

ARTICLE XV. - PROPERTY MAINTENANCE CODE<sup>[8]</sup>

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Footnotes:

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Case law annotation— Statute allowing cities to adopt fire, plumbing, heating, building, and other codes did not authorize City to adopt property maintenance code by reference. *Ewing v City of Detroit*, 237 Mich App 696; 604 NW2d 787 (1999).

**Cross reference**— Noise, § 16-1-1 et seq. ; nuisances, § 16-2-1 et seq. ; vegetation, § 16-3-1 et seq. ; solid waste and illegal dumping, Ch. 42.

DIVISION 1. - IN GENERAL

Sec. 8-15-1. - Use of Model Code.

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

(Code 1984, § 9-1-1; Ord. No. 18-03, § 1(9-1-1), eff. 7-18-2003)

Sec. 8-15-2. - Terms.

- (a) All terms stated in the singular number includes the plural and all terms stated in the plural includes the singular.
- (b) Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings that are implied by the context in which the terms are used.
- (c) Where the terms "building," "dwelling," "dwelling unit," "premises," "rooming house," "rooming unit," "story," or "structure" are used in this article, these terms shall be construed as though they were followed by the words "or any part thereof."

(Code 1984, § 9-1-2; Ord. No. 18-03, § 1(9-1-2), eff. 7-18-2003)

Sec. 8-15-3. - Definitions: A—B.

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

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

- (1) The removal of lead-based paint hazards and dust lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, the removal or covering of soil lead hazards, and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures, which shall be performed by a State-certified lead abatement firm;
- (2) A project for which there is a written contract or other documentation which provides that a person will be conducting activities in or to a residential dwelling or child-occupied facility that will result in the permanent elimination of lead hazards or that are designed to permanently eliminate lead hazards;
- (3) A project resulting in the permanent elimination of lead-based paint hazards, conducted by a person certified pursuant to the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*, except a project that is otherwise exempt under the Act;
- (4) A project resulting in the permanent elimination of lead hazards, conducted by a person who, through such person's company name or promotional literature, represents, advertises, or holds themselves out to be in the business of performing lead-based paint activities, except a project that is exempt under the Michigan Lead Abatement Act; and
- (5) A project resulting in the permanent elimination of lead hazards that is conducted in response to a state or City abatement order, but does not include:
  - a. Renovation, remodeling, landscaping, or other activity, where the activity is not designed to permanently eliminate lead hazards, but is instead designed to repair, restore, or remodel a dwelling even though the activity may incidentally result in a reduction or elimination of a lead hazard;
  - b. An interim control, operation, maintenance activity, or other measure or activity designed to temporarily, but not permanently, reduce a lead hazard;
  - c. Any lead-based paint activity performed by the owner of an owner-occupied residential dwelling or an owner-occupied multifamily dwelling containing four or fewer units where the activity is performed only in that owner-occupied unit of the multifamily dwelling; and
  - d. The scraping or removal of paint, painting over paint, or other similar activity that may incidentally result in a reduction or elimination of a lead hazard.

*Adult foster care facility* means a governmental or nongovernmental establishment which principally receives adults for foster care, including a foster care family home for adults who:

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

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

*Approved* means approved by the Building Official or the Public Health Director, or a device, material or practice that meets acceptable industry standards or an apparatus or a method which, by demonstration or test, has proven workable for its intended use.

*Approved containers* means receptacles designated for use in specific areas, or for specific uses by the Director of the Department of Public Works, which are limited to Courville containers, large movable or stationary containers, and portable containers, as defined in this section.

*Authorized local official* means a police officer, or other City employee or agent, who is authorized to issue blight violations in accordance with this article and Section 1-1-10 of the 2019 Detroit City Code that are designated as blight violations.

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

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

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

*Blight violation* means any unlawful act, or any omission or failure to act, which is designated by the 2019 Detroit City Code as a blight violation pursuant to Sections 4l(4) and 4q(4) of the Michigan Home Rule City Act, being MCL 117.4l(4) and 117.4q(4).

*Blight violation determination* means a determination that:

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

*Blight violation notice* means a written violation notice prepared by an authorized local official, which directs an alleged violator:

- (1) To pay the civil fine specified in the notice, including any required fees or costs, for one or more blight violations in accordance with the fines, fees, or costs specified in this article; and
- (2) To appear at the Blight Administrative Hearings Bureau regarding the occurrence or existence of one or more blight violations pursuant to Section 4q(8) of the Michigan Home Rule City Act, being MCL 117.4q(8).

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

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

*Building Official*. A person who is:

- (1) Appointed and employed at the Buildings, Safety Engineering, and Environmental Department;
- (2) Charged, as required in Section 202, *Definitions*, and Chapter 35, *Referenced Standards*, MI (Michigan Department of Licensing and Regulatory Affairs), of the 2015 Michigan Building Code, with the administration and enforcement of the Michigan Building Code, the Michigan Electrical Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Rehabilitation Code for Existing Buildings, the Michigan Residential Code, and the Michigan Energy Code;
- (3) Charged with the administration and enforcement of the Detroit Elevator Code, Detroit Manlifts Code, Detroit Material Hoists Code, Detroit Personnel Hoists Code, and Detroit Powered Platforms Code; and

- (4) Registered in accordance with the Michigan Building Officials and Inspectors Registration Act, being MCL 338.2301 through 338.2313.

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

(Code 1984, § 9-1-3; Ord. No. 18-03, § 1(9-1-3), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-3), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-3), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-3), eff. 8-6-2010; Ord. No. 17-11, § 1(9-1-3), eff. 7-29-2011; Ord. No. 03-15, § 1(9-1-3), eff. 3-5-2015)

Sec. 8-15-4. - Definitions: C.

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

*Certificate of Compliance* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a building, premises or structure, or a portion thereof, complies with the requirements of this article.

*Certificate of Registration of Rental Property* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a rental property complies with the requirements of this article.

*Certificate of Registration of Vacant Property* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a vacant property has been registered.

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

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

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

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

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

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

*Commercial establishments* means all businesses, nonprofit organizations, churches, governmental agencies, and other such institutions which cannot be classified as residential structures, as well as residential structures containing five or more household units.

*Commercial solid waste* means:

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

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

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

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

*Correction notice* means a written notice of a violation that, if not cured within the time period stated in the notice, will result in the issuance of a blight violation notice.

*Courville containers* means receptacles which are 100, 300 or 400 gallons in capacity, are the property of the City, are provided by the Department of Public Works for use at residential structures and commercial establishments, and are mechanically emptied.

*Condemnation* means to determine a structure unfit for occupancy.

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

(Code 1984, § 9-1-3; Ord. No. 18-03, § 1(9-1-3), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-3), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-3), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-3), eff. 8-6-2010; Ord. No. 17-11, § 1(9-1-3), eff. 7-29-2011; Ord. No. 03-15, § 1(9-1-3), eff. 3-5-2015)

Sec. 8-15-5. - Definitions: D—F.

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

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

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

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

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

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

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

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

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

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

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

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

*Encapsulation* means the application of an encapsulant.

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

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

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

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

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

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

(Code 1984, § 9-1-3; Ord. No. 18-03, § 1(9-1-3), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-3), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-3), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-3), eff. 8-6-2010; Ord. No. 17-11, § 1(9-1-3), eff. 7-29-2011; Ord. No. 03-15, § 1(9-1-3), eff. 3-5-2015)

Sec. 8-15-6. - Definitions: G—K.

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

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

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

*Graffiti* means any drawing, lettering, illustration, inscription, design, or other marking that is etched, painted, sprayed, drawn, or otherwise caused to be displayed on the exterior of any building, premises or

structure, but does not mean an art mural or sign as defined in Section 4-4-2 of the 2019 Detroit City Code, building identification under Section 8-15-202 of this Code, any sign permitted by the Chapter 50 of the 2019 Detroit City Code, *Zoning*, or any decoration that is part of the architectural design of the building entrance.

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

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

*Hazard reduction* means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods, including interim controls or abatement or a combination of both.

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

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

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

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

*Household units* means the individual residences of the residents of the City.

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

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

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

*Interim controls* means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including, but not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(Code 1984, § 9-1-3; Ord. No. 18-03, § 1(9-1-3), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-3), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-3), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-3), eff. 8-6-2010; Ord. No. 17-11, § 1(9-1-3), eff. 7-29-2011; Ord. No. 03-15, § 1(9-1-3), eff. 3-5-2015)

Sec. 8-15-7. - Definitions: L—O.

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

*Labeled* means appliances, devices, equipment, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization that is concerned with product evaluation and maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Large movable or stationary containers* means receptacles which are two cubic yards, three cubic yards, six cubic yards or larger in capacity and are mechanically emptied.

*Lead-based paint* means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

*Lead-based paint hazard* means any of the following conditions:

- (1) Any lead-based paint on a friction surface, or on an impact surface, such as windows or doors, unless they are replacement items that were manufactured after 1978, or unless a lead inspection is performed by a certified lead inspector or risk assessor to verify that the surfaces do not contain lead-based paint; or
- (2) Any lead-based paint on a friction surface, or on an impact surface, such as windows or doors, where the lead dust levels on the nearest horizontal surface are equal to or greater than the dust-lead hazard levels identified in rules promulgated under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.* ; or
- (3) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component; or
- (4) An interior or exterior surface painted with lead-based paint that a young child can mouth or chew and includes an "accessible surface" as defined in Section 4851b(2) of the Residential Lead-Based Paint Hazard Reduction Act, being 42 USC 4851 *et seq.* , provided, that hard metal substrates and other materials, which cannot be dented by the bite of a young child, are not considered chewable; or
- (5) Any other deteriorated lead-based paint in or on any residential building or child-occupied facility; or
- (6) Surface dust in a residential dwelling or child-occupied facility that contains lead in a mass-per-area concentration equal to or exceeding the levels established by rules promulgated under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.* ; or
- (7) Bare soil on residential rental property that contains lead equal to or exceeding levels established by rules promulgated under the Michigan Lead Abatement Act, being 333.5451 *et seq.* ; or
- (8) A porch that is found to contain more than 40 ug. per square foot of leaded dust.

*Lead clearance* means:

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

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

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



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

*Loft* means a dwelling unit in a building originally constructed for other than residential use containing one or more rooms or enclosed floor spaces arranged for living, eating, sleeping, and/or a home occupation, which contains bathroom and kitchen facilities, subject to the conditions specified in Chapter 50 of the 2019 Detroit City Code, *Zoning*.

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

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

*Multiple dwelling* means any building containing three or more rooming or dwelling units.

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

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

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

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

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

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

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

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

(Code 1984, § 9-1-3; Ord. No. 18-03, § 1(9-1-3), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-3), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-3), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-3), eff. 8-6-2010; Ord. No. 17-11, § 1(9-1-3), eff. 7-29-2011; Ord. No. 03-15, § 1(9-1-3), eff. 3-5-2015)

Sec. 8-15-8. - Definitions: P—R.

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

*Permanent* means an expected design life of at least 20 years.

*Person* means an individual, partnership, firm, company, corporation, association, sole proprietorship, joint venture, owner, operator, or any other legal entity.

*Portable containers* means receptacles which are not more than 30 gallons in capacity and are manually emptied.

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

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

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

*Property* means real property, including attachments and fixtures.

*Public Health Director* means the Director and Health Officer of the Detroit Health Department.

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

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

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

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

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

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

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

*Residential structure* means the household units of the residents of the City.

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

*Risk assessment* means both of the following:

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

*Rooming house* means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

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

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

(Code 1984, § 9-1-3; Ord. No. 18-03, § 1(9-1-3), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-3), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-3), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-3), eff. 8-6-2010; Ord. No. 17-11, § 1(9-1-3), eff. 7-29-2011; Ord. No. 03-15, § 1(9-1-3), eff. 3-5-2015)

Sec. 8-15-9. - Definitions: S—Z.

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

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

*Secured by other than normal means* means a building secured in a manner other than one used in the construction, design, or approved plans for the building, or other than as required by Section 8-15-113 of this Code.

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

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

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

*Structure* means that which is built or constructed.

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

*Temporary Certificate of Compliance* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department stating that a building, premises, or structure, or a portion thereof, has been found to be safe for its intended purpose and use, is in substantial compliance with this article, and provides for an expiration date of less than six months from the date of issuance that is conditionally extendable in writing by the Building Official.

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

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

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

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

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

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

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

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

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

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

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

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

(Code 1984, § 9-1-3; Ord. No. 18-03, § 1(9-1-3), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-3), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-3), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-3), eff. 8-6-2010; Ord. No. 17-11, § 1(9-1-3), eff. 7-29-2011; Ord. No. 03-15, § 1(9-1-3), eff. 3-5-2015)

#### Sec. 8-15-10. - Violations.

- (a) In accordance with Sections 4l(4) and 4q(4)(h) of the Michigan Home Rule City Act, being MCL 117.4l(4) and 117.4q(4)(h) and Sections 1-1-9(a)(3) and 3-2-1 of the 2019 Detroit City Code, a violation of this article is deemed to be a blight violation.
- (b) Any person who violates any section of this article may be issued a blight violation notice pursuant to Chapter 3, Article II, of the 2019 Detroit City Code, *Enforcement of Blight Violations*, for each day that the violation continues.
- (c) In accordance with Chapter 3, Article II, of the 2019 Detroit City Code, *Enforcement of Blight Violations*, any person, firm, partnership or corporation, or anyone acting on behalf of said person, firm, partnership or corporation, who admits responsibility or is found to be responsible, through a blight violation determination, for violation of this article shall be subject to a civil fine.

(Code 1984, § 9-1-19; Ord. No. 18-03, § 1(9-1-19), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-19), eff. 12-1-2004; Ord. No. 33-17, § 1(9-1-19), eff. 11-24-2017)

Sec. 8-15-11. - Civil fines for violations of article.

