 - b. Any room or space which is used as or is similar in use to a bathroom, kitchen, water closet, room, hallway, stairway, foyer, closet, pantry, laundry room or mechanical room.
- (21) *Hazardous* means a condition which the Administrator has determined may potentially result in the death, injury or illness of a human or in severe damage to real or personal property.
- (22) *Hotel unit* means a room or group of rooms located within a dwelling which provides sleeping and bathroom accommodations for the exclusive use of a transient person or a transient family.
- (23) *Inspector* means a housing inspector, Code Compliance Officer, or any other employee of the City whose responsibilities include enforcement of the provisions of this Chapter.
- (24) *Interior fixtures* means those interior items and hardware which provide customary finished amenities and protection within a dwelling. Interior fixtures shall include, but not be limited to, doors, door knobs, latches, locks, hinges, handles, hooks,

light fixtures, electric outlet or switch cover plates, vent or opening grates, railings, shelving, cabinetry and mirrors.

- (25) *Kitchen* means a room used or intended to be used for the preparation of food or for both the preparation and consumption of food, but not for any other living or sleeping purposes.
- (26) *Kitchenette* means a portion of a room used or intended to be used for the preparation of food or for both the preparation and consumption of food while the remainder of the room is used or may be intended partially for purposes other than cooking.
- (27) *Last known address* means the address or addresses that the responsible person or owner has placed in the registry of rental dwellings; the address of residence of the responsible person or owner as shown on a public tax assessment roll or on the Grand Rapids Water Department records; the address of the responsible person or owner or occupant as shown in a telephone directory, an R. L. Polk Directory, or other public document published or public instrument provided during the last twelve (12) months.
- (28) *Occupancy, Occupy* mean the fact or act of a human being living or sleeping in a dwelling or unit within a dwelling, whether the human being is physically present or temporarily absent.
- (29) *Occupant* means a human being that occupies a dwelling or unit within a dwelling.
- (30) *Open window* are means the resulting square footage of open space to be outdoors when a window has been opened to its maximum distance as measured clear of the sash frame.
- (31) *Owner* means every person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common or as land to contract vendee. Owner shall also mean:
- a. Every person who in fact has been empowered to act on behalf of, or as agent of the owner, or
 - b. Every person who has or exercises care, custody, dominion or control over property, or
 - c. Every person who is a record owner as demonstrated by a deed or other document of title recorded at the office of the Register of Deeds.
 - d. Every person listed as the taxpayer who is a tenant.

An owner shall not include any person who is a tenant.

- (32) *Person* means a human individual, an association of individuals, a public, private or not for profit corporation, a firm or partnership.
- (33) *Property* means any lot or parcel of land inclusive of any building or improvements located thereon.

- (34) *Regular mail* means that class of mail designated by the U. S. Postal Service as first class mail. Regular mail shall also include postcards and postal cards.
- (35) *Rental dwelling* means any dwelling, whether presently vacant or not, which contains a dwelling unit, rooming unit or hotel unit that is not occupied as a residence by the owner.
- (36) *Rental unit* means a unit within a rental dwelling or structure intended for occupancy by a person other than the owner, including hotel units and rooming units. A rental unit includes any unit occupied by a property manager, or agent of the owner.
- (37) *Responsible person* means a person or persons designated in this Chapter as being responsible for meeting the standards of this Chapter.
- (38) *Rigid trash container* means a container that is at least as large as the minimum capacity required by Chapter 25 of this Code and is constructed in such a way and of such materials as to be impenetrable by animals.
- (39) *Room* means a space within a dwelling or a Basement which is separated from other spaces by solid walls constructed to industry which act as a wall and fill at least fifty (50) percent of the opening between the two (2) spaces.
- (40) *Roomer* means a person who is provided with living and sleeping facilities or quarters within a building, dormitory, or institutional group quarters containing rooming units for one (1) or more persons.
- (41) *Rooming unit* means a room or group of rooms located within a dwelling intended to accommodate roomers, and such dwelling does not provide a kitchen or kitchenette facilities for the exclusive use of each roomer.
- (42) *Rubbish* means nonputrescible solid waste, excluding ashes, Consisting of, but not limited to, combustible and non combustible waste, including paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be detriment to the public health and safety.
- (43) *Safe* means a condition that is not likely to do harm to humans or real or personal property.
- (44) *Sanitary* means free of grease, excrement, dirt, food residue, garbage, rust or similar matter that can harbor bacteria unsafe to humans or animals, or that produces strong odors or provides food for, or is an available source of food for, animals or insects.
- (45) *Secure* means all points of entry into the building have been: 1) closed effectively by use of windows and doors which are in proper working condition, intact, without holes, broken elements, and are locked; or 2) are boarded by use of exterior grade plywood in accordance with Chapter 151 of this Code.
- (46) *Service walk* means any walkway or pathway including a hard surface, located on private property.

- (47) *Structure* means anything constructed or placed upon a property, which is supported by the ground or which is supported by any other thing except a vehicle, tent or travel trailer.
- (48) *Tenant* means an occupant of a dwelling unit other than the owner, who occupies the dwelling unit at the exclusion of the owner. A tenant does not include a guest redesign in a dwelling for less than 30 days.
- (49) *Transient* means a person who occupies a dwelling, hotel unit or a part of a dwelling temporarily without establishing permanent residence.
- (50) *Unit* means a collective term for any dwelling unit, rooming unit, or hotel unit and is used where a provision of this Chapter is meant to apply to all.
- (51) *Unsafe* means a condition that is reasonably likely to do harm to humans or property if not corrected or stopped.
- (52) *Vacant* means not occupied by a human or used for any purpose by a person.
- (53) *Verbal Notice* means notice of the existence of a violation of this Chapter given in person or by telephone to a responsible person.
- (54) *Vermin* means rodents, birds and insects that are destructive of real or personal property or injurious to health.
- (55) *Waste material* means those items, materials, debris, refuse, trash, and other disposable material as defined by Chapter 25 of the City Code. These include recyclable material, rubbish, garbage, combustible waste, solid waste, and hazardous waste as defined in Chapter 25 of this Code.
- (56) *Wild animal* means any animal that is not a domestic animal or farm animal as defined in this Chapter.
- (57) *Window area* means the area of the glazing window through which light passes through, including the area taken up by window pane dividers.
- (58) *Yard* means all parts of a piece of property lying between a dwelling foundation and the property lines, as well as that portion of public property or right-of-way lying between that piece of property and the street curb or pavement, or lying between the said piece of property and the centerline of an alley.

8.509. -8.509. Reserved

ARTICLE 3. ENFORCEMENT STANDARDS

8.510. Basis of Inspections

Inspections will be made to obtain and maintain compliance with the Standards of this Chapter based upon one (1) of the following:

- (1) A compliance received by the City, indicating that there is a violation of the Standards of this Chapter.
- (2) An observation by the city of a violation of the Standards of this Chapter.

- (3) A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire damaged.
- (4) The registration and certification of a rental dwelling as required by Article 6 of this Chapter.
- (5) The need to determine compliance with a notice or an order issued by the City.
- (6) Designation by the City of an area where all dwellings, accessory building or yards are to be inspected uniformly or intensively or for specific violations.
- (7) An emergency observed or reasonably believed to exist.
- (8) A request for an inspection by an owner.
- (9) Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.
- (10) A violation of a health or safety standard is believed to exist in a vacant structure.

Sec. 8.511. Notice of Violation

The City shall send Notice of Violation to the owner or responsible person upon observing the violation of the Standards of this Chapter. A copy of a Notice of Violation shall also be sent to the owner for information if the owner is not the responsible person. The Notice of Violation shall be sent to the last known address of the residence or business of the owner or responsible person.

- (1) Notices Required by this Chapter shall:
 - a. Be in writing;
 - b. Include a description of the real estate sufficient for identification;
 - c. Specify the date of inspection;
 - d. Include a statement of the violation or violations;
 - e. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
 - f. Inform the owner or responsible person of their right to appeal to the Housing Appeal Board, where applicable.
 - g. State that each violation is a separate punishable offense.
 - h. State that failure to comply with the Notice may result in prosecution.

(2) Vacancy Required Until Violation(s) Corrected.

Any dwelling or unit that is vacant at the time of violation notice is issued for the shut-off of a required utility service or a hazardous, unsafe or unsanitary condition or which becomes vacant after a violation notice is issued for such a condition shall not be occupied until the cited violation has been corrected.

Sec. 8.512. Method of Service.

- (1) Notice of violation of this Chapter shall be deemed to be properly served if a copy thereof is posted pursuant to Section 8.513, and served in at least one of the following ways:
- a. Delivered personally; or
 - b. Sent by first-class mail addressed to the last known address of the responsible person; or
 - c. If a notice is served by any other method authorized for the service of process by court rule or State statute.

(2) Personal Service

For the purposes of this section, if a Notice is handed by the City to the responsible person or to a person of suitable age and discretion found within the residence of the responsible person, it shall be deemed delivered.

(3) Service by First Class Mail

If a Notice is sent by regular mail to the last known address of the person, or to an address where the person has been observed to reside, it shall be considered delivered.

Sec. 8.513. Posting Notice of Violation.