

(e) Where buildings are to be moved or reset upon the same lot, applications shall be made to the director of inspections who shall determine the requirements to protect all utilities on or in the vicinity of the parcel. The permit fee for moving the building shall not be required in such cases.

(f) When the moving of any building has been commenced it shall be diligently continued without interruption, so as not to become a hazard or unnecessarily impede or interfere with traffic upon any street, alley or public way.
(Code 1975, § 4-4; Code 2002, § 10-222)

Sec. 10-223. Compliance with applicable regulations.

No building shall be moved from one parcel to another unless such building complies with all applicable ordinances and codes after installation at the new site.
(Code 1975, § 4-5; Code 2002, § 10-223)

Sec. 10-224. Penalty.

Any person violating any of the provisions of this article shall be responsible for a municipal civil infraction.
(Code 1975, § 4-7; Code 2002, § 10-225)

Secs. 10-225—10-280. Reserved.

ARTICLE VI. PROPERTY MAINTENANCE
CODE

DIVISION 1. GENERALLY

Sec. 10-281. Definitions.

All words and phrases used in this article shall be given their common and normal meanings unless defined in this section. The words and phrases defined in this section shall be given the meaning indicated in the interpretation and enforcement of this chapter:

Abandoned dwelling means an unoccupied dwelling. Such dwelling is presumed to be abandoned if it is unoccupied for six months.

Accessory building or structure means a subordinate building or structure, the use of which is clearly incidental to that of the main building or to the use of the land.

Administrator means the person appointed by the city manager charged with the responsibility of administering the provisions of this article.

Animal means any living species other than a human, insect or plant.

Apartment means a dwelling unit located in a multifamily building.

Apartment house means a structure containing three or more dwelling units.

Basement means that portion of a building which is partially below and partially above grade and having at least one-half its height above grade.

Basic structural elements means the parts of a building or structure which provide the principal strength, stability, integrity, shape and safety, including, but not limited to, plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, foundation, masonry and all other essential components.

Building means any structure built for the support, shelter or enclosure of persons, chattels or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Building materials means, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing material, electrical wiring or equipment, heating equipment, including ducts, shingles, mortar, concrete or cement parts, screws, fence posts and fencing.

Cellar means that portion of a building which is partly or completely below grade, having at least one-half its height below grade.

Certificate of compliance means a certificate issued by the director of inspections stating that a structure or portion thereof complies with the requirements of the housing code and all other codes regulating the condition or use of property.

City means the municipal corporation that is the City of Muskegon, including all authorized agents when acting within the scope of their authority.

Deteriorate means to decay, decompose or degenerate.

Deterioration and *deteriorated* mean the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to, the advanced state of rot, rust, mold, insect infestation or destruction.

Dwelling means any building or structure occupied or intended to be occupied, in whole or in part, as a dwelling, residing place, living or sleeping space for one or more humans, whether permanently or transiently.

Dwelling unit means a building or structure or portion thereof designed for occupancy by one family for residential purposes as a single house-keeping unit.

Emergency means a condition of imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damage of real or personal property.

Family means a person living alone or two or more persons living together as a single house-keeping unit in a dwelling unit.

Finish surfaces means materials used for the final covering of basic structural elements. The term "finish surfaces" shall include, but not be limited to, ceilings, walls, wainscotting, kick boards, moulding stops and floor coverings.

Garbage means all rejected food wastes, refuse and animal or vegetable matter from any kitchen, market or store.

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

Good workmanship means completing a task of construction, repair or replacement to acceptable

industry standards using like materials so that the result is free of defects, operates as intended and creates no unsafe condition.

Guardrail means a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Guardrails shall be constructed in such a manner that a sphere six inches in diameter cannot pass through.

Habitable room means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility rooms and similar areas are not considered habitable rooms.

Hardware means and includes, but is not limited to, door handles, hinges, locks, shelving, cabinets and mirrors.

Hazardous means a condition which the administrator has determined to be likely to result in the death, injury or illness of a human or in severe damage to real or personal property.

Health officer means the director of the county health department or any of his authorized representatives.

Hot water means water heated to 120 degrees Fahrenheit temperature at the outlet.

Hotel dwelling means a dwelling containing hotel units. The term "hotel dwelling" shall include "motel."

Hotel unit means a room or group of rooms located within a dwelling which provides sleeping and bathroom accommodations for the exclusive use of a transient person or a transient family.

Housekeeping unit means a dwelling unit with common living quarters, including cooking, eating and sanitation facilities, under the control of a head of household who shall not receive compensation from other residents.

Inspector means a housing inspector or any other employee of the city whose responsibilities include the enforcement of the provisions of this article.

Interior fixtures means those interior items and hardware which provide customary finished amenities and protection within a dwelling. Interior fixtures shall include, but not be limited to, doors, doorknobs, latches, locks, hinges, handles, hooks, light fixtures, electric outlets or switch cover plates, vents or opening grates, railings, shelving, cabinetry and mirrors.

Junk means, but shall not be limited to, parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff materials of any kind whatsoever whether or not such materials could be put to any reasonable use.

Kitchenette means a room or portion of a room used for the preparation of food containing facilities and equipment provided for in this article and containing less than 70 square feet of floor area.

Nuisance means any public nuisance commonly known as law or equity.

Occupancy and *occupy* mean the fact or act of a human living or sleeping in a dwelling unit within a dwelling whether the human is physically present or temporarily absent.

Occupant means a human who occupies a dwelling or dwelling unit within a building or structure.

Open window area means the resulting square footage of open space to the outdoors when a window has been opened to its maximum distance as measured clear of the sash frame.

Owner and *ownership* mean any person whose name the property appears on the city's real property tax assessment records. The term "owner" shall also mean any person who, in fact, has been empowered to act on behalf of or as an agent of the owner.

Premises means any lot or parcel of land and the building located thereon.

Refuse means any waste product which is not water carried and which is composed wholly or partially of such material as garbage, rubbish, sweepings, industrial or domestic solid wastes,

organic wastes or such other substances as may become a nuisance. The term "domestic refuse" means refuse resulting from the usual routine of housekeeping and yard maintenance.

Rental dwelling means any dwelling building containing a dwelling unit, rooming unit or hotel unit which is not occupied by the owner.

Rented and *leased* mean to be legally occupied by a family.

Reside means to be domiciled.

Roomer means a person who is provided with living and sleeping quarters in a rooming dwelling or by a family within a dwelling unit occupied by a family but who is not provided with cooking facilities for the exclusive use of that person.

Rooming dwelling means a dwelling building, dormitory or institutional group quarter containing rooming units.

Rooming unit means a room or group of rooms located within a dwelling structure intended to accommodate roomers.

Rubbish means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, bedding, grocery, demolished building materials or litter of any kind that may be detrimental to public health or safety.

Secured building structure means any dwelling, building or structure with all of its exterior openings intact and locked and lockable (but not by temporarily securing), so as to prevent entrance thereto by vandals or unauthorized persons.

Structural alterations means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location of the ground.

Temporarily secured building /structure means any dwelling, building or structure having its

openings covered by boards of the materials, strength and appearance allowed by this section for a period not exceeding 180 consecutive days.

Tenant means any person other than a legal or equitable titleholder, occupying or possessing a dwelling or part thereof.

Unit means a collective term for any dwelling unit.

Unsafe means a condition which is reasonably likely to cause injury to people or property.

Vermin means rodents, birds and insects which are destructive of real or personal property or injurious to health.

Window area means the area of glazing of a window, including the area taken up by window-pane dividers.

Yard means the open spaces on the same lot as a building, unoccupied and unobstructed from the ground upward.

(Code 1975, § 4-62; Code 2002, § 10-281)

Sec. 10-282. Violations and penalties.

Any person who violates any provision of this article shall be responsible for a municipal civil infraction. Each day that a violation continues to exist may be charged as a separate municipal civil infraction which shall subject the violator to a separate civil fine and other penalties.

(Code 1975, § 4-79; Code 2002, § 10-282)

Sec. 10-283. Civil remedies for violation.

(a) In case any dwelling is maintained in violation of any provision of this article or of any order or notice given under this article, or in case a nuisance exists in any dwelling or upon the lot on which it is situated or within an accessory structure, the city, by and through the administrator, may institute an action in circuit court to prevent such unlawful maintenance; to restrain, correct or abate such violation or nuisance; to prevent the occupation of such dwelling, building or structure or to prevent any illegal act or conduct in such dwelling or lot. The procedure for such action shall be the same as for an injunction or abatement of a nuisance.

(b) The judgment of the court in such cause may direct the correction, repair or rehabilitation of the dwelling or building or the abatement of the nuisance, may authorize a reasonable time within which the defendant may make such correction or abatement and may authorize the city to execute and carry out the provisions of the judgment in case of default of the defendant. The judgment of the court may order the vacation of the premises until the corrections, rehabilitations or abatements are completed. Whenever the city has incurred any expense in the enforcement of this article or in obtaining a judgment of the court or if inspection fees are due, such expenses and fees may be recovered.

(c) The city shall have a lien upon the premises for all fees due and amounts expended to correct, repair, rehabilitate or abate a condition or nuisance thereon and for expenses necessarily incurred in the obtaining and executing of a judgment, which lien shall have priority over all other liens or encumbrances except taxes, assessments or mortgages recorded previous to the existence of such lien. Such lien may be enforced by levy as in the case of real property taxes, by personal action or judicial foreclosure. The lien shall be effective on the date billed by the city.

(d) In any action instituted by the city under this section, the city attorney may file in the office of the register of deeds of the county a notice of the pendency of the actions or proceedings. A notice may be filed at the time of the commencement of the action or proceeding or at any time thereafter before final judgment or order or at any time after the service of any notice or order issued by the city. The notice shall have the same force and effect as a *lis pendens*. Such notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending or by consent in writing of the city or the city attorney.

(Code 1975, § 4-78(16); Code 2002, § 10-283)

Sec. 10-284. Prosecution not delayed.

Nothing in this article shall delay or be a cause of terminating the prosecution of a defendant for failure to correct violations of this article noted in a final notice to repair or an emergency.

(Code 1975, § 4-78(17); Code 2002, § 10-284)

Sec. 10-285. Purpose; application of article.

(a) The purpose of this article is to protect the public health, safety and welfare in buildings intended for human habitation and accessory structures as hereafter provided by:

- (1) Establishing minimum standards for exterior property areas, exterior structures, interior structures, basic facilities, light and ventilation, occupancy requirements and fire safety. These standards are designed to be reasonably high but, at the same time, practical and attainable and should not be interpreted as a guarantee to the purchaser.
- (2) Fixing the responsibilities of owners, operators and occupants of every building or structure used or intended for commercial or residential use or occupancy, in whole or in part.
- (3) Providing for administration, enforcement and penalties.

(b) The provisions of this article shall apply to all existing structures. Any new building construction or additions to existing structures in the city must comply with the requirements of the state construction code, as amended. The minimum standards required under this article are designed to prevent fire hazard, structural deterioration, inadequate light, air and heat and unsanitary and overcrowded conditions which constitute a menace to the safety, health and welfare of the occupants or to the surrounding area.

(Code 1975, § 4-61(b); Code 2002, § 10-285)

Secs. 10-286—10-300. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Subdivision 1. In General

Sec. 10-301. Fees.

Fees for inspections, certifications, appeals and any activity of the city in administering or enforcing this article shall be determined by resolution of the city commission. Any fee which is unpaid

shall be a lien against the premises and collected as in the case of real property taxes or by foreclosure or by personal action.

(Code 1975, § 4-85; Code 2002, § 10-301)

Sec. 10-302. Enforcement; inspection.

(a) The standards of this article are to be enforced by the inspection of buildings, dwellings, the units within buildings, dwellings, accessory structures and yards.

(b) Inspections will be made to obtain and maintain compliance with the standards of this article based upon one or more of the following:

- (1) A complaint received by the city indicating that there is a violation of the standards of this article.
- (2) An observation by the city of a violation of the standards of this article.
- (3) A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire-damaged.
- (4) The registration and certification of a rental dwelling as required by section 10-351.
- (5) The need to determine compliance with a notice or an order issued by the city.
- (6) Designation by the city commission of an area where all buildings, dwellings, accessory buildings or yards are to be inspected uniformly or intensively or for specific violations.
- (7) An emergency observed or reasonably believed to exist.
- (8) A request for an inspection by an owner, occupant or responsible agent.
- (9) Requirements of law where a dwelling is to be demolished by the city or where ownership is to be transferred to the city.
- (10) Inspection prior to sales or transfers of dwelling units or residential properties having neighborhood enterprise zone certificates.