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

	First Offense	Second Repeat Offense	Third and Subsequent Repeat Offense
I. Failure to meet a requirement of this article, except as otherwise specified in this section:			
One- or two-family dwelling	\$50.00	\$100.00	\$200.00
All other structures, except buildings with five or more stories	\$100.00	\$200.00	\$500.00
Buildings with five or more stories	\$200.00	\$500.00	\$1,000.00
II. Failure to comply with an emergency or imminent danger order concerning an emergency condition, an imminent danger, an unsafe or unsanitary condition, or unlawful occupancy.			
One- or two-family dwelling	\$500.00	\$1,000.00	\$1,500.00
All other structures, except buildings with five or more stories	\$1,000.00	\$1,500.00	\$2,000.00
Buildings with five or more stories	\$1,500.00	\$3,000.00	\$5,000.00
III. Failure of the owner to obtain a Certificate of Compliance in violation of Section 8-15-35 of this Code.	\$250.00	\$500.00	\$1,000.00
IV. Failure of the owner to obtain a Certificate of Registration for Vacant Property in violation of Section 8-15-45 of this Code.	\$250.00	\$375.00	\$500.00
V. Failure of the owner to obtain a Certificate of Registration of Rental Property in violation of Section 8-15-81 of this Code.	\$250.00	\$350.00	\$500.00
VI. Failure to obtain a Lead Clearance for Rental Property in violation of Section 8-15-83 of this Code.			

One- or two-family dwelling	\$500.00	\$1,000.00	\$2,000.00
All other structures, except buildings with five or more stories	\$1,000.00	\$2,000.00	\$4,000.00
Buildings with five or more stories	\$2,000.00	\$4,000.00	\$8,000.00
VII. Failure to remove snow or ice in violation of Section 8-15-103 of this Code.			
One- or two-family dwelling	\$50.00	\$125.00	\$250.00
All other buildings, premises, or structures	\$100.00	\$250.00	\$500.00
VIII. Weeds or plant growth in violation of Section 8-15-104 of this Code.	\$50.00	\$125.00	\$250.00
IX. Rodent harborage in violation of Section 8-15-105 of this Code.	\$100.00	\$250.00	\$500.00
X. Failure to remove inoperable or unlicensed motor vehicle from premises in violation of Section 8-15-110 of this Code.	\$100.00	\$250.00	\$500.00
XI. Failure to maintain a vacant building or structure in accordance with the requirements of Section 8-15-113 of this Code.			
One- or two-family dwelling	\$500.00	\$750.00	\$1,000.00
All other structures, except buildings with five or more stories	\$750.00	\$1,250.00	\$1,500.00
Buildings with five or more stories	\$1,000.00	\$2,000.00	\$3,000.00

- (b) In the case of a firm or a partnership, the civil fine may be imposed upon the partnership or members thereof, and in the case of a corporation, the civil fine may be imposed upon the officers thereof.
- (c) The imposition of a civil fine, or the payment of the same, under this section shall not be construed as excusing or permitting the continuance of any violation of this article.
- (d) A civil fine that is paid before the administrative hearing date shall be reduced by ten percent.
- (e) A civil fine that is paid after the administrative hearing date shall be increased by ten percent.
- (f) A civil fine that is paid on the administrative hearing date neither shall be reduced nor shall be increased.

- (g) Pursuant to Section 4q(13) of the Michigan Home Rule City Act, being MCL 117.4q(13), and Section 3-2-52(a)(6) of the 2019 Detroit City Code, Blight Administrative Hearings Bureau hearings officers shall impose a justice system assessment fee for each blight violation determination.
- (h) Pursuant to Section 3-2-55(b) of the 2019 Detroit City Code, each blight violation notice shall be subject to an administrative processing and adjudication fee, established by the Director of the Department of Appeals and Hearings and approved by the City Council.
- (i) Pursuant to Section 4q(3) of the Michigan Home Rules City Act, being MCL 117.4q(3), and Section 3-2-52(4) of the 2019 Detroit City Code, a hearings officer at the Blight Administrative Hearings Bureau may waive a fine for a blight violation at an owner-occupied dwelling, or for an owner who is verified as "low income," provided, that such owner is a first-time violator of the Code and the violator has corrected the circumstances of the violation. For purposes of this subsection, an owner shall qualify as "low income:"
  - (1) Where the owner establishes that his or her household income is at or below fifty percent of the median household income for the City of Detroit as determined by the most recent United States Census;
  - (2) Where the owner has been granted eligibility for the Detroit Homeowners Property Tax Assistance Program; or
  - (3) Where the owner meets criteria that the Director of the Buildings Safety Engineering, and Environmental Department may promulgate, in his or her discretion, in accordance with Section 2-111 of the Charter.

(Code 1984, § 9-1-20; Ord. No. 18-03, § 1(9-1-20), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-20), eff. 12-1-2004; Ord. No. 29-09, § 1(9-1-20), eff. 1-1-2010; Ord. No. 11-10, § 1(9-1-20), eff. 8-6-2010; Ord. No. 33-17, § 1(9-1-20), eff. 11-24-2017)

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Sec. 8-15-12. - Civil remedies for violations; abatement of violation.

The imposition of the civil fines prescribed in Section 8-15-11 of this Code shall not preclude the Corporation Counsel from instituting a legal action or proceeding in equity in a court of competent jurisdiction to restrain, correct or abate a violation of the provisions of this article, or to prevent illegal occupancy of a building, premises, or structure, or to stop an illegal act, conduct, business or utilization of the building, premises or structure. When necessary to compel correction or abatement of a violation or nuisance, the City shall utilize any available means under state law, the Charter, or the 2019 Detroit City Code.

(Code 1984, § 9-1-21; Ord. No. 18-03, § 1(9-1-21), eff. 7-18-2003)

Sec. 8-15-13. - Title and applicability.

- (a) This article shall be known as the Property Maintenance Code and establishes the minimum legal requirements for the maintenance, inspection and reinspection of all buildings, premises, and structures within the City.
- (b) The provisions of this article shall apply to all existing residential and non-residential buildings, premises, and structures and shall constitute minimum requirements and standards for such buildings, premises and structures, including facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from all hazards, and for safe and sanitary maintenance. This article shall govern the maintenance responsibility of owners, operators and occupants, the occupancy of existing premises and structures, and the administration, enforcement and penalties provided for in this article consistent with provisions of state law and of the 2019

Detroit City Code. Where, in a specific instance, different provisions of state law or of the 2019 Detroit City Code specify different requirements for any building, premises or structure, the most restrictive of any such provisions shall govern.

(Code 1984, § 9-1-4; Ord. No. 18-03, § 1(9-1-4), eff. 7-18-2003)

Sec. 8-15-14. - Intent of code.

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

(Code 1984, § 9-1-5; Ord. No. 18-03, § 1(9-1-5), eff. 7-18-2003)

Sec. 8-15-15. - Existing remedies preserved.

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

(Code 1984, § 9-1-7; Ord. No. 18-03, § 1(9-1-7), eff. 7-18-2003)

Sec. 8-15-16. - Requirements not covered by this article.

Requirements necessary for the strength, stability or proper operation of an existing building, premises, structure, fixture, or equipment, or for the public safety, health and welfare, not specifically covered by this article, or any other applicable state law or provision of the 2019 Detroit City Code, shall be determined by the Building Official.

(Code 1984, § 9-1-9; Ord. No. 18-03, § 1(9-1-9), eff. 7-18-2003)

Sec. 8-15-17. - Application of other codes.

- (a) Repairs, additions, or alterations to a building, premises or structure, or changes of occupancy governed under this article, shall be done, as applicable, in accordance with the requirements of Chapter 8, Articles II through XIV, of the 2019 Detroit City Code.
- (b) Inspection and maintenance of boiler and pressure vessels, heating, and refrigeration units within buildings and structures shall be in accordance with the requirements of Chapter 8, Article IV, of the 2019 Detroit City Code, *Mechanical Code*.

(Code 1984, § 9-1-10; Ord. No. 18-03, § 1(9-1-10), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-10), eff. 12-1-2004)

Sec. 8-15-18. - Minimum maintenance requirements.

- (a) The provisions of this article shall govern the minimum conditions and the responsibilities of owners, operators, and occupants for maintenance of buildings, premises, and structures, including exterior and interior property.



- (b) Failure of the owner, operator, and occupant to comply with any of the minimum requirements of this article shall be construed as maintaining an unsafe building, premises, or structure and shall be deemed a violation of this article.

(Code 1984, § 9-1-11; Ord. No. 18-03, § 1(9-1-11), eff. 7-18-2003)

Sec. 8-15-19. - Responsibility for maintenance; violations.

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

(Code 1984, § 9-1-12; Ord. No. 18-03, § 1(9-1-12), eff. 7-18-2003; Ord. No. 11-10, § 1(9-1-12), eff. 8-6-2010)

Sec. 8-15-20. - Vacant buildings, premises, and structures generally.

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

(Code 1984, § 9-1-13; Ord. No. 18-03, § 1(9-1-13), eff. 7-18-2003; Ord. No. 11-10, § 1(9-1-13), eff. 8-6-2010)

Sec. 8-15-21. - Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this article shall be executed and installed in a workmanlike manner in accordance with applicable state law and with the provisions of the 2019 Detroit City Code, and/or in accordance with the manufacturer's installation instructions.

(Code 1984, § 9-1-14; Ord. No. 18-03, § 1(9-1-14), eff. 7-18-2003)

Sec. 8-15-22. - Historic buildings, premises, and structures.

- (a) The provisions of this article shall be mandatory for existing buildings, premises, and structures designated by the United States, the state, or the City, as historic to the extent that the requirements of this article are consistent with any federal or state law or regulation, or this Code, governing

historic buildings, premises and structures, provided, that where an inconsistency exists and the requirements of this article are not mandatory, the Building Official is authorized to issue an order to the owner of the historic building, premises, or structure concerning an imminent danger or unsafe or unsanitary condition to protect the public health, safety, and welfare.

- (b) All work performed on historic buildings, premises, and structures pursuant to this article shall be in accordance with the requirements of applicable federal, or state law or regulation, or of the provisions of the 2019 Detroit City Code, including complying with any permit requirement.

(Code 1984, § 9-1-15; Ord. No. 18-03, § 1(9-1-15), eff. 7-18-2003)

Sec. 8-15-23. - Devices, equipment, safeguards, and systems; removal or abrogation.

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

(Code 1984, § 9-1-16; Ord. No. 18-03, § 1(9-1-16), eff. 7-18-2003)

Sec. 8-15-24. - Notice to owner or to person responsible for violation.

- (a) Whenever the Building Official or the Public Health Director determines that there has been a violation of this article, or has reasonable grounds to believe that a violation has occurred, a notice or order shall be given to the owner or the person responsible for the maintenance of the building, premises, or structure in accordance with this section.
- (b) A notice or order under this section, except a blight violation notice, shall be deemed to be properly served:
  - (1) Where the original, or a copy, of the notice or order is delivered personally, or sent by certified or first class mail addressed to the last known address of the owner of the building, premises or structure; or
  - (2) Where the notice or order is returned showing that the mail was not delivered, proof that a copy of the notice or order was securely posted in a conspicuous place on or about the building, premises, or structure that is the subject of the notice or order.
- (c) A blight violation notice shall be issued in accordance with Chapter 3, Article II, Division 2, of the 2019 Detroit City Code, *Blight Violation Notices*.
- (d) Notices or orders for condemnation or demolition procedures shall comply with the requirements of the 2019 Detroit City Code.

(Code 1984, § 9-1-17; Ord. No. 18-03, § 1(9-1-17), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-17), eff. 12-1-2004)

Sec. 8-15-25. - Receipt or service of a notice, order, blight violation notice; action by owner.

It shall be unlawful for the owner of any building, premises, or structure who has received or been served a notice, an order, or a blight violation notice, in accordance with Section 8-15-24 of this code concerning a violation of this article to sell, transfer, mortgage, lease or otherwise, dispose of such building, premises, or structure to another until the provisions of the notice, order, or blight violation notice have been complied with, without providing the grantee, transferee, mortgagee or lessee a duplicate copy of the notice, order, or blight violation notice issued by the City concerning the violation. Where a

duplicate copy is provided, the owner shall furnish the appropriate City official with a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of a copy of the notice, order, or blight violation notice and fully accepting responsibility without condition for making the alterations, corrections, or repairs required to cure the violation contained in the notice, order, or blight violation notice.

(Code 1984, § 9-1-18; Ord. No. 18-03, § 1(9-1-18), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-18), eff. 12-1-2004)

Secs. 8-15-26—8-15-30. - Reserved.

## DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 8-15-31. - Authorization and enforcement issuance of blight violations.

- (a) The Building Official and the Public Health Director, through their authorized local officials and designees, are authorized to administer and enforce the provisions of this article.
- (b) In accordance with the prescribed procedures of the City, the Director of the Buildings, Safety Engineering, and Environmental Department and the Public Health Director shall have the authority to designate technical officers and inspectors who are authorized to enforce and to ensure compliance with the provisions of this article, to conduct inspections and reinspections, and to issue and serve upon a person a written notice or order, where the authorized local official has reasonable cause to believe that there has been a violation of this article.
- (c) In accordance with Sections 1-1-10 and 3-2-21(a) of the 2019 Detroit City Code, the Director of the Buildings, Safety Engineering, and Environmental Department and the Public Health Director shall have the authority to designate authorized local officials who are authorized to issue and serve upon a person a blight violation where the authorized local official has reasonable cause to believe that there is a violation of this article.
- (d) A City official or employee who is connected with the enforcement of this article, except one whose only connection is that of a member of the Board of Zoning Appeals established under the Charter, neither shall be engaged in, or directly or indirectly be connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, premises or structure, or the preparation of construction documents thereof, unless that person is the owner of the building, premises or structure, nor shall engage in any work that conflicts with official duties or with the interests of the City.

(Code 1984, § 9-1-31; Ord. No. 18-03, § 1(9-1-31), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-31), eff. 12-1-2004)

Sec. 8-15-32. - Records.

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

(Code 1984, § 9-1-33; Ord. No. 18-03, § 1(9-1-33), eff. 7-18-2003)

Sec. 8-15-33. - Fees.

- (a) In accordance with Section 9-507 of the Charter, the Director of the Buildings, Safety Engineering, and Environmental Department is authorized to establish necessary fees with the approval of the City Council, through adoption of a resolution, for the cost of certificates, inspections, re-inspections, and other fees that are required by this article. The fees that are authorized by this subsection shall cover the costs that are incurred by the Buildings, Safety Engineering, and Environmental Department when rendering such services in the administration and enforcement of this article.
- (b) After adoption of a resolution by the City Council and approval of the resolution by the Mayor, the fees provided for in Subsection (a) of this section shall be:
  - (1) Published in a daily newspaper of general circulation and in the Journal of the City Council;
  - (2) Made available at the Buildings, Safety Engineering, and Environmental Department and at the Office of the City Clerk; and
  - (3) Reviewed by the Director of the Buildings, Safety Engineering, and Environmental Department at least once every two years.
- (c) The fees that are prescribed by this section shall be paid to the Buildings, Safety Engineering, and Environmental Department.

(Code 1984, § 9-1-34; Ord. No. 18-03, § 1(9-1-34), eff. 7-18-2003)

Sec. 8-15-34. - Enforcement; inspections; Notice of Pre-Inspection Rights; procedures.

- (a) The Building Official and the Public Health Director, or their authorized local officials or designees, shall make the required inspections and re-inspections under this article, or shall accept reports of inspections from any authorized City departments or agencies, or persons. All such inspection reports shall be in writing and be certified by an authorized local official of the Buildings, Safety Engineering, and Environmental Department or the Health Department, or by the responsible person. The Director of the Buildings, Safety Engineering and Environmental Department and the Public Health Director are authorized to engage, subject to any approvals required by the Charter or by the 2019 Detroit City Code, such expert opinion as deemed necessary to report upon unusual or technical issues that arise as a result of any inspection or re-inspection.
- (b) The Building Official and the Public Health Director, or their authorized local officials or designees, are authorized to enter any building, premises, or structure within the City at reasonable times to inspect.
  - (1) If an owner refuses to allow an inspection, the inspector shall provide a notice of pre-inspection rights which shall include information that the owner is entitled to a pre-compliance review of the inspection by a neutral hearing officer at the Department of Appeals and Hearings to determine the purpose, scope, and propriety of the inspection; and
  - (2) The notice of pre-inspection rights shall:
    - a. Be posted at the premises, building, or structure; and
    - b. Be sent via regular U.S. Mail to the owner's address of record with the Buildings, Safety Engineering, and Environmental Department.
  - (3) Pre-compliance review procedure:
    - a. Within 14 days after the date of posting and/or mailing the notice of pre-inspection rights, whichever is later, the owner must provide the hearing officer, in writing, a review request which shall include a request to review the purpose, scope, and propriety of the inspection, along with all reasons why the inspection should not take place and shall include the owner's correct and complete mailing address if different than the address of record.

- b. Where the owner does not provide a review request to the hearing officer within the 14-day period, the owner shall be deemed to have waived the right to pre-compliance review of the inspection.
  - c. Where a hearing officer from the Department of Appeals and Hearings receives a review request from an owner for pre-compliance review of an inspection, the department seeking to conduct an inspection shall provide the hearing officer with a written explanation of the department's purpose, scope, propriety, and any other reasons for conducting the inspection.
  - d. The hearing officer from the Department of Appeals and Hearings shall review all documents submitted, and, within ten days of receiving the information from the Buildings, Safety Engineering and Environmental Department, shall issue a written determination as to whether the inspection can proceed, the premises, building, or structure address, the approved scope of the inspection, areas to be inspected, and any restrictions on the time the inspection may be conducted.
  - e. The hearing officer's written determination shall be delivered to the department seeking to conduct an inspection and mailed to the owner by U.S. Mail to the owner's address of record.
  - f. The owner and the department seeking to conduct the inspection, shall comply with the written determination of the hearing officer.
  - g. In the event a review request is not timely submitted, or in the event the hearing officer allows an inspection to proceed but the owner, property manager, tenant, or occupant does not consent to entry, the department may issue to the owner a blight violation as provided by Section 8-15-10 of this Code, and, at the department's discretion, may seek an administrative warrant for entry of the property.
- (4) The procedures outlined in Subsection (b)(1) of this section do not apply in any situation which requires immediate inspection in a building, premises, or structure where such condition reasonably constitutes an imminent threat to the public interest, safety, welfare, or otherwise involves exigent circumstances.
- (c) The Building Official and the Public Health Director, or their authorized local officials or designees, shall carry and display proper City identification containing their photograph when inspecting a building, premises, or structure in the performance of their duties under this article.
- (d) The Building Official, or his or her authorized local officials or designees, shall conduct inspections to obtain compliance with this article based upon at least one of the following:
- (1) All buildings of public assembly, including armories, bars, hall, rental hall, school buildings, theaters, buildings used for manufacturing and industrial purposes, multiple use buildings, all buildings used for other commercial purposes, including, but not limited to, apartment houses, condominiums, emergency shelters, hospitals, hotels, lofts, office buildings, motels, rooming houses, rooming units, shelters for victims of domestic violence, temporary shelters, townhouses, and buildings, premises and structures used for lumber yards, general storage yards and railroad yard facilities, and all other buildings occupied or used by large numbers of persons or which may constitute a hazard to life or property where not in compliance with this article, and wharves, fences, billboards, signs and other structures shall be inspected by the Buildings, Safety Engineering, and Environmental Department, at least once every year;
  - (2) The receipt of a complaint or other notice of a possible violation of this article;
  - (3) An observation by the Building Official, or his or her authorized local official or designee, of a possible violation of this article;
  - (4) Pursuant to the issuance of certificates of compliance as required by state law, by Section 8-15-35 of this Code, or by other provisions of the 2019 Detroit City Code;

- (5) Pursuant to the registration of residential rental properties in accordance with Section 8-15-82 of this Code;
  - (6) Pursuant to the designation of an area within the City where all buildings, premises, and structures are to be uniformly inspected;
  - (7) Pursuant to a request for inspection by the owner, or authorized agent of the owner, of the building, premises, or structure;
  - (8) All owners of buildings five stories or more in height shall have all roof-mounted structures and every exterior wall of or part of the building's exterior, including connecting bridges, cornices, copings, sills, bays, or similar projections, thoroughly inspected and examined by competent persons at their own expense at intervals not to exceed five years and shall furnish the Building Official, with a written report setting forth the true condition of the structure or wall inspected. The Building Official shall be notified in advance of such an inspection of an existing building and may have an authorized local official or designee present. Where the conditions of a structure or wall cannot be determined by inspection of the exterior of the structure or wall, the Building Official, or his or her authorized local official or designee, may require portions thereof to be removed for more thorough examination;
  - (9) The owners of the ambassador bridge, the Detroit River Railroad Tunnel, and the Detroit-Windsor Tunnel shall have these structures thoroughly inspected and examined by competent personnel at their own expense and at intervals not to exceed five years and shall furnish the Building Official with a written report setting forth the true conditions thereof;
  - (10) The exposed length of any metal or masonry stack 18 inches or more in diameter and 25 feet or more in length above ground or roof shall be inspected at least every five years by competent personnel, including steeplejacks, employed by the owner or user of such stack who shall furnish the Buildings, Safety Engineering, and Environmental Department with a written report on the condition of the stack and its support;
  - (11) An observation by the Building Official, or his or her authorized local official or designee, of a possible violation of another code in Chapter 8 of this Code, *Building Construction and Property Maintenance*, which results in notification of the appropriate division in the Buildings, Safety Engineering, and Environmental Department to take enforcement action; or
  - (12) To protect the health, safety, and welfare of the public.
- (e) The Public Health Director shall conduct inspections to obtain compliance with this article based upon, at least, one of the following:
- (1) The receipt of a complaint or other notice of a possible violation of this article;
  - (2) An observation by the Public Health Director, or the Director's authorized local official or designee, of a possible violation of this article;
  - (3) Pursuant to the designation of an area within the City where all buildings, premises, and structures are to be uniformly inspected;
  - (4) Pursuant to a request for inspection by the owner, or authorized agent of the owner, of the building, premises, or structure;
  - (5) To ensure compliance with the provisions of the Housing Law of Michigan, being MCL 125.401 *et seq.*; or
  - (6) To provide for the health, safety, and welfare of the public.

(Code 1984, § 9-1-35; Ord. No. 18-03, § 1(9-1-35), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-35), eff. 12-1-2004; Ord. No. 15-18, § 1(9-1-35), eff. 1-1-2013)

Sec. 8-15-35. - Certificate of Compliance required; violation for failure to obtain; temporary certificate and modifications.

- (a) The following buildings and structures shall be required to have a Certificate of Compliance issued by the Buildings, Safety Engineering, and Environmental Department:
  - (1) All buildings and structures required to be inspected pursuant to Section 8-15-34(d) of the City Code; and
  - (2) One- and two-family dwellings, or any part of a residential structure, which are occupied by persons pursuant to an oral or written rental contract or lease agreement for monetary compensation. This requirement shall not include one-family dwellings which are occupied by the owner of the structure and the owner's immediate family and those portions of a two-family dwelling which are occupied by the owner and the owner's immediate family.
- (b) As required by this article, a Certificate of Compliance for a building or structure shall be issued, upon inspection, by the Buildings, Safety Engineering, and Environmental Department, correction of any violations, and a determination by the Buildings, Safety Engineering, and Environmental Department that the building or structure is in compliance with this article, including, but not limited to, the standards in Section 8-15-36(a) of the City Code.
- (c) The Certificate of Compliance, which is issued by the Buildings, Safety Engineering, and Environmental Department pursuant to this article, shall be posted in a conspicuous place within the building or structure and readily available for inspection with the exception of Certificates of Compliance issued for one and two-family rental dwellings. Certificates of Compliance for one- and two-family rental dwellings shall be maintained by the owner and made available upon request by the Building Official or the Public Health Director, or their authorized local officials or designees, or by any current or prospective tenant.
- (d) Subject to Section 8-15-81 of this Code, it shall be unlawful to occupy or use a building, premises, or structure required to have a Certificate of Compliance under this article, or cause same to be occupied, without the required Certificate of Compliance for the building, premises, or structure. Upon the issuance of a blight violation notice and a finding that the building, premises, or structure is unsatisfactory for human habitation, the Building Official or Public Health Director may order such building, premises, or structure vacated.
- (e) Whenever there are practical difficulties involved in carrying out the provisions of this article, the Building Official shall have the authority to issue a Temporary Certificate of Compliance or grant modifications for individual cases, provided, that the Building Official shall first find a specific reason that:
  - (1) Would make the strict letter of this article impractical;
  - (2) The modification from the requirement is in compliance with the intent and purpose of this article; or
  - (3) Such modification does not lessen any health and safety requirements of any provision of state law, of this article, or of the 2019 Detroit City Code as determined by the appropriate City official.
- (f) The details of any action granting a modification from this article shall be recorded, entered, and maintained in the records of the Buildings, Safety Engineering, and Environmental Department.

(Code 1984, § 9-1-36; Ord. No. 18-03, § 1(9-1-36), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-36), eff. 12-1-2004; Ord. No. 33-17, § 1(9-1-36), eff. 11-24-2017)

Sec. 8-15-36. - Suspension or denial of Certificate of Compliance; revocation.

- (a) The Building Official may suspend or deny a Certificate of Compliance or a Temporary Certificate of Compliance for a property where the owner either fails to comply with one or more blight violation notices on that property, or owes property taxes on that property that have been delinquent for one year or more. For purposes of this subsection, taxes on a property shall not be considered delinquent where the owner has a valid tax repayment plan for that property with the Wayne County Treasurer, has made all scheduled payments in accordance with that plan, and provides the Buildings Safety Engineering, and Environmental Department with documentation establishing that the owner has made all scheduled payments in accordance with the plan. The suspension or denial of a Certificate of Compliance shall be by written notice to the owner of the building, premises or structure, or his or her legal representative, and contain the specific reason(s) for the suspension or denial. In addition, a Certificate of Compliance may be denied by the Building Official where an owner fails to respond within 60 days after written notice of a required inspection under Section 8-15-34(d) of this code.
- (b) An owner aggrieved by the suspension or denial of a Certificate of Compliance shall be entitled to a hearing before a hearing officer designated by the Director of Department of Appeals and Hearings. A request for a hearing on the suspension of a Certificate of Compliance shall be in writing addressed to the Director of the Buildings, Safety Engineering, and Environmental Department and must be made within seven days after the date of the notice of suspension or denial of the Certificate. A hearing pursuant to a timely request shall be scheduled at the earliest possible date, but not sooner than seven or later than 30 days after the receipt of the request for a hearing. The Buildings, Safety Engineering, and Environmental Department shall notify the owner and the appropriate City departments of the hearing at least seven days prior to the hearing. The hearing may be adjourned only by agreement of the parties or, upon cause shown, by order of the Director of the Buildings, Safety Engineering, and Environmental Department or the hearing officer.
- (c) At the hearing, the Buildings, Safety Engineering, and Environmental Department shall present relevant evidence to show the owner's failure to comply with the requirements of this article. The owner shall be given an opportunity at the hearing to present relevant evidence in support of the continuation or issuance of the Certificate of Compliance. A decision based upon preponderance of the evidence shall be issued in writing to the Buildings, Safety Engineering, and Environmental Department and to the owner within ten days after the hearing.
- (d) Where the owner does not request a hearing within the seven day period after receiving notice of suspension or denial of the Certificate of Compliance, the suspension or denial shall be deemed final seven days after the date of notice of suspension or denial of the Certificate of Compliance. Where the owner requests a hearing but does not appear, the suspension or denial of the Certificate of Compliance shall be deemed final and effective at the end of the business day on which the hearing was scheduled. Where a hearing is conducted but the decision sustains the suspension or denial of the Certificate of Compliance, the suspension or denial of the Certificate of Compliance shall be deemed final and effective at the end of the business day on which the decision was issued. When suspension of a Certificate of Compliance becomes final and effective, the Certificate of Compliance shall be considered revoked.
- (e) The hearing shall be conducted in accordance with the procedural administrative rules that are promulgated in accordance with Section 2-111 of the Charter.
- (f) Upon final suspension or denial of a Certificate of Compliance, as provided for in Subsection (d) of this section, the Buildings, Safety Engineering, and Environmental Department shall deliver, to any known tenant at the subject property, written notice that the owner's Certificate of Compliance has been suspended or denied. Notice may be delivered via U.S. Mail, via electronic mail, via text message, or in person. The notice shall specify that any rents due to the owner shall be paid into an escrow account, in accordance with Section 8-15-82(d) of this Code, until a Certificate of Compliance has been obtained by the owner.

(Code 1984, § 9-1-37; Ord. No. 18-03, § 1(9-1-37), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-37), eff. 12-1-2004; Ord. No. 33-17, § 1(9-1-37), eff. 11-24-2017)



Sec. 8-15-37. - Unsafe building, premises, structures, equipment or devices; closing or condemnation.

Where a building, premises, or structure:

- (1) Is determined by the Building Official to be dangerous to the life, health, property, or safety of the public or the occupants of the building, premises, or structure by not providing minimum safeguards to protect occupants; or
- (2) Is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible; or
- (3) Is determined to contain unsafe equipment or a device, such as a boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment, which is in such disrepair or condition that such equipment or device is a hazard to life, health, property or safety of the public or occupants of the building, premises, or structure; or
- (4) Is determined to be unsafe and unfit for human occupancy; or
- (5) Is otherwise determined to be unlawful by the appropriate City official;

such building, premises, or structure may be closed or condemned by the Building Official or the Public Health Director pursuant to the applicable provisions of state law, of this article, or of the 2019 Detroit City Code. Further, the Building Official or the Public Health Director, or their designees, are authorized to issue any other appropriate notice or order concerning the subject building, equipment, structure, or device to protect the immediate public health, safety, and welfare in accordance with applicable state law, with this article, or with the 2019 Detroit City Code.

(Code 1984, § 9-1-41; Ord. No. 18-03, § 1(9-1-41), eff. 7-18-2003)

Sec. 8-15-38. - Unlawful occupancy of buildings, premises, or structure; abatement.

Where a building, premises, or structure is determined by the Director of the Buildings, Safety Engineering, and Environmental Department or the Public Health Director to be:

- (1) An unlawful structure due to the fact that it is, in whole or in part, occupied by more persons than permitted under this article; or
- (2) Altered, erected, or occupied contrary to state law, to this article, or to the 2019 Detroit City Code;

the Director of the Buildings, Safety Engineering, and Environmental Department or the Public Health Director may issue a notice or order preventing such unlawful occupancy or take any appropriate action to abate the condition in accordance with the provisions of state law, of this article, or of the 2019 Detroit City Code.

(Code 1984, § 9-1-42; Ord. No. 18-03, § 1(9-1-42), eff. 7-18-2003)

Sec. 8-15-39. - Buildings, premises, or structures unfit for human occupancy; emergency notices and orders.

(a) Where a building, premises, or structure is determined by the Building Official or the Public Health Director to be unfit for human occupancy due to a determination that the building, premises, or structure:

- (1) Is unsafe or unlawful due to the degree to which the building, premises, or structure is in disrepair or lacks maintenance; or
- (2) Is unsanitary, vermin or rat infested, or contains filth and contamination; or

- (3) Lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this article; or
- (4) Constitutes a hazard to the occupants or to the public due to its location;

such building, premises, or structure may be declared unfit for human occupancy by the Building Official or the Public Health Director. Further, the Building Official and the Public Health Director are authorized to issue any other appropriate notice, order, or emergency order concerning the subject building, premises or structure, or equipment within, to protect the immediate public health, safety, and welfare in accordance with state law, with this article, or with the 2019 Detroit City Code.

- (b) Where a building, premises, or structure does not have water, sewerage, or electrical service and the Building Official or the Public Health Director determines that a structure is unsafe for occupancy by any person, the Building Official or the Public Health Director may issue an emergency order to close or vacate the building, premises, or structure.

(Code 1984, § 9-1-43; Ord. No. 18-03, § 1(9-1-43), eff. 7-18-2003)

Sec. 8-15-40. - Closing of unlawful and vacant buildings, premises, and structures.

- (a) Where a building, premises, or structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Building Official and the Public Health Director are authorized to order the building, premises, or structure closed and to post a public notice of closure on the building, premises, or structure to prevent entry by any person. Upon service of the closure notice upon the owner of the building, premises, or structure and failure of the owner to close up and secure the building, premises, or structure within the time specified in the order, the Building Official or the Public Health Director may cause the building, premises, or structure to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost of such closing and security charged against the real property upon which the building, premises, or structure is located, which shall be a lien upon the real property in favor of, and collectable by, the City.
- (b) Whenever the Building Official or Public Health Director has closed a building, premises or structure under the provisions of this section, notice shall be posted in a conspicuous place in or about the building, premises, or structure affected by such notice and served, by first class mail, upon the owner or the person responsible for the building, premises, or structure. The notice shall be in the form prescribed by the Building Official or the Public Health Director.

(Code 1984, § 9-1-44; Ord. No. 18-03, § 1(9-1-44), eff. 7-18-2003)

Sec. 8-15-41. - Posting notices on buildings, premises, and structures; prohibited occupancy; removal of notice; failure to comply with notice or order.

- (a) Upon failure of the owner of the building, premises or structure, or the person responsible, to comply with a notice or order issued by the Building Official or the Public Health Director concerning an unsafe or unlawful building, premises, or structure unfit for human occupancy within the time given by the notice or order, the Building Official or the Public Health Director, or their authorized local officials or designees, shall post on the building, premises, or structure, or on defective equipment, a notice visible to the public bearing the words:

**"CLOSED BY AUTHORITY OF THE CITY  
OF DETROIT BUILDING OFFICIAL"**

or

**"CLOSED BY AUTHORITY OF THE CITY  
OF DETROIT PUBLIC HEALTH DIRECTOR"**

and a statement of the penalties for occupying the building, premises, or structure subject to the notice, or removing the notice posted pursuant to this section.

- (b) It shall be unlawful for any person to occupy a building, premises, or structure subject to a posted notice of closure or to operate equipment, devices, or fixtures therein, or for any owner or any person responsible for the building premises, or structure, to allow any person to occupy such a building, premises, or structure or operate equipment, devices or fixtures, therein, subject to the posted notice.
- (c) The Building Official or the Public Health Director, or their authorized local officials or designees are authorized to remove the notice closing the building, premises, or structure whenever the defect upon which the action of posting the closing notice was based upon has been eliminated. It shall be unlawful for any person to deface or remove any closing or condemnation notice from any building, premises or structure without the authorization of the Building Official or the Public Health Director, or to fail to comply with any notice or order of the Building Official or the Public Health Director under this section.

(Code 1984, § 9-1-45; Ord. No. 18-03, § 1(9-1-45), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-45), eff. 12-1-2004)

Sec. 8-15-42. - Imminent danger; emergency measures and safeguards; review of order.

- (a) When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building, premises, or structure which endangers life, or when any building, premises, or structure has fallen and life is endangered by the occupation of the building, premises or structure, or when there is actual or potential danger to the occupants of the building, premises, or structure or those in the proximity of the building, premises, or structure, because of explosive, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to immediately vacate the building, premises, or structure. The Building Official shall cause to be posted at each entrance to such building, premises, or structure a notice reading:

**"THIS BUILDING, PREMISES, OR STRUCTURE IS UNSAFE AND ITS OCCUPANCY OR USE HAS BEEN  
PROHIBITED BY THE CITY OF DETROIT BUILDING OFFICIAL."**

It shall be unlawful for any person to enter such building, premises, or structure except for the purpose of securing the building, premises, or structure, making the required corrections or repairs, removing the hazardous condition, or demolishing the same.

- (b) Notwithstanding other provisions of this article, whenever, in the opinion of the Building Official, there is an imminent danger due to an unsafe condition in a building, premises, or structure, the Building Official may order temporary safeguards and the necessary work to be done to protect the public health and safety, including the boarding up of openings to render such unsafe building, premises, or structure temporarily safe notwithstanding whether any notice, order, or emergency order required under this article has been issued or served, and shall cause such other action to be taken as the Building Official deems necessary to meet such imminent danger or emergency in accordance with state law, with this article, and with the 2019 Detroit City Code.

- (c) Where due to an imminent danger and, when necessary, to protect the public safety, the Building Official may temporarily close buildings, premises and structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe buildings, premises and structures, and prohibit the same from being utilized, except as specified in the notice or order of closure.
- (d) Costs incurred in the performance of work concerning an emergency, imminent danger, or an unsafe condition at a building or structure, shall be paid by the City and recovered from the owner, or owners or the agents or assignees of the owner, or owners, and recovered from the owner. The Corporation Counsel may institute appropriate legal action against the owner of the building, premises, or structure for the recovery of all costs incurred by the City in the performance of such work.
- (e) Where the cost for work at a building or structure incurred by the City as a result of the emergency, imminent danger, or unsafe condition is not paid to the City by the owner, or owners:
  - (1) The amount of the costs shall be forwarded by the Buildings, Safety Engineering, and Environmental Department to the Board of Assessors for assessment on the subject property and recorded as a lien against real property in accordance with state law, the Charter, and this Code; and
  - (2) Liens assessed pursuant to this section shall be enforced in the manner prescribed in state law, the Charter, and this Code for the enforcement of special assessment liens or tax liens.

(Code 1984, § 9-1-46; Ord. No. 18-03, § 1(9-1-46), eff. 7-18-2003)

Sec. 8-15-43. - Demolition of dangerous and unsafe buildings; wrecking.

The demolition of dangerous and unsafe buildings, and the wrecking of such buildings, shall be governed by the applicable provisions of Chapter 8, Article II, of the 2019 Detroit City Code, *Building Code*.

(Code 1984, § 9-1-47; Ord. No. 18-03, § 1(9-1-47), eff. 7-18-2003)

Sec. 8-15-44. - Review of order.

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

(Code 1984, § 9-1-49; Ord. No. 18-03, § 1(9-1-49), eff. 7-18-2003)

Sec. 8-15-45. - Requirement to register vacant buildings and structures; enforcement authority; establishment of annual fee.

- (a) Within 30 days of a building or structure becoming vacant or after receiving notice from the City that the building or structure is vacant, the owner of the vacant building or structure shall register the property with the Buildings, Safety Engineering, and Environmental Department, and obtain a Certificate of Registration of Vacant Property from the Department. Application for a Certificate of Registration of Vacant Property shall be made on a form available at the Department by providing following information:
  - (1) A description of the building or structure, including the address, square footage, number of stories, approximate year of construction, and the most recent use of the building or structure;

- (2) The names, addresses, and telephone numbers of all owners of the building or structure and, where an owner resides or is located outside this state, the name, address, and telephone number of a local person or agent who is responsible for maintenance of the property and for receipt of notices or process concerning the building or structure;
  - (3) The names and address of all known mortgage or lien holders and any bank, financial institution, or other party with a legal or equitable interest in the building or structure; and
  - (4) A plan and a timetable for:
    - a. Returning the property to active use; or
    - b. Demolition where the building or structure has major structural defects and the owner has determined that the defects would not allow for rehabilitation, or the building or structure has been ordered demolished by the City Council.
- (b) A Certificate of Registration of Vacant Property shall be renewed annually on or before the date of the original registration. Where a vacant building or structure has been returned to active use, or demolished, the registration is not required to be renewed.
  - (c) A notice that is sheltered from the weather, which indicates the name and telephone number of a local person to be contacted in the event of an emergency or other concern at the property, shall be visually posted on the side of the vacant building or structure. In addition, pursuant to Section 31-4-2 of the 2019 Detroit City Code, the owner may request the Police Department to post a warning sign on the vacant building or structure.
  - (d) The annual fee for registration of a vacant building or structure shall be established in accordance with Section 8-15-33 of this Code and shall be collected by the Buildings, Safety Engineering, and Environmental Department Licenses and Permits Division.
  - (e) All vacant buildings and structures shall be subject to an annual inspection and obtain a Certificate of Compliance, provided, that where, upon inspection, all criteria of this article are met, the annual fee for the registration of a vacant building or structure shall be waived.
  - (f) Where the building or structure is sold or transferred to a party other than the owner(s) listed on the Certificate of Registration of Vacant Property and the property remains vacant, the new owner(s) shall obtain a new Certificate of Registration of Vacant Property within 30 days of taking title to the property.
  - (g) After registration, a vacant building or structure shall at all times be secured from trespass and the building or structure and surrounding property maintained as provided for in this article. An owner may receive and shall comply with any emergency order, correction notice, or blight violation issued under this article concerning a vacant building or structure, until the property is secured and maintained as determined by the Building Official, or his or her authorized local official or designee.
  - (h) Pursuant to Sections 8-15-40 and 8-15-42(b) of this Code, the City may undertake demolition, maintenance, or securing of any vacant building or structure that presents an imminent danger, is in an emergency condition, or is not in compliance with a notice or blight violation under this article.
  - (i) In addition to other remedies available under this article or at law, the costs incurred by the City under Subsection (h) of this section shall be recorded as liens against the real property upon which the vacant building or structure is located. A lien that arises under this subsection shall be reported to the Board of Assessors, which shall assess the costs against the subject property. Any lien shall be enforced in the manner prescribed in state law, the Charter, and this Code for the enforcement of special assessment liens or tax liens.
  - (j) In accordance with Sections 8-15-40 and 8-15-42 of this Code, the City may undertake emergency measures, including the boarding, closing, emergency repairs, and securing of a vacant building or structure, to protect the public health and safety from an imminent danger or to remedy the failure of an owner to comply with a notice or an order issued under this article. Pursuant to this article, any costs incurred by the City in undertaking emergency measures may be recovered by the City from the owner. The Corporation Counsel may institute appropriate legal action against the owner of the

vacant building or structure for the recovery of the costs of the emergency measures. A lien upon the real property may be placed on the subject property in accordance with state law, the Charter, and the 2019 Detroit City Code.

(Code 1984, § 9-1-50; Ord. No. 11-10, § 1(9-1-50), eff. 8-6-2010)

Sec. 8-15-46. - Violation as public nuisance; abatement.

Any premises, as defined in Section 8-15-8 of this Code, that is maintained in a condition in violation of this article is declared a public nuisance. The violation shall be corrected and the public nuisance shall be abated by the owner or operator of the premises, or any persons having interest in the property. The decision and order of the hearing officer finding the owner or operator of the premises, or any persons having interest in the property responsible for a blight violation under this article shall order the violator to correct the violation and abate the public nuisance.

(Code 1984, § 9-1-51; Ord. No. 03-15, § 1(9-1-51), eff. 3-5-2015)

Sec. 8-15-47. - Issuance of correction notice or blight violation.

- (a) An authorized local official shall issue either a correction notice or a blight violation to the owner or operator of a premises, or any persons having interest in the property, in violation of this article. The correction notice or blight violation shall be served in the manner required by Section 3-2-25(2) of the 2019 Detroit City Code.
- (b) Subject to Section 4(q) of the Michigan Home Rule City Act, being MCL 117.4(q), Section 3-2-24 of the 2019 Detroit City Code and Section 8-15-45 of this Code, and Subsection (c) of this section, the recipient of a correction notice shall have seven days to cure all violations that are listed in a correction notice.
- (c) The correction notice may provide a shorter period to cure conditions that create an emergency or present an imminent danger to health or safety. The Buildings, Safety Engineering and Environmental Department may adopt rules establishing circumstances where a cure period of longer than seven days may be provided. The cure period shall be stated in the correction notice.
- (d) An authorized local official shall issue a blight violation under the following circumstances:
  - (1) Where the recipient of a correction notice fails to cure the violation within the applicable cure period after service of a correction notice.
  - (2) Where the recipient of a correction notice disputes a violation identified on a correction notice; and
  - (3) Where, in the authorized local official's exercise of judgment and discretion pursuant to rules adopted by the Department, the violation is of such a nature as to be substantially serious, chronic, or willful.

(Code 1984, § 9-1-52; Ord. No. 03-15, § 1(9-1-52), eff. 3-5-2015)

Sec. 8-15-48. - Curing or disputing correction notice; right of entry by City to abate public nuisance; obstruction of City employees and agents prohibited.

- (a) Where the recipient of a correction notice has not cured the violations within the cure period stated in the notice, or disputed the notice, in addition to powers granted in this article, including Sections 8-15-40 and 8-15-42 of this Code, the City, through its authorized employees, agents, or contracted parties, may enter upon the premises and abate the public nuisance by means determined by the City.

- (b) A recipient of a correction notice may dispute the notice by contacting the Buildings, Safety Engineering and Environmental Department in the manner specified in the correction notice, which shall be established by rule adopted by the Department. Where notice of a dispute is allowed by telephone, the Department shall establish a method to verify and track receipt of correction notices that are disputed via telephone.
- (c) Where a correction notice is disputed by the recipient, the City's right of entry under this section shall be suspended until a blight violation proceeding has determined that a blight violation exists or a court has determined that a violation or public nuisance exists.
- (d) Where the correction notice is not disputed by the recipient within the cure period, the opportunity to object to the City's entry to cure the violation and abate the public nuisance is deemed waived.
- (e) Upon a blight violation determination that the owner or operator, or any persons having interest in the property, are responsible for a blight violation, the City, through its authorized employees, agents, or contracted parties, may enter upon the premises and abate the public nuisance by means determined by the City.
- (f) Authorized City employees and agents, or contracted parties, shall be granted free access to and from the premises, as defined in Section 8-15-8 of this Code, for the work necessary to accomplish abatement of any violation of this article that is found to exist. Any person who obstructs or prevents a City employee from performing such work is subject to issuance of a misdemeanor under Section 31-2-2 of the 2019 Detroit City Code.

(Code 1984, § 9-1-53; Ord. No. 03-15, § 1(9-1-53), eff. 3-5-2015)

Sec. 8-15-49. - Costs of abatement; collection of costs for City abatement of public nuisances.

The entire cost of abatement actions taken, or caused to be taken, pursuant to Section 8-15-48 of this Code shall be paid by the owner. The City's costs, including administrative fees, labor and materials, to secure compliance with a blight violation order or to abate a public nuisance under this article may be included in a blight violation determination. In accordance with Section 8-15-12 of this Code, the City may use all available remedies to secure compliance and payment, except where limited or prohibited by law.

(Code 1984, § 9-1-54; Ord. No. 03-15, § 1(9-1-54), eff. 3-5-2015)

Secs. 8-15-50—8-15-80. - Reserved.

### DIVISION 3. - REQUIREMENTS FOR RENTAL PROPERTY

#### Subdivision A. - In General

Sec. 8-15-81. - Registration of rental property.

- (a) The owners or agents of rental property shall register all such dwellings with the Buildings, Safety Engineering, and Environmental Department and obtain a Certificate of Registration of Rental Property as provided for in this section. Application for the Certificate of Registration of Rental Property shall be made on forms provided by the Department and shall contain:
  - (1) The location and use of the rental property;
  - (2) The name, address, telephone number, and, if an individual, the driver's license number or state identification number of the rental property owner applicant, and, if a corporation or other legal entity, the name and address of the resident agent;
  - (3) Information listed in Subsection (a)(2) of this section for each partner, corporate officer, or any other person having any interest in the rental property;

- (4) The names, addresses, and telephone numbers of any persons or firms, other than the owner or owners, who are responsible for property maintenance, or a person who is a caretaker of the rental property pursuant to Section 8-15-84 of this Code; and
  - (5) Whether the rental property is listed on the lead safe housing registry established under Section 5474b of the Michigan Lead Abatement Act, Part 54A of the Michigan Health Code, being MCL 333.5457b.
- (b) It shall be unlawful for any person to provide false information on an application for a Certificate of Registration of Rental Property required by this section.
  - (c) Certificates of Registration of Rental Property shall be renewed on the date established by the Buildings, Safety Engineering and Environmental Department according to the following schedule:
    - (1) Subject to Subsection (c)(2) of this section, if an owner has owned a rental property since January 1 of the preceding calendar year and, since January 1 of the preceding calendar year:
      - a. Has remained current on all taxes associated with that property; and
      - b. Has been issued no notices for violations of this article associated with the property, the owner's Certificate of Registration of Rental Property shall thereafter be renewed once every three years if the rental property is a one- or two-family dwelling, or once every two years if the rental property is other than a one- or two-family dwelling.
    - (2) An owner in violation of any of the conditions set forth in Subsection (c)(1)a, or (c)(1)b, of this section shall renew annually the Certificate of Registration for that property for three years.
    - (3) In all other circumstances, the owner's Certificate of Registration shall be renewed annually.
  - (d) The Buildings, Safety Engineering and Environmental Department shall maintain a registry of owners and rental property governed by this section. The Department may combine this registry with the registry required by Section 8-15-82(c) of this Code.
  - (e) Where rental property required to be registered under this section is sold or otherwise transferred to a new owner, the Certificate of Registration of Rental Property issued the previous owner shall expire on the date of the sale or transfer and, within 90 days after the sale or transfer of the rental property, the new owner shall apply for a Certificate of Registration in the manner prescribed in this section.

(Code 1984, § 9-1-81; Ord. No. 18-03, § 1(9-1-81), eff. 7-18-2003; Ord. No. 29-09, § 1(9-1-81), eff. 1-1-2010; Ord. No. 33-17, § 1(9-1-81), eff. 11-24-2017)

Sec. 8-15-82. - Inspection of registered rental property; Certificate of Compliance required; registry of Certificates of Compliance for rental properties; violations; occupancy.

- (a) The Building Official shall cause an inspection to be made of all rental property required to have a Certificate of Registration of Rental Property under Section 8-15-81 of this Code according to the schedule for registration renewal in Subsection (c) of the section. Each inspection shall strictly conform to Section 8-15-34(b) of this Code.
- (b) The Buildings, Safety Engineering, and Environmental Department shall issue a Certificate of Compliance for a rental property where the Department determines that the owner and the rental property, its units, accessory structures and the premises, including exterior areas, comply with the standards and requirements of this article.
- (c) The Buildings, Safety Engineering, and Environmental Department shall maintain a registry of all rental properties for which a Certificate of Compliance has been issued, and shall make the registry available on the City's website. The Department may combine this registry with the registry required by Section 8-15-81(d) of the City Code.



- (d) Notwithstanding Section 8-15-35(d) of this Code, and subject to Subsections (e) and (f) of this section, it shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to collect rent from a tenant for occupancy of a rental property, during or for any time in which there is not a valid Certificate of Compliance for the rental property. Tenants of an occupied rental property that lacks a Certificate of Compliance shall pay the rent that would otherwise have been due into an escrow account, which is established by the Buildings, Safety Engineering, and Environmental Department with a third-party financial institution. If the owner of the rental property obtains a Certificate of Compliance within the first 90 days in which payments are made into the escrow account, the rent in the escrow account shall be paid to the owner, less the actual administrative fee charged by the third-party financial institution. If the owner fails to obtain a Certificate of Compliance within those first 90 days, the rent in the escrow account shall be paid, at the end of those 90 days, to the tenant, less the actual administrative fee charged by the third-party financial institution. Thereafter, the tenant shall continue paying rent into the escrow account until the owner obtains a Certificate of Compliance. At the end of every 60 days in which the owner fails to obtain a Certificate of Compliance, the rent in the escrow account shall be paid to the tenant, less the actual administrative fee charged by the third-party financial institution. If the owner of the rental property obtains a Certificate of Compliance, all rent accrued in the escrow account shall be paid to the owner, less the actual administrative fee charged by the third-party financial institution. Nothing in this article shall be construed to permit eviction of an existing tenant from a rental property or to deprive existing tenants of their rights to possession of a rental property under the laws of this state and this Code, and such existing tenants shall have a right under the this Code to retain possession of a rental property notwithstanding an owner's inability to collect rent from such tenants pursuant to this subsection.
- (e) A tenant who retains possession of a rental property under Subsection (d) of this section, notwithstanding an owner's inability to collect rent, may nevertheless be evicted if an owner establishes that the tenant is subject to eviction for reasons other than non-payment of rent.
- (f) Section 8-15-35(d) of this Code shall not be construed to penalize the tenant or occupant of a rental property for occupancy of a rental property that does not have a valid Certificate of Compliance except as set forth in this subsection. Notwithstanding Subsection (d) of this section, where an inspection of a rental property or a notice of suspension or denial of a Certificate of Compliance states that there is an immediate danger due to a violation or violations of this article or other applicable laws, codes or regulations, the dwelling may be ordered immediately vacated by the Building Official, or his or her designee, and any occupancy shall thereafter be unlawful.
- (g) It shall be unlawful for the owner of a rental property on which the original construction was completed prior to January 1, 1978 and required to be registered pursuant to Section 8-15-81 of this Code to allow the rental property to be occupied without a lead-clearance report being obtained and provided to the Buildings, Safety Engineering, and Environmental Department in accordance with Subdivision B of this division, provided, that the owner shall not be required to obtain a lead clearance until the next-prescribed annual inspection date for the owner for the rental property occurring after the effective date of this section, which was November 24, 2017.
- (h) Nothing in this section shall be interpreted as limiting or controlling the amount of rent an owner may charge to a tenant pursuant to a lawful agreement with the tenant.
- (i) Subsection (d) of this section shall take effect by ZIP Code according to a schedule promulgated by the Director of the Buildings, Safety Engineering, and Environmental Department and posted on the City's website. Such schedule shall be promulgated no later than 60 days following the effective date of this subsection, which was November 24, 2017, and may thereafter be amended periodically at the discretion of the Director of the Buildings, Safety Engineering, and Environmental Department.
- (j) In each of the five years following the effective date of this subsection, which was November 24, 2017, the Buildings, Safety Engineering, and Environmental Department shall provide the City Council with a report outlining the state of rental housing in the City. The report shall include, by ZIP Code, the number and percentage of registered rental properties that are currently occupied, the percentage of residents who are renters, the average monthly income and average household size of renters, and the number and percentage of registered rental properties that lack a Certificate of

Compliance. In addition, the report shall include, by ZIP Code, the median income of rental-property owners who are individuals, the average percentage of individual rental-property owner's income that is attributable to the owner's rental-property portfolio, the average number of rental properties in each owner's rental-property portfolio, and the average yearly profit on rental properties that are one-family dwellings, two-family dwellings, and multi-family dwellings. Further, the report shall include the average costs during the preceding year that rental-property owners expended to bring their properties into compliance with this article. Where practicable, the report shall break down such repair costs according to the type of repair made, and according to the type of rental property: one-family, two-family, and multi-family. Any report issued pursuant to this subsection shall include United States Census data regarding the demographics of each ZIP Code subject to the report. When preparing reports pursuant to this subsection, the Buildings, Safety Engineering, and Environmental Department may use any data source, including, but not limited to, surveys of property owners and tenants. The first report under this subsection shall be made no later than one year following the effective date of this subsection, which was November 24, 2017.

(Code 1984, § 9-1-82; Ord. No. 18-03, § 1(9-1-82), eff. 7-18-2003; Ord. No. 29-09, § 1(9-1-82), eff. 1-1-2010; Ord. No. 33-17, § 1(9-1-82), eff. 11-24-2017; Ord. No. 15-18, § 1(9-1-82), eff. 1-1-2013)

Sec. 8-15-83. - Lead inspection; risk assessment, lead clearance; when required.

- (a) *Lead inspection upon registration; risk assessment upon change of tenant.* An owner shall have a lead inspection performed on a rental property in accordance with Subdivision B of this division whenever an owner registers a rental property for the first time in accordance with Section 8-15-81 of this Code. If the lead inspection reveals a lead-based paint hazard, a risk assessment shall be performed as well. Thereafter, until such time as all lead paint is removed from the rental property in accordance with Subsection (e) of this section, a risk assessment shall be performed on the rental property each time a new tenant occupies the property, provided, that an owner shall not be obligated to have more than one lead inspection/risk assessment performed on a property in accordance with this subsection per calendar year.
- (b) *Inspections after interim controls.* Where interim controls were used to reduce lead-based paint hazards in a rental property, as prescribed in Subdivision B of this division, or where a lead inspection reveals the presence of lead paint on the rental property, the owner shall have an annual risk assessment performed on the rental property, and obtain an annual lead-clearance report in accordance with this section.
- (c) *Inspections after abatement by encapsulation.* Where abatement was used to remove all identified lead paint hazards, as prescribed in Subdivision B of this division, by permanent encapsulation of lead-based paint and permanent covering of soil lead hazards, as indicated in the post-remedy clearance report, the owner shall have a risk assessment performed on the rental property every two years, and the lead clearance report shall be valid for two years. If, as a result of such risk assessment, it is determined that the lead-based paint hazard is no longer fully abated, the owner must immediately take any actions necessary to remedy the lead-based hazard pursuant to Section 8-15-93 of this Code, provided, that if an owner at any time becomes aware that the integrity of a permanent encapsulation or permanent covering of soil lead hazards may have been damaged, the owner must immediately schedule an inspection by a certified risk assessor and take any actions necessary to remedy the lead-based paint hazard pursuant to Section 8-15-93 of this Code.
- (d) *Inspections after abatement by enclosure.* Where abatement was used to remove all identified lead-based paint hazards, as prescribed in Subdivision B of this division, by permanent enclosure of lead-based paint, as indicated in the post-remedy clearance report, an owner shall have a visual inspection for risk assessment, as that term is defined in the Michigan Lead Abatement Act, Part 54A of the Michigan Public Health Code, being MCL 333.5451 through 333.5479, of the enclosure performed by a certified lead inspector or risk assessor no less than once every five years to ensure that the lead-based paint hazards remain fully abated. If, as a result of such visual inspection for risk

assessment, it is determined that the lead-based paint hazard is no longer fully abated, the owner must immediately take any actions necessary to remedy the lead-based paint hazard pursuant to Section 8-15-93 of this Code, provided, that if an owner at any time becomes aware that the integrity of a permanent enclosure may have been damaged, the owner must immediately schedule an inspection by a certified risk assessor and take any actions necessary to remedy the lead-based paint hazard pursuant to Section 8-15-93 of this Code.

- (e) *Inspections after abatement by removal or elimination.* Where all lead-based paint has been fully abated by removal or other permanent elimination from a rental property in accordance with the Michigan Lead Abatement Act, Part 54A of the Michigan Public Health Code, being MCL 333.5451 through 333.5479, as certified by a certified lead inspector or risk assessor, or where a certified lead inspector or risk assessor certified that no lead-based paint exists on a rental property, no further lead inspection, risk assessment, or lead clearance shall be required in order to obtain a Certificate of Compliance, or a Certificate of Registration of Rental Property, for the property.

(Code 1984, § 9-1-83; Ord. No. 18-03, § 1(9-1-83), eff. 7-18-2003; Ord. No. 29-09, § 1(9-1-83), eff. 1-1-2010; Ord. No. 33-17, § 1(9-1-83), eff. 11-24-2017)

Sec. 8-15-84. - Federal and other governmental agency inspections accepted.

Pursuant to Section 126(3) of the Michigan Housing Law, being MCL 125.526(3), the Buildings, Safety Engineering, and Environmental Department may accept inspections of one- or two-family dwellings, multiple dwellings, and rooming houses conducted by the United States Department of Housing and Urban Development under the Real Estate Assessment Center inspection process, or by other governmental agencies, so long as that inspection certifies that the properties inspected comply with the standards and requirements of this article.

(Code 1984, § 9-1-84; Ord. No. 33-17, § 1(9-1-84), eff. 11-24-2017; Ord. No. 40-18, § 1(9-1-84), eff. 2-6-2019)

Sec. 8-15-85. - Caretaker; responsible person; warning devices.

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

(Code 1984, § 9-1-85; Ord. No. 18-03, § 1(9-1-85), eff. 7-18-2003)

Secs. 8-15-86—8-15-90. - Reserved.

## Subdivision B. - Lead Clearance

### Sec. 8-15-91. - Purpose and intent; requirements.

- (a) For purposes of this subdivision, all paint on the interior or exterior of any residential rental property on which the original construction was completed prior to January 1, 1978, is presumed to be lead-based and that all windows and doors on homes constructed prior to January 1, 1978, are lead-based paint hazards unless they are replacement items that were manufactured after 1978 or unless a lead-based paint inspection is performed by a certified lead inspector who verifies they do not contain lead-based paint. The purpose and intent of this subdivision is to protect the health and welfare of children who occupy rental property that contains lead-based paint hazards since exposure to lead can cause serious problems for children, including learning problems, behavioral problems, and speech and language problems and statistics show that the highest percentage of young children with elevated blood levels in the City reside in rental property.
- (b) This subdivision sets forth the requirements for obtaining a lead clearance, which is required by this article prior to the occupancy of rental property. Owners of rental property shall have a lead inspection/risk assessment performed by a certified lead inspector/certified risk assessor to inspect for the presence of lead-based paint and lead-based paint hazards and, where lead-based paint hazards are present, the owner must correctly reduce and control hazards prior to families occupying the rental property.
- (c) The interior and exterior of any residential rental property, on which the original construction was completed prior to January 1, 1978, shall be maintained in a condition such that the paint does not become deteriorated paint as defined in Section 8-15-5 of this Code.

(Code 1984, § 9-1-91; Ord. No. 29-09, § 1(9-1-91), eff. 1-1-2010)

### Sec. 8-15-92. - Lead inspection and risk assessment, reports required.

- (a) The owner of rental property shall obtain a lead inspection, as defined in Section 8-15-7 of this Code, and a risk assessment, as defined in Section 8-15-8 of this Code, from a certified lead inspector and/or risk assessor in order to obtain a lead clearance as required by Section 8-15-83 of this Code.
- (b) The lead inspection report shall contain the following information:
  - (1) Date of the lead inspection;
  - (2) Address of the rental property, including apartment or dwelling unit number, where applicable;
  - (3) Date the rental property was built;
  - (4) Name, address and telephone number of the owner;
  - (5) Name, signature and certification number of each individual conducting testing on the rental property;
  - (6) Name, address and telephone number of the company employing the individual conducting the testing, where applicable;
  - (7) Each testing method, device and sampling procedure used for paint analysis, and where used, the serial number of any x-ray fluorescence lead testing device;
  - (8) Specific locations of each painted component tested for the presence of lead-based paint; and
  - (9) The result of the inspection in units of measure that match the type of sampling method used.
- (c) The risk assessment report shall contain the following information:
  - (1) Date of the risk assessment;

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

(Code 1984, § 9-1-92; Ord. No. 29-09, § 1(9-1-92), eff. 1-1-2010)

Sec. 8-15-93. - Remedy for lead-based paint hazards.

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

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

(Code 1984, § 9-1-93; Ord. No. 29-09, § 1(9-1-93), eff. 1-1-2010)

Sec. 8-15-94. - Post-remedy clearance report.

- (a) After lead abatement or interim controls are performed, the owner of rental property shall have a clearance examination on the property and obtain a post-remedy clearance report, as defined in Section 8-15-8 of this Code.
- (b) In order to obtain lead clearance for the rental property, the owner shall provide the post-remedy clearance report to the Buildings, Safety Engineering, and Environmental Department.

(Code 1984, § 9-1-94; Ord. No. 29-09, § 1(9-1-94), eff. 1-1-2010)

Sec. 8-15-95. - Requirement to avoid conflict of interest regarding lead-clearance inspection.

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

(Code 1984, § 9-1-95; Ord. No. 29-09, § 1(9-1-95), eff. 1-1-2010)

Sec. 8-15-96. - Occupant protection during abatement or interim controls.

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

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

- (7) A warning sign shall be posted at each entry to a room where abatement or interim controls are conducted when occupants are present, or at each main and secondary entryway to a building from which occupants have been relocated. Each warning sign shall be provided in the occupant's primary language.

(Code 1984, § 9-1-96; Ord. No. 29-09, § 1(9-1-96), eff. 1-1-2010)

Sec. 8-15-97. - Exterior abatement or interim controls, weather conditions.

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

(Code 1984, § 9-1-97; Ord. No. 29-09, § 1(9-1-97), eff. 1-1-2010)

Sec. 8-15-98. - Termination of tenancy to avoid compliance with this subdivision or retaliatory action prohibited.

- (a) An owner of rental property, or any person acting on the owner's behalf, shall not:
  - (1) Terminate, or cause to be terminated, the tenancy of any person for the purpose of avoiding compliance with any section of this subdivision; or
  - (2) Take any retaliatory action, as defined in Section 8-15-8 of this Code, toward a tenant who reports a suspected lead-based paint hazard to the owner or to the City.
- (b) Action by the rental property owner to achieve compliance with this subdivision shall not be deemed a basis for the modification or termination of a tenancy for the property.

(Code 1984, § 9-1-98; Ord. No. 29-09, § 1(9-1-98), eff. 1-1-2010)

Secs. 8-15-99—8-15-100. - Reserved.

#### DIVISION 4. - PROPERTY MAINTENANCE REQUIREMENTS

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

###### General Requirements

Sec. 8-15-101. - Accumulation of solid waste prohibited; owner; occupants.

- (a) All exterior of buildings, premises, and structures shall be maintained free from any accumulation of solid waste and be maintained in a clean, safe, and sanitary condition.
- (b) The occupant of the building, premises or structure shall keep that portion of the exterior area that is under the occupant's control in a clean, safe, and sanitary condition.
- (c) Solid waste shall be separated and stored in approved containers in accordance with the requirements of Chapter 42, Article II, of the 2019 Detroit City Code, which is enforced by the Department of Public Works.

(Code 1984, § 9-1-101; Ord. No. 18-03, § 1(9-1-101), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-101), eff. 12-1-2004)

Sec. 8-15-102. - Grading and drainage.

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

(Code 1984, § 9-1-102; Ord. No. 18-03, § 1(9-1-102), eff. 7-18-2003)

Sec. 8-15-103. - Driveways, parking spaces and lots, sidewalks, stairs, walkways, and similar areas of traverse; removal of snow and ice from sidewalks.

- (a) All driveways, parking spaces and lots, sidewalks, stairs, walkways, and similar areas of traverse shall be kept in a good repair, be maintained free from hazardous conditions, and be maintained to prevent the accumulation of stagnant water thereon.
- (b) All parking lots and parking areas shall be free of cracks and holes. Any cracks and holes shall be patched with approved like materials. All parking surfaces should be properly sealed. All commercial parking spaces should be striped and of sufficient width for the intended vehicles in accordance with Chapter 50 of the 2019 Detroit City Code, *Zoning*. All parking areas adjacent to public right of ways shall be separated by a minimum of bumper blocks pinned in place. All exterior lighting fixtures for parking areas shall be in good condition. All parking areas shall be maintained free of weeds and plant growth in excess of eight inches (204 mm) and of litter.
- (c) Snow or ice that has fallen or formed on any sidewalk in the front, rear, or on the sides of any house, premises, building or lot owned, occupied or controlled shall be removed within 24 hours after the snow or ice has fallen or formed, or a quantity of salt, sand, ash, or other approved materials applied to the snow or ice sufficient to render the sidewalk safe for persons to walk upon, provided, that snow or ice shall not be plowed, shoveled, brushed or piled from private properties, other than residential, onto the paved roadway of any City street or highway. Snow or ice plowed shoveled or brushed from any residential property or public sidewalk shall not be placed in any manner so as to interfere with public travel.

(Code 1984, § 9-1-103; Ord. No. 18-03, § 1(9-1-103), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-103), eff. 12-1-2004)

Sec. 8-15-104. - Weeds and plant growth.

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

(Code 1984, § 9-1-104; Ord. No. 18-03, § 1(9-1-104), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-104), eff. 12-1-2004)

Sec. 8-15-105. - Rodent control and harborage; storage and handling of items, certification of buildings where food or foodstuffs are stored or processed; alteration of buildings and ratproofing.

- (a) All buildings, premises, and structures and exterior property, including all vacant or unimproved property, shall be ratproofed and maintained in a ratproof condition and be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. The owner of



such building premises, structure, or exterior property shall be responsible for complying with the provisions of this section.

- (b) No building, premises, or structure shall be used for the storage or handling of solid waste, including debris, garbage, litter and rubbish, which provide a place for rodents to harbor.
- (c) All barrels, bottles, building materials, boxes, cans, cartons, containers, fabricated goods, food, foodstuff, junk, lumber, machinery, raw materials and similar things that may afford harborage or food for rats shall be kept, stored or handled in a manner or method approved by the Public Health Director.
- (d) Whenever there is a rat infestation in any building, open area or other premises, the occupants thereof and, in the case of a multiple dwelling, the owner thereof, shall immediately institute rat control and shall continuously maintain such measures until any such building, open area or other premises are declared by the Public Health Director to be free of rat infestation.
- (e) No building, or part thereof, shall be used as a place where food or foodstuff is stored, processed, prepared, manufactured, sold or offered for sale unless such building, or part thereof, is free from vermin and rodents. No license shall be issued for the storing, processing, preparing, manufacturing, selling or offering for sale of any food, foodstuff or food products until the applicant therefor secures approval or a certification from the Public Health Director that the place where such operation is to be conducted is of ratproof construction or has been rendered ratproof.
- (f) Owners, occupants, contractors, employees or agents of public utilities or any other persons, who make alterations, additions, extensions, enlargements or repairs or in the installation of wires, conduits, pipes or other installations or for any other purpose, shall not remove or fail to restore in like condition the ratproofing from any building or to make new openings therein that are not ratproofed.
- (g) A person shall not feed wild birds other than from approved food containers, which shall be elevated at least 48 inches above ground level.

(Code 1984, § 9-1-105; Ord. No. 18-03, § 1(9-1-105), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-105), eff. 12-1-2004)

Sec. 8-15-106. - Exhaust vents and other means.

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

(Code 1984, § 9-1-106; Ord. No. 18-03, § 1(9-1-106), eff. 7-18-2003)

Sec. 8-15-107. - Accessory structures.

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

(Code 1984, § 9-1-107; Ord. No. 18-03, § 1(9-1-107), eff. 7-18-2003)

Sec. 8-15-108. - Fences.

Fences shall be maintained in good repair.

(Code 1984, § 9-1-108; Ord. No. 18-03, § 1(9-1-108), eff. 7-18-2003)

Sec. 8-15-109. - Swimming pools.

- (a) Swimming pools shall:
  - (1) Be entirely enclosed by a wire-mesh or other-type fence, which is at least four feet in height and prevents direct access to the pool;
  - (2) Have a self-closing and self-latching gate maintained in good repair, provided, that the gate will positively close and latch when released from a still position of six inches (152 mm);
  - (3) Be equipped with a properly maintained water filtration device.
- (b) In-grade swimming pools shall be equipped and maintained with adequate underwater lighting to render visible all areas of the pool floor and walls.
- (c) Swimming pools shall be maintained in a clean and sanitary condition.
- (d) Swimming pools that are not in use shall be completely drained of all standing water, and either have a permanent cover installed or be completely filled in with Grade A soil or sand.

(Code 1984, § 9-1-109; Ord. No. 18-03, § 1(9-1-109), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-109), eff. 12-1-2004)

Sec. 8-15-110. - Inoperable motor vehicles; painting of vehicles.

- (a) Except as provided for in other provisions of the 2019 Detroit City Code, it shall be unlawful to keep, park, or store inoperative or unlicensed motor vehicles on any premises or property, including any motor vehicle which is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, provided, that an individual may perform mechanical work on one motor vehicle on the premises or property as long as such work is performed inside a garage or other enclosed structure, or area designed and approved for such purposes.
- (b) It shall be unlawful to paint any motor vehicle on the premises or property unless such activity is permitted on the premises or property by Chapter 50 of the 2019 Detroit City Code, *Zoning*, and such activity is conducted within an approved spray booth that is contained entirely inside an enclosed building.

(Code 1984, § 9-1-110; Ord. No. 18-03, § 1(9-1-110), eff. 7-18-2003)

Sec. 8-15-111. - Graffiti and defacement; duty to remove.

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

(Code 1984, § 9-1-111; Ord. No. 18-03, § 1(9-1-111), eff. 7-18-2003)

Sec. 8-15-112. - Recreation equipment and furniture.

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

(Code 1984, § 9-1-112; Ord. No. 18-03, § 1(9-1-112), eff. 7-18-2003)

Sec. 8-15-113. - Minimum requirements for vacant buildings and structures.

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

- (1) All grass and weeds on the premises, including grass and weeds that abut sidewalks, gutters and alleys, shall not be permitted to grow more than eight inches in height;
- (2) All dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises;
- (3) The interior walkway leading to the main entry door, and any public sidewalk adjoining the lot, shall be cleared and remain free of snow;
- (4) Debris, garbage, litter, rubbish, or any solid waste that creates a health, safety or fire hazard, including, but not limited to, any mail or flyers which have been delivered to the building or structure, shall not be permitted to accumulate on any portion of the exterior lot of the building or structure;
- (5) Foundations, basements, cellars, and crawl spaces shall be maintained in sound and watertight condition, shall be adequate to support the building or structure, and shall protect against the entry of rodents or other animals;
- (6) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition, which might allow rain or dampness to enter the interior portions of the walls or the interior spaces, and shall protect against the entry of rodents or other animals;
- (7) Peeling paint shall be removed from all exterior surfaces of any building or structure;
- (8) Exterior windows and doors shall be maintained in sound condition and good repair. Windows and doors shall fit tightly within their frames and the frames shall be constructed and maintained in relation to the adjacent wall construction so as to prevent rain or dampness from entering the building or structure. Any window that is broken, cracked or missing glass or glazing shall be replaced and maintained in good repair, or the opening for the building or structure shall otherwise be adequately secured pursuant to this section;
- (9) All exit areas shall have continuous exterior lighting from dusk to dawn, provided, that the normal intensity of lighting shall be not less than two footcandles per square foot on the floor surfaces, within an eight-foot radius around said exit and shall shine away from adjacent properties. This requirement may be met by the use of battery-powered or solar-powered lighting where such lighting meets the performance standards set by this subsection;
- (10) As applicable, all openings of a building or structure shall be closed and secured using secure doors, glazed windows, commercial-quality steel security panels, or filled with like-kind material as the surrounding wall to prevent entry by unauthorized persons and, except as authorized by Subsection (11) of this section, the use of plywood is prohibited. All barricades shall be secured to the building or structure in such a manner that entry to the building or structure through the barricade is not possible, unless the barricade has a lock device and is designed to be opened and closed to allow for authorized or legal access to the building or structure;
- (11) Openings that are less than one square foot in area and higher than eight feet above the ground may be boarded with plywood, provided, that the plywood is made weathertight and finished with varnish, or paint of a similar color to the exterior wall, and cut to the inside dimension of the exterior of the opening, and otherwise secured in the manner prescribed by the Buildings, Safety Engineering, and Environmental Department; and
- (12) At least one entrance to the building or structure shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons. A minimum of two

exit doors shall be available to exit from the interior of the building or structure, with at least one exit door available per 150 linear feet or horizontal travel at ground-floor level.

(Code 1984, § 9-1-113; Ord. No. 11-10, § 1(9-1-113), eff. 8-6-2010)

Secs. 8-15-114— 8-15-200. - Reserved.

#### Exteriors of Buildings, Premises, and Structures

Sec. 8-15-201. - General.

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

(Code 1984, § 9-1-201; Ord. No. 18-03, § 1(9-1-201), eff. 7-18-2003)

Sec. 8-15-202. - Building identification.

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

(Code 1984, § 9-1-202; Ord. No. 18-03, § 1(9-1-202), eff. 7-18-2003)

Sec. 8-15-203. - Structural members.

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

(Code 1984, § 9-1-203; Ord. No. 18-03, § 1(9-1-203), eff. 7-18-2003)

Sec. 8-15-204. - Foundation walls.

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

(Code 1984, § 9-1-204; Ord. No. 18-03, § 1(9-1-204), eff. 7-18-2003)

Sec. 8-15-205. - Exterior walls.

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

(Code 1984, § 9-1-205; Ord. No. 18-03, § 1(9-1-205), eff. 7-18-2003)

Sec. 8-15-206. - Roofs and drainage.

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

(Code 1984, § 9-1-206; Ord. No. 18-03, § 1(9-1-206), eff. 7-18-2003)

Sec. 8-15-207. - Decorative features.

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

(Code 1984, § 9-1-207; Ord. No. 18-03, § 1(9-1-207), eff. 7-18-2003)

Sec. 8-15-208. - Overhang extensions.

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

(Code 1984, § 9-1-208; Ord. No. 18-03, § 1(9-1-208), eff. 7-18-2003)

Sec. 8-15-209. - Balconies, decks, porches, and stairways.

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

(Code 1984, § 9-1-209; Ord. No. 18-03, § 1(9-1-209), eff. 7-18-2003)

Sec. 8-15-210. - Chimneys and towers.

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

(Code 1984, § 9-1-210; Ord. No. 18-03, § 1(9-1-210), eff. 7-18-2003)

Sec. 8-15-211. - Handrails and guards.

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

(Code 1984, § 9-1-211; Ord. No. 18-03, § 1(9-1-211), eff. 7-18-2003)

Sec. 8-15-212. - Door, skylight, and window frames.

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

(Code 1984, § 9-1-212; Ord. No. 18-03, § 1(9-1-212), eff. 7-18-2003)

Sec. 8-15-213. - Glazing.

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

(Code 1984, § 9-1-213; Ord. No. 18-03, § 1(9-1-213), eff. 7-18-2003)

Sec. 8-15-214. - Openable windows.

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

(Code 1984, § 9-1-214; Ord. No. 18-03, § 1(9-1-214), eff. 7-18-2003)

Sec. 8-15-215. - Insect screens.

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

(Code 1984, § 9-1-215; Ord. No. 18-03, § 1(9-1-215), eff. 7-18-2003)

Sec. 8-15-216. - Doors.

All building or structure exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 8-15-309 of this Code.

(Code 1984, § 9-1-216; Ord. No. 18-03, § 1(9-1-216), eff. 7-18-2003)

Sec. 8-15-217. - Basement hatchways.

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

(Code 1984, § 9-1-217; Ord. No. 18-03, § 1(9-1-217), eff. 7-18-2003)

Sec. 8-15-218. - Guards for basement windows.

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

(Code 1984, § 9-1-218; Ord. No. 18-03, § 1(9-1-218), eff. 7-18-2003)

Sec. 8-15-219. - Mail receptacles.

- (a) The owner or agent of every multiple dwelling and/or residential hotel where the building has a common street entrance shall be responsible for installing and maintaining approved mail receptacles for each dwelling unit in accordance with the applicable U.S. Postal Service regulations.
- (b) Each individual receptacle in a multiple dwelling must be equipped with a full-length door through which the mail may be removed by the tenant. The doors of the mail receptacles shall be secured by key locks. A sufficient number of key changes must be used to prevent the opening of receptacles by the use of a key to another receptacle in the same dwelling or in the immediate locality. Locks for mail receptacles must be securely fastened to the door. Each lock shall be clearly numbered on the back so that, where a key is lost, a duplicate may be ordered by number.

(Code 1984, § 9-1-219; Ord. No. 18-03, § 1(9-1-219), eff. 7-18-2003)

Sec. 8-15-220. - Skirting for exterior openings.

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

(Code 1984, § 9-1-220; Ord. No. 18-03, § 1(9-1-220), eff. 7-18-2003)

Sec. 8-15-221. - Storage of certain items.

- (a) It shall be unlawful to store, outside a building, premises, or structure, items such as firewood that is not stacked and useable, construction material, excluding such material that is stored in a manner to protect its utility and prevent deterioration and that is reasonably expected to be used at the site, or any other items which are of a type or quantity inconsistent with the normal and usual use of the building, structure, or premises.

(b) Storage of firewood for domestic use on the premises shall be permitted where such wood is stored on a rack at least 18 inches above ground or in an alternate approved method to prevent the harborage of rats or other vermin.

(Code 1984, § 9-1-221; Ord. No. 18-03, § 1(9-1-221), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-221), eff. 12-1-2004)

Secs. 8-15-222—8-15-270. - Reserved.

Sign Maintenance<sup>91</sup>

Footnotes:

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**Cross reference**— Advertising generally, Ch. 4; regulation of business signs, § 4-4-1 et seq.

Sec. 8-15-271. - Maintenance required.

All signs exposed to public view shall be maintained in good repair. Any sign which has weathered or faded or upon which the paint has excessively peeled or cracked shall with its supporting members, be removed forthwith, or put into a good state of repair. Any nonoperative or broken electrical sign shall be repaired or shall, with its supporting members, be removed forthwith.

(Code 1964, § 3-4-1; Code 1984, § 3-5-2)

Sec. 8-15-272. - Obsolete signs to be removed.

Any sign now or hereafter existing which at the time of construction or installation advertised a business being conducted or a product being sold or produced on the premises on which the sign is located but no longer does so shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign shall be found within 30 days after written notice to remove such sign. Any such sign painted on the surface of building walls shall be removed or obliterated.

(Code 1964, § 3-4-2; Code 1984, § 3-5-3)

Sec. 8-15-273. - Unused roof sign bracing, anchorage, rods, and supports to be removed.

All bracing, anchorage, rods or supports for roof signs which do not have a permitted face shall be removed by the owner, agent or person having the beneficial use of the building, structure or premises upon which such bracing, anchorage, rods or supports shall be found within 30 days after written notice to remove such bracing, anchorage, rods or supports.

(Code 1964, § 3-4-3; Code 1984, § 3-5-4)

Secs. 8-15-274—8-15-300. - Reserved.

Subdivision B. - Requirements for Interiors of Buildings and Structures



## General

### Sec. 8-15-301. - General requirements for interior maintenance.

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

(Code 1984, § 9-1-301; Ord. No. 18-03, § 1(9-1-301), eff. 7-18-2003)

### Sec. 8-15-302. - Structural members.

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

(Code 1984, § 9-1-302; Ord. No. 18-03, § 1(9-1-302), eff. 7-18-2003)

### Sec. 8-15-303. - Interior surfaces.

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

(Code 1984, § 9-1-303; Ord. No. 18-03, § 1(9-1-303), eff. 7-18-2003)

### Sec. 8-15-304. - Stairs and other walking surfaces.

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

(Code 1984, § 9-1-304; Ord. No. 18-03, § 1(9-1-304), eff. 7-18-2003)

### Sec. 8-15-305. - Handrails and guards.

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

(Code 1984, § 9-1-305; Ord. No. 18-03, § 1(9-1-305), eff. 7-18-2003)

### Sec. 8-15-306. - Interior doors.

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

(Code 1984, § 9-1-306; Ord. No. 18-03, § 1(9-1-306), eff. 7-18-2003)

Sec. 8-15-307. - Means of egress generally.

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

(Code 1984, § 9-1-307; Ord. No. 18-03, § 1(9-1-307), eff. 7-18-2003)

Sec. 8-15-308. - Aisles.

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

(Code 1984, § 9-1-308; Ord. No. 18-03, § 1(9-1-308), eff. 7-18-2003)

Sec. 8-15-309. - 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, or special knowledge or effort, except where the door hardware conforms to that permitted by Chapter 8, Article II, of the 2019 Detroit City Code, *Building Code*.

(Code 1984, § 9-1-309; Ord. No. 18-03, § 1(9-1-309), eff. 7-18-2003)

Sec. 8-15-310. - Opening protectives.

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

(Code 1984, § 9-1-310; Ord. No. 18-03, § 1(9-1-310), eff. 7-18-2003)

Sec. 8-15-311. - Smoke detectors.

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

(Code 1984, § 9-1-311; Ord. No. 18-03, § 1(9-1-311), eff. 7-18-2003)

Sec. 8-15-312. - Protection of basements and cellars.

Every multiple dwelling having 20 or more sleeping rooms or sleeping accommodations for 40 or more persons and exceeding two stories in height and having a basement or cellar, the floor above which is not of fireproof construction, shall have its basement or cellar ceiling protected with metal lath and three-quarters of an inch of Portland cement or gypsum plaster, or fire-rated material of equal rating, or the basement or cellar shall be protected with an approved automatic, sprinkler system or an approved

self-supervised and property maintained automatic sprinkler system or an approved self-supervised and property maintained automatic fire-alarm system. The floor of the cellar or lowest floor in every dwelling shall be free from dampness and, when determined to be necessary by an authorized local official, shall be concreted with not less than three inches of concrete of good quality and with a finished surface.

