

ORDINANCE NO. 252

PROPERTY MAINTENANCE CODE

CHAPTER 1

An Ordinance to provide for minimum property maintenance standards in order to safeguard the health, safety, property and public welfare of the people and residents of the Charter Township of Bangor: to regulate and provide minimum standards for the occupancy, repair, alteration, maintenance and operation of all buildings and structures within the Charter Township of Bangor; to provide for the registration of non owner-occupied residences and housing units; to determine the responsibilities for the repair, alteration, maintenance and operation between the owners and occupants of non owner-occupied residences; to provide for the admission and enforcement of this ordinance; to provide for civil remedies and for penalties for the violation of this ordinance; and to provide for an appeal procedure for a person aggrieved by the enforcement of the ordinance. (Amended by Ord. 258 10/12/99)

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN HEREBY ORDAINS:

**SECTION 101
GENERAL**

101.1 Title. This ordinance shall be known and cited as the Property Maintenance code of the Charter Township of Bangor and is hereinafter referred to as "this Code".

101.2 Scope. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

**SECTION 102
APPLICABILITY**

102.1 General. The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current Charter Township of Bangor Building, Plumbing, Mechanical, Electrical Codes and Zoning Ordinance. Nothing in this Code shall be construed to cancel, modify or set aside any provision of any such code or ordinance. (Amended by Ord. 258 of 10/12/99)

102.4 Existing remedies. The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions or applicable codes.

102.6 Historic buildings. The provisions of this Code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this Code shall be those that are referenced in subsection 102.3 of this Code and as they may be amended from time to time and shall be considered part of the requirements of this Code to the prescribed extent of each reference. The provisions of the referenced standards shall apply. (Amended by Ord. 258 of 10/12/99)

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official.

103.2 Appointment. The Code Official shall be appointed by the Supervisor with consent of the Bangor Township Board; and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a Deputy Code Official, other related technical officers, inspectors and other employees.

103.4 Restriction of employees. An official or employee connected with the enforcement of this Code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section 110 of this Code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

103.5 Liability. The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.6 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be as set by resolution of the Bangor Township Board in accordance with Appendix A of this Code. (Amended by Ord. 258 of 10/12/99)

103.6.1 Rental Housing Registry. The Bangor Township Code Official shall maintain a registry of rental housing owners and premises. The owner(s) of any of the following types of housing: single-family dwelling; two-family dwelling; dormitory; multiple dwelling; dwelling unit or guest room in a lodging house, hotel or motel, multiple dwelling or rooming house; containing any units(s) which will be offered to any non-owner for occupancy, or to let, or to hire for dwelling purposes shall register their names and places of residence or usual places of business and the location of the premises regulated by this act with the Bangor Township code Official and pay a Rental Registration fee to the Bangor Township Treasurer. The owner(s) shall register within 60 days following the day on which any part of the premises is offered for occupancy. Owners of any housing units which are occupied or offered for occupancy at the time this subsection becomes effective shall register within 90 days after its effective date. If the premises are managed or operated by an agent, the agent's name and place of business shall be placed with the name of the owner in the registry. (Amended by Ord. 289 of 04/10/04)

103.7 Fee Schedule. The Charter Township of Bangor is hereby divided into ten districts as described in Appendix B of this Ordinance. Fees as set in Appendix A of this Code for rental housing facilities located in the districts shown in Appendix B shall be paid to the Township Treasurer before the corresponding dates shown and before that date and month of each year thereafter.

| | |
|-------------|-------------|
| District 1 | January 1 |
| District 2 | March 1 |
| District 3 | April 1 |
| District 4 | May 1 |
| District 5 | June 1 |
| District 6 | July 1 |
| District 7 | August 1 |
| District 8 | September 1 |
| District 9 | October 1 |
| District 10 | November 1 |

No portion of the fee shall be refunded or transferable.

Whenever ownership or control of a Rental Housing Facility commences after any payment period established above the fee shall be computed on a monthly pro-rata basis. No portion of the fee will be refunded. If ownership or control changes on a Rental Housing Facility currently registered the new owner shall file a notice or change with the Treasurer's Office and pay the fee.

103.8 Late Payment Fees. Whenever payment of the Rental Housing Registration Fee is not made to the Township Treasurer by the date required, a payment fee of 10% (ten percent) of the fee due (but not in excess of \$20.00) shall be assessed and added to the fee to cover the additional administrative handling costs. The original fees plus 10% or \$20.00, whichever is less, shall be paid to the Township Treasurer. An administrative handling fee of 10% or \$20.00 shall be added for each month or a fraction thereof the fee remains unpaid.

103.9 Fees For Failure to Make Required Corrections. Whenever any owner of property subject to the provisions of this chapter has been served a notice of violation of this Code and remedial action necessary to achieve compliance as indicated in the Section 106, has failed to effect such compliance as ordered by the time specified, a penalty fee, as indicated in Appendix A shall be assessed and shall be paid to the Township Treasurer within the time period indicated. Each subsequent additional failure to comply, after additional notices citing the same violations have been served, shall be subject to an additional penalty fee.

