

CHAPTER 7: HOUSING AND BUILDING

Article 1. CONSTRUCTION CODE

Section 7101. Exemption from Enforcement of State Building Code. Pursuant to MCL 125.1508(4), the City of Frankfort hereby reverses the election to enforce the State Construction Code, codified in Section 7101 of the 1982 Frankfort Municipal Code, and elects to have the County of Benzie administer the nationally recognized model codes adopted by the County, throughout the corporate limits of the City.

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Article 2. DANGEROUS BUILDINGS

Section 7201. Dangerous Building; Definition; Prohibition. No person shall keep or maintain a dangerous building. As used in this Article, "Dangerous Building" means any building or structure which has any of the following defects or is in any of the following conditions:

- (a) Whenever any door, aisle, passageway, stairway, or other means of exit does not conform to the fire code in effect in the City.
- (b) Whenever any portion has been damaged, or has settled, so that the structural strength, stability, or wind resistance is less than the minimum requirements of the State Construction Code, as amended, for the new building of similar construction.
- (c) Whenever because of deterioration, faulty construction, or because of the movement of earth necessary for support, any building, appurtenance, or portion thereof is likely to partially or completely collapse.
- (d) Whenever because of damage or deterioration, any building or portion thereof has become an attractive nuisance, a harbor for wild or stray domestic animals, or in such condition as to permit trespassers to enter.
- (e) Whenever any building or portion thereof, has, or is likely to become, a hazard to public health.
- (f) Whenever for any reason any building or portion thereof is unsafe for the purpose for which it is used.

Section 7202. Notice of Dangerous or Unsafe Conditions.

7202.1 Whenever any building or portion thereof is alleged to violate Section 7201, the Administrator may issue a notice of the dangerous and unsafe condition, which shall be served as provided in Section 1201 at least ten (10) days before the date set for hearing pursuant to 7202.3.

7202.2 The Zoning Board of Appeals of the City is hereby designated as the Construction Board of Appeals to hear all appeals from decisions of the Administrator under this Chapter. Such appeal shall be heard by a three-member panel of the Board of Appeals.

7202.3 The notice shall specify the time and place of a hearing before the Construction Board of Appeals of the City of Frankfort at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe. A copy of the notice shall be filed with the Construction Board of Appeals.

Section 7203. Hearings; Review by Council; Cost of Compliance as Lien; Collection.

7203.1. The Construction Board of Appeals shall take testimony of the Administrator, the owner of the property and any witnesses presented. The Construction Board of Appeals shall render its decision either dismissing the proceedings or ordering the building to be demolished or otherwise made safe.

7203.2. If it is determined by the Construction Board of Appeals that the building or structure should be demolished or otherwise made safe, it shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

7203.3. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the Construction Board of Appeals shall file a report of its findings and a copy of its order with Council and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the Construction Board of Appeals shall be served on the owner, agent or lessee as prescribed in Section 1201.

7203.4 The Council shall fix a date for hearing and shall give notice thereof as prescribed in Section 1201. At the hearing the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Council shall either approve, disapprove, or modify the order for the demolition or making safe of the building or structure. If the owner does not comply with the order, the Administrator shall carry out its terms after sixty days have elapsed.

7203.5 The entire cost of demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the City, who shall assess the cost against the property on which the building or structure is located.

7203.6 The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he or she fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the City, and the same shall be collected in the same manner as City property taxes.

Section 7204. Appeals. An owner aggrieved by any final decision or order of the Council under Section 7203 may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within 60 days from the date of the decision.

Section 7205. Additional Remedies. In addition to other remedies provided in Chapter 3 of this Code, the keeping or maintaining of a dangerous building is expressly declared to be a public nuisance and shall be subject to the remedies provided in Chapter 3, Article 4.

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Article 3. MINIMUM HOUSING STANDARDS

Section 7301. Definitions.

7301.1 "Accessory Structure" means a detached structure which is neither used nor intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.

7301.2 "Approved" means approved by the local or state official or agency having administrative authority to do so.

7301.3 "Dwelling" means a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

7301.4 "Dwelling unit" means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

7301.5 "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces, cellars and workshops, hobby and recreation areas in unheated or uninsulated parts of structures below ground level or in attics.

7301.6 "Multi-Family dwelling" means any dwelling or part thereof containing three or more dwelling units.

7301.7 "Occupant" means an individual, over one (1) year of age, living, sleeping, cooking or actually having possession of, a dwelling unit or a rooming unit.

7301.8 "Operator" means any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

7301.9 "Owner" means any person who, alone, jointly, or severally with others, holds legal or equitable title to any dwelling, rooming house, or dwelling unit.

7301.10 "Plumbing" means all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, and the installation thereof, together with all connection to water, sewer or gas lines.

7301.11 "Premises" means a lot, plot, or parcel of land including the buildings and structures thereof.

7301.12 "Rooming House" means any dwelling, or that part thereof containing one or more rooming units, in which space is let to three or more persons.

7301.13 "Rooming Unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

7301.14 "Supplied" means installed, furnished, or provided by the owner or operator at his/her expense.

7301.15 "Two-Family Dwelling" means any dwelling containing two dwelling units.

Section 7302. Minimum Standards for Occupancy.

No person shall occupy, or let to another for occupancy, any dwelling, dwelling unit or rooming unit which does not comply with the minimum standards contained in Sections 7303-7307.

Section 7303. Sanitation and Kitchen Facilities.

7301.1 Every dwelling unit shall contain within its walls:

- a) a room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet;
- b) a lavatory sink located in the same room as the water closet, or if in another room, in close proximity to the door leading into the room where the water closet is located;
- c) a room, separate from the habitable rooms, which affords privacy and which is equipped with a bathtub or shower;
- d) a kitchen sink; and
- e) a stove and refrigerator properly installed with all necessary connections, or sufficient space and connections for a stove and refrigerator.

7303.2 Every rooming house shall be equipped with at least one flush water closet, one lavatory sink, and one bathtub or shower for each six persons or fraction thereof living within the house, including members of the operator's family if they share the use of the facilities; provided that if rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the house in a room or rooms which:

- a) afford privacy and are separate from the habitable rooms;
- b) are accessible from a common hall; and
- c) are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

7303.3 Every kitchen sink, lavatory sink and bathtub or shower shall be in good working condition and properly connected to hot and cold water lines. The hot water lines shall be connected with supplied water heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required sink and bathtub or shower at a temperature of not less than 120°F. All plumbing fixtures shall be in good working condition and properly connected to an approved water system and to an approved sewer system.

Section 7304. Light, Ventilation and Heating.

7304.1 Every habitable room shall have at least one (1) window or skylight facing outdoors, provided that if connected to a room or area used seasonally (e.g., a porch) then adequate daylight must be possible through this inter-connection. The minimum total window or skylight area, for every habitable room shall be at least ten percent (10%) of the floor area of such room. If light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

7304.2 Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately provided that if connected to a room or area used seasonally then adequate ventilation must be possible through this inter-connection. The total of openable window or skylight area of every habitable room shall be equal to at least forty-five percent (45%) of the minimum window or skylight area size as required in Section 7304.1 of this Chapter, except where some other device is supplied which affords adequate ventilation and is approved by the administrator.

7304.3 Every bathroom and water closet compartment and non-habitable room used for food preparation shall comply with the light and ventilation requirement for habitable rooms contained in section 7304.1 and 7304.2, except that no window or skylight shall be required in such rooms, if they are equipped with a ventilation system in working condition, which is approved by the administrator.

7304.4 Each public hall and stairway in every two-family dwelling multi-family dwelling, and rooming house shall be adequately ventilated.

7304.5 Every dwelling unit and all public and common area shall be supplied with electric service and with outlets and fixtures which shall be properly installed, maintained in good working condition, and connected to a source of electric power in a manner prescribed by the ordinance, rules and regulations of the City. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

- a) Every habitable room shall be provided with not less than one duplex receptacle for each seventy-five (75) square feet of floor area, provided that each habitable room shall have at least two such receptacles. One ceiling or wall type lighting fixture may be substituted for not more than one receptacle.

- b) In kitchens, three (3) separate wall type duplex receptacles or two such receptacles and one ceiling or wall type lighting fixture shall be provided. One such receptacle in each kitchen shall be above the counter.
- c) Every public hall, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one duplex receptacle.

7304.6 Every public hall and stairway in every multiple-family dwelling shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least ten (10) foot candles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

7304.7 Every dwelling shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 68°F at a distance of three (3) feet above floor level when the temperature outside is 10°F below zero.

7304.8 No owner or occupant shall install, operate or use a heating device, including hot water heating units, employing the combustion of carbonaceous fuel which is not vented to the outside of the structure in an approved manner, and which is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed, and operated in such a manner as to minimize accidental burns.

Section 7305. Space and Occupancy.

7305.1 Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof, and one hundred (100) additional square feet for each additional occupant.

7305.2 In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes shall contain seventy (70) square feet of floor area for the first occupant and fifty (50) additional square feet for each additional occupant.

7305.3 Floor area shall be calculated on the basis of habitable room area. Closet and hall area, where provided, may count for not more than one-third (1/3) of the required floor area.

7305.4 The ceiling height of any habitable room shall be at least seventy (70) feet; except that in any habitable room under a sloping ceiling one-half (1/2) of the floor area may have a ceiling height of less than seven (7) feet but the floor area of such a room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining maximum permission occupancy.

7305.5 No space located partially below grade shall be used as a habitable room of a dwelling unit unless:

- a) The floor and walls are of waterproof and damp-proof construction
- b) The minimum window area is equal to at least that required in Section 7304.1 and such window area is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partly below grade, there be constructed a properly drained window well open area for the window; the bottom of the window well is below the top of the impervious masonry construction under the window, point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the masonry opening for the window.
- c) The total openable window area in each room is equal to at least the minimum as required under section 7304.2 of this Chapter, except where some other approved devices affording adequate ventilation and humidity control are supplied.
- d) There are no pipes, ducts, or other obstructions less than six (6) feet, eight (8) inches above the floor level which interfere with the normal use of the room or area.

Section 7306. Safe and Sanitary Maintenance of Structural Elements

7306.1 Every foundation, roof, and exterior wall, door, sky-light and window shall be reasonably weather-tight, water-tight, damp-free, and rodent proof and shall be kept in sound condition and good repair. Floors, interior walls, and ceilings, shall be sound and in good repair. All exterior wood surfaces, other than decay by paint or other protective covering or treatment. Toxic paint and materials, including lead base paint, shall not be used. Walls shall be capable of affording privacy for the occupants. Every premise shall be graded, drained, free of standing water, and maintained in a clean, sanitary and safe condition. Unless other provisions are made, gutters, leaders and down-spouts shall be provided and maintained in good working condition as to provide proper drainage of storm water.

7306.2 Every foundation, roof, floor, exterior, and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

7306.3 Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition.

7306.4 Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this Article, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the City and the State of Michigan.

7306.5 Accessory structures present or provided by the owner, agent or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay resistant materials or the use of paint or other preservations.

Section 7307. Responsibilities of Owners, Operators and Occupants

7307.1 Sanitation.

- a) Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he/she occupies and controls.
- b) Every owner or operator of a two-family dwelling, multi-family dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.
- c) Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment in a clean and sanitary condition.

7307.2 Removal of Waste Matter.

- a) Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant of a single family dwelling and every owner of a two-family or multi-family dwelling shall provide and maintain such facilities for each dwelling unit.
- b) The owner or operator of a multi-family dwelling shall supply and maintain common storage or disposal facilities and shall provide for weekly collection of all common garbage and rubbish containers.
- c) Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary.

7307.3 Extermination.

- a) Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests in the yard. In a two-family dwelling or a multi-family dwelling the occupant shall be responsible for such extermination whenever his/her dwelling unit is the only one infested; when, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.
- b) Every owner or operator shall be responsible for extermination of any insects or other pests whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multi-family dwelling.
- c) Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests in it or in the yard.

7307.4 Utilities. No owner, operator or occupant shall cause any service equipment or utility which is required by this code or by any other law to be removed, shut off or discontinued for any occupied dwelling let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

7307.5 Notice of Maximum Occupancy. Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under this ordinance.

Section 7308. Enforcement

7308.1 Any person who shall occupy or let to another for occupancy, any dwelling, dwelling unit or rooming unit which does not comply with this Chapter shall be guilty of a violation of this Code.

7308.2 The Administrator is hereby authorized to enter and inspect, during reasonable hours, all dwellings, dwelling units, rooming houses and rooming units, and the premises surrounding them located in the City for the purpose of determining whether there is compliance with the provisions of this Code whenever he/she has a valid reason to believe that a violation of this Chapter may exist. The Administrator and person in charge of the dwelling, dwelling unit, rooming unit, or rooming house may agree to any inspection by appointment at any time.

7308.3 The Administrator may enter and inspect, prior to occupancy, during reasonable hours, all new structures and additions to structures located within in the City of Frankfort to determine whether they comply with the provisions of this Article.

7308.4 If any owner, occupant, or other person in charge of a dwelling or dwelling unit fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this Section is sought to be made, the Administrator may petition for the issuance of an order from a court of competent jurisdiction directing compliance with the inspection requirements of this Section with respect to such dwelling units.

7308.5 Where the Administrator has probable cause to believe that an emergency exists, he/she may enter and inspect at any time, without presentation of a court order or other authorization, except his/her proper identification. Whenever, upon inspection the Administrator finds an emergency condition, an order may be issued, without notice, conference or hearing, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the condition. If the public health or safety require immediate action, the Administrator may act to correct or abate the condition pursuant to any or all civil remedies provided by this Code, or by other law. The reasonable actual costs of any such action may be charged against the owners of the premises, and may be collected by suit or in any other manner permitted by law.

7308.6 Whenever the Administrator determines that any dwelling, dwelling unit, rooming house, or the premises surrounding, fails to comply with the requirements of this Article, he/she may proceed as if the structure were a dangerous building within the meaning of Section 7203.6.

Section 7309. Variances

7309.1 The Construction Board of Appeals may grant specific variances from the dimensional density, or otherwise numerically specified standards of this Article, if and only if all of the following variance conditions are adhered to and at least one of the following special findings can be satisfied.

- a) Variance Conditions. All of the following conditions in the judgment of the Construction Board of Appeals, shall exist before any variance from this Article shall be granted. Any variance granted shall:
 1. Not be contrary to the public interest or the general intent and purpose of this Article.
 2. Not permit the establishment of a use, condition, or activity which is prohibited by another Chapter of this Code.
 3. Not be a variance so commonly recurring as to make reasonably practical the formulation of a general regulation by the Council.
 4. Not cause substantial adverse effect to properties located in the immediate vicinity where the variance is located.
 5. Relate only to property that is described in the application for the variance.
 6. Not be a variance such that an extension of time would provide an appropriate remedy in the case at hand.

- b) Special Findings. If all the foregoing variance conditions can be satisfied, a variance may be granted when the Construction Board of Appeals determines that any one of the following special findings can be determined:
 1. That there are practical difficulties or unnecessary hardships resulting from the physical characteristics of the property in question which make it unfeasible to carry out the strict letter of this Article. Increased financial return to the applicant shall not be considered just cause for a variation based upon hardship.
 2. That there are exceptional or extraordinary circumstances or conditions which apply to the property in question that do not apply to other housing properties in the vicinity of the variance and which have not resulted from any act of the applicant subsequent to the adoption of this Article.
 3. That such variation is necessary for the preservation of a substantial property right possessed by other housing properties within the vicinity.

- c) Conditions of Approval. In granting a variance, the Construction Board of Appeals may specify, in writing, such other conditions regarding the location, character, landscaping, or other treatment that will, in the Construction Board of Appeal's judgment, be reasonably necessary to the furtherance of the intent of this Article and the protection shall automatically invalidate the permit granted. Each variance granted under the provisions of

this Article shall become null and void after six (6) months unless the construction or occupancy authorized by such variance or permit has commenced and is being carried to completion.

7309.2 The procedure of obtaining a variance shall be the same as that for obtaining a variance from the zoning provisions of this code, except that Construction Board of Appeals shall be substituted for the Zoning Board of Appeals.