(Code 1984, § 9-1-312; Ord. No. 18-03, § 1(9-1-312), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-312), eff. 12-1-2004)

Sec. 8-15-313. - Shafts and courts.

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

(Code 1984, § 9-1-313; Ord. No. 18-03, § 1(9-1-313), eff. 7-18-2003)

Sec. 8-15-314. - Access to roof.

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

(Code 1984, § 9-1-314; Ord. No. 18-03, § 1(9-1-314), eff. 7-18-2003)

Secs. 8-15-315—8-15-330. - Reserved.

Solid Waste<sup>[10]</sup>

Footnotes:

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**Cross reference**— Solid waste and illegal dumping, Ch. 42.

Sec. 8-15-331. - Accumulation of solid waste prohibited.

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

(Code 1984, § 9-1-331; Ord. No. 18-03, § 1(9-1-331), eff. 7-18-2003)

Sec. 8-15-332. - Disposal of domestic solid waste from buildings or structures.

- (a) All occupants of buildings and structures shall dispose of all domestic solid waste in a clean and sanitary manner.
- (b) Domestic solid waste shall be separated and stored in accordance with the requirements of Chapter 42, Article II, of the 2019 Detroit City Code, which is enforced by the Department of Public Works.

(Code 1984, § 9-1-332; Ord. No. 18-03, § 1(9-1-332), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-332), eff. 12-1-2004)

Sec. 8-15-333. - Disposal of commercial solid waste by commercial establishments.

The owner or operator of every commercial establishment that produces commercial solid waste shall separate and store such solid waste in accordance with the requirements of Chapter 42, Article II, of the 2019 Detroit City Code, which is enforced by the Department of Public Works.

(Code 1984, § 9-1-333; Ord. No. 18-03, § 1(9-1-333), eff. 7-18-2003; Ord. No. 36-04, § 1(9-1-333), eff. 12-1-2004)

Secs. 8-15-334—8-15-350. - Reserved.

Examination

Sec. 8-15-351. - Buildings and structures to be free from infestation; prompt and approved action required to prevent infestation and re-infestation.

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

(Code 1984, § 9-1-351; Ord. No. 18-03, § 1(9-1-351), eff. 7-18-2003; Ord. No. 17-11, § 1(9-1-351), eff. 7-29-2011)

Sec. 8-15-352. - Owner responsible for extermination prior to renting or leasing.

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

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

(Code 1984, § 9-1-352; Ord. No. 18-03, § 1(9-1-352), eff. 7-18-2003; Ord. No. 17-11, § 1(9-1-352), eff. 7-29-2011)

Sec. 8-15-353. - Responsibility of single occupant; exception for defects in building or structure.

Except for the control of bed bugs, which is prescribed by Article VII of Chapter 22 of the 2019 Detroit City Code, *Housing*, the occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination within the building or structure, provided, that where infestation is caused by defects in the building or structure, the owner shall be responsible for extermination.

(Code 1984, § 9-1-353; Ord. No. 18-03, § 1(9-1-353), eff. 7-18-2003; Ord. No. 17-11, § 1(9-1-353), eff. 7-29-2011; Ord. No. 35-18, § 1(9-1-353), eff. 12-6-2018)

Sec. 8-15-354. - Multiple occupancy; owner to post or distribute information concerning infestation and extermination; responsibility for extermination; remedy for uncooperative occupant; owner to provide documentation to Buildings, Safety Engineering, and Environmental Department concerning resolution of vermin complaints.

Except for the control of bed bugs, which is prescribed by Article VII of Chapter 22 of the 2019 Detroit City Code, *Housing*, the owner of a building or structure that contains two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure:

- (1) Shall permanently affix in a common area of the building or structure a poster, which contains information concerning infestation and extermination, or distribute a pamphlet, which shall be printed from the Buildings, Safety Engineering, and Environmental Department Website, while documenting the distribution of the pamphlet to an adult occupant of each dwelling unit;
- (2) Shall be responsible for extermination in all areas of the building or structure and exterior property, provided, that, where an occupant fails to cooperate, the City may obtain entry to the dwelling unit in accordance with Section 8-15-34 of this Code; and
- (3) Shall provide to the Buildings, Safety Engineering, and Environmental Department documentation, which verifies that a complaint concerning vermin in a dwelling unit has been resolved and contains:
  - a. The location of the dwelling unit;
  - b. The name and state license number of the exterminator;
  - c. The printed name and signature of the occupant of the dwelling unit or their respective representative;
  - d. The printed name and signature of the owner of the dwelling unit or their respective representative; and
  - e. The printed name of any association, which represents the occupant of the dwelling unit along with the printed name and signature of a representative of the association.

(Code 1984, § 9-1-354; Ord. No. 18-03, § 1(9-1-354), eff. 7-18-2003; Ord. No. 17-11, § 1(9-1-354), eff. 7-29-2011; Ord. No. 35-18, § 1(9-1-354), eff. 12-6-2018)

Secs. 8-15-355—8-15-370. - Reserved.

#### Light and Ventilation Requirements

Sec. 8-15-371. - Scope.

The provisions of this part shall govern the minimum conditions and standards for light, ventilation, and space for occupying buildings and structures.

(Code 1984, § 9-1-371; Ord. No. 18-03, § 1(9-1-371), eff. 7-18-2003)

Sec. 8-15-372. - Responsibility.

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

(Code 1984, § 9-1-372; Ord. No. 18-03, § 1(9-1-372), eff. 7-18-2003)

Sec. 8-15-373. - Lighting for common halls and stairways.

All common halls and stairways in residential buildings, other than in one- and two-family dwellings, shall be lighted at all times. In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times.

(Code 1984, § 9-1-375; Ord. No. 18-03, § 1(9-1-375), eff. 7-18-2003)

Sec. 8-15-374. - Lighting for other spaces.

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

(Code 1984, § 9-1-376; Ord. No. 18-03, § 1(9-1-376), eff. 7-18-2003)

Sec. 8-15-375. - Cooking facilities.

Unless approved in the Certificate of Occupancy issued by the Buildings, Safety Engineering, and Environmental Department for the building or structure, the cooking of food is prohibited in any dormitory unit or rooming unit. Cooking appliances or facilities are prohibited in a dormitory unit or rooming unit, except where specifically approved, in writing, by the Building Official.

(Code 1984, § 9-1-379; Ord. No. 18-03, § 1(9-1-379), eff. 7-18-2003)

Sec. 8-15-376. - Use of kitchen.

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

(Code 1984, § 9-1-380; Ord. No. 18-03, § 1(9-1-380), eff. 7-18-2003)

Secs. 8-15-377—8-15-400. - Reserved.

Occupancy Requirements

Sec. 8-15-401. - Emergency escape openings.

In sleeping areas, at least one window shall be operational and accessible from inside the room without the use of keys or tools to provide for emergency escape and rescue. Bars, grates, grilles, or similar devices are permitted to be placed over emergency escape and rescue openings, and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

(Code 1984, § 9-1-405; Ord. No. 18-03, § 1(9-1-405), eff. 7-18-2003)

Sec. 8-15-402. - Prohibited occupancy.

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

(Code 1984, § 9-1-406; Ord. No. 18-03, § 1(9-1-406), eff. 7-18-2003)

Sec. 8-15-403. - Food preparation.

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

(Code 1984, § 9-1-410; Ord. No. 18-03, § 1(9-1-410), eff. 7-18-2003)

Secs. 8-15-404—8-15-430. - Reserved.

Plumbing and Drainage Requirements

Sec. 8-15-431. - Scope.

The provisions of this part shall govern the facilities, fixtures, and systems for plumbing and drainage for buildings and structures.

(Code 1984, § 9-1-431; Ord. No. 18-03, § 1(9-1-431), eff. 7-18-2003)

Sec. 8-15-432. - Responsibility.

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

(Code 1984, § 9-1-432; Ord. No. 18-03, § 1(9-1-432), eff. 7-18-2003)

Sec. 8-15-433. - Installation and maintenance of plumbing fixtures.

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

(Code 1984, § 9-1-439; Ord. No. 18-03, § 1(9-1-439), eff. 7-18-2003)

Sec. 8-15-434. - Plumbing system drainage.

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

(Code 1984, § 9-1-440; Ord. No. 18-03, § 1(9-1-440), eff. 7-18-2003)

Sec. 8-15-435. - Water supply system for plumbing facilities and fixtures.

- (a) All bathtubs, drinking fountains, lavatories, showers, sinks, toilets and water closets, or other plumbing fixtures shall be properly connected to the public water system. All bathtubs, kitchen sinks, laundry facilities, lavatories, and showers shall be supplied with hot or tempered and cold running water.
- (b) The water supply system for a building or structure shall be maintained free from contamination.
- (c) The water supply system for a building or structure shall be maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures, devices, and appurtenances to function properly, safely, and free from defects and leaks.

(Code 1984, § 9-1-441; Ord. No. 18-03, § 1(9-1-441), eff. 7-18-2003)

Sec. 8-15-436. - Water heating facilities.

Water heating facilities for a building or structure shall be properly maintained and capable of providing an adequate amount of water to be drawn at all required bathtubs, laundry facilities, lavatories, showers, and sinks at a temperature of not less than 120 degrees Fahrenheit (49 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, bedroom, toilet room, or other occupied room.

(Code 1984, § 9-1-442; Ord. No. 18-03, § 1(9-1-442), eff. 7-18-2003)

Sec. 8-15-437. - Sanitary drainage system generally.

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

(Code 1984, § 9-1-443; Ord. No. 18-03, § 1(9-1-443), eff. 7-18-2003)

Sec. 8-15-438. - Plumbing or drainage system hazards; emergency orders.

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

(Code 1984, § 9-1-444; Ord. No. 18-03, § 1(9-1-444), eff. 7-18-2003)

Secs. 8-15-439—8-15-460. - Reserved.



## Mechanical and Electrical Requirements

### Sec. 8-15-461. - Scope.

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

(Code 1984, § 9-1-461; Ord. No. 18-03, § 1(9-1-461), eff. 7-18-2003)

### Sec. 8-15-462. - Responsibility.

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

(Code 1984, § 9-1-462; Ord. No. 18-03, § 1(9-1-462), eff. 7-18-2003)

### Sec. 8-15-463. - Heating facilities generally.

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

(Code 1984, § 9-1-463; Ord. No. 18-03, § 1(9-1-463), eff. 7-18-2003)

### Sec. 8-15-464. - Heating for residential dwellings; use of cooking appliances.

All dwellings shall be provided with mechanical heating facilities capable of maintaining a room temperature of 65 degrees Fahrenheit (18 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(Code 1984, § 9-1-464; Ord. No. 18-03, § 1(9-1-464), eff. 7-18-2003)

### Sec. 8-15-465. - Heating requirements for rental properties.

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

(Code 1984, § 9-1-465; Ord. No. 18-03, § 1(9-1-465), eff. 7-18-2003; Ord. No. 03-04, § 1(9-1-465), eff. 2-18-2004; Ord. No. 08-04, § 1, eff. 3-12-2004)

### Sec. 8-15-466. - Heating requirements for indoor work spaces for employees.

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

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

(Code 1984, § 9-1-466; Ord. No. 18-03, § 1(9-1-466), eff. 7-18-2003)

Sec. 8-15-467. - Room temperature measurement.

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

(Code 1984, § 9-1-467; Ord. No. 18-03, § 1(9-1-467), eff. 7-18-2003)

Sec. 8-15-468. - Mechanical appliances and equipment generally.

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

(Code 1984, § 9-1-468; Ord. No. 18-03, § 1(9-1-468), eff. 7-18-2003)

Sec. 8-15-469. - Removal and ventilation for mechanical appliances and equipment.

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

(Code 1984, § 9-1-469; Ord. No. 18-03, § 1(9-1-469), eff. 7-18-2003)

Sec. 8-15-470. - Clearances for mechanical appliances and equipment.

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

(Code 1984, § 9-1-470; Ord. No. 18-03, § 1(9-1-470), eff. 7-18-2003)

Sec. 8-15-471. - Safety controls for mechanical appliances and equipment.

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

(Code 1984, § 9-1-471; Ord. No. 18-03, § 1(9-1-471), eff. 7-18-2003)

Sec. 8-15-472. - Installation of electrical equipment generally.

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

(Code 1984, § 9-1-477; Ord. No. 18-03, § 1(9-1-477), eff. 7-18-2003)

Secs. 8-15-473—8-15-500. - Reserved.

#### Elevators, Escalators, Dumbwaiters, Moving Walks, Platform Lifts, Stairway Chairlifts and Duct Systems

Sec. 8-15-501. - General.

- (a) All elevators, escalators, dumbwaiters, moving walks, platform lifts, and stairway chairlifts in all buildings and structures shall be maintained in accordance with Chapter 8, Article IX, Division 5, of the 2019 Detroit City Code, *Detroit Elevator Code*.
- (b) A copy of the current Certificate of Registration shall be posted in accordance with Section 8-9-91(d) of the 2019 Detroit City Code.

(Code 1984, § 9-1-501; Ord. No. 18-03, § 1(9-1-501), eff. 7-18-2003)

Sec. 8-15-502. - Elevators.

In buildings or structures where passenger elevators are used, at least one passenger elevator, or one elevator in each bank or group of elevators, shall be maintained in operation at all times by the owner or manager when the building or structure is occupied, provided, that a building or structure equipped with only one elevator shall be permitted to have the elevator temporarily out of use for a reasonable amount of time for testing or servicing.

(Code 1984, § 9-1-502; Ord. No. 18-03, § 1(9-1-502), eff. 7-18-2003)

Sec. 8-15-503. - Duct systems.

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

(Code 1984, § 9-1-503; Ord. No. 18-03, § 1(9-1-503), eff. 7-18-2003)

Secs. 8-15-504—8-15-520. - Reserved.