SECTION 104 DUTIES AND POWERS OF THE Code Official

104.1 General. The Code Official shall enforce the provisions of this Code.

104.2 Rule-making authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The Code Official shall inspect rental housing subject to registry on a periodic basis. Except where the most recent inspection of the premises found no violations of this Code, the period between inspections shall not be longer than two years. Where the most recent inspection found no violations, the maximum period between inspections may not exceed three years. Inspections shall be conducted to best secure compliance with this Code and appropriate to the needs of Bangor Township, including, but not limited to, on one or more of the following bases:

- (a) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously, or within a short period of time.
- (b) A complaint basis, such that complaints of violations will be inspected within a reasonable time.
- (c) A recurrent violation basis, such that those premises that are found to have a high incidence of recurrent or uncorrected violations will

be inspected more frequently.

Inspections shall be carried out by the Code Official, or by the Code Official and representatives of other agencies that form a team to undertake inspection under and other applicable codes. Except as provided below, Code Official, or team of inspectors, shall request and receive permission to enter before entering regulated premises at reasonable hours to undertake an inspection. In the case of an emergency, as defined under rules promulgated by the Code Official, or upon presentment of a search warrant, the Code Official or team of inspectors may enter at any time. Except in an emergency, before entering regulated premises, the owner shall request and obtain permission to enter. In the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time. The Code Official may require the owner of regulated premises to do one or more of the following:

- (a) Provide the Code Official access to the premises if a lease provides the owner right of entry.
- (b) Provide access to areas other than a leasehold or areas open to public view, or both.
- (c) Notify a tenant of the Code Official's request to inspect premises, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates premises after the Code Official has requested to inspect, an owner shall notify the Code Official of that fact within 10 days after the premises are vacated.
- (d) Provide for access to the premises if a tenant of such premises has made a complaint to the Code Official.

Fore multiple tenants in regulated premises, notifying at least 1 tenant and requesting and obtaining the permission of at least 1 tenant satisfies the requirement imposed on the Code Official to obtain permission and on the owner to comply with requirements of the Code Official, above. The Code Official shall not discriminate against an owner who has complied with the Code Official's requirements, but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain that permission. Bangor Township may establish and charge a reasonable fee for inspections conducted under this Code. The fee shall not exceed the actual, reasonable cost of providing the inspection for which the fee is charged. (Amended by Ord. 258 of 10/12/99)

104.4 Right of entry. The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official shall obtain a search warrant from a Court of competent jurisdiction. In the event of an emergency, no warrant shall be required. (Amended by Ord. 258 of 10/12/99)

104.5 Identification. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

104.6 Notices and orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

104.7 Department records. The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.7.1 Certificate of Compliance. Rental units subject to registry under this Code shall not be occupied unless a certificate of compliance has been issued by the Code Official. The certificate of compliance shall be issued only following inspection of the premises except as provided in subsection 104.7.3. The certificate shall be issued within 15 days after written application therefore if the dwelling at the date of the application is entitled to it. A violation of this Code shall not prevent the issuance of a certificate when the existing conditions constitute a hazard to the health or safety of occupants of the premises. Inspections shall be made prior to first occupancy of related premises, if construction or alteration is completed and first occupancy will occur after the effective date of this subsection, inspection shall be made within 1 year after its effective date. Upon a finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and that the premises are otherwise fit for occupancy, the certificate shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with the act shall be issued immediately and served upon the owner in accordance with subsection 104.7.3. On reinspection and proof of compliance, the order shall be rescinded and a certificate issued. (Amended by Ord. 258 of 10/12/99)

104.7.2 Certificate of Compliance Withheld. When a certificate is withheld pending compliance, no premises which have not been occupied for dwelling or rooming purposes shall be so occupied, and those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until reinspection and proof of compliance in the discretion of the Code Official. A certificate of compliance shall be issued on condition that the premises remain in safe, healthful and fit condition for

occupancy. If upon reinspection the Code Official determines that conditions exist which constitute a hazard to health or safety, the certificate shall be immediately suspended as to affected areas, and the areas may be vacated as provided above. (Amended by Ord. 258 of 10/12/99)

104.7.3 Application for Certificate of Compliance. An owner shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this Code and with procedures established by the Code Official. The Code Official may authorize the issuance of temporary certificates without inspection for those premises in which there are no violations of record as of the effective date of this subsection, and shall issue such temporary certificates upon application in cases where inspections are not conducted within a reasonable time. Temporary certificates shall also be issued for premises with violations of record, whether existing before or after the effective date of this subsection, when the owner can show proof of having undertaken to correct such conditions, or when Bangor Township has been authorized to make repairs, or when an owner rehabilitation plan has been accepted by the Court. An application for a certificate shall be made when the owners, or any of them, enroll in the registry of owners and premises. If the owner fails to register, any occupant of unregistered or uncertified premises may make application. The applicant shall pay a \$10.00 fee at the time the certificate is issued. (Amended by Ord. 258 of 10/12/99)

104.8 Coordination of inspections. Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one Code Official of the jurisdiction is involved, it shall be the duty of the Code Officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from an agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes compliance the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. (Amended by Ord. 258 of 10/12/99)

105.2 Alternative materials, methods and equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall approve the testing procedures.

105.3.2 Testing agency. All tests shall be performed by an approved agency.

105.3.3 Test reports. Reports of tests shall be retained by the Code Official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

106.2 Notice of violation. Whenever the Code Official determines that there exists a violation of any provision of this Code, he/she shall give notice of the violation and shall order compliance with the provisions of this Code to the owner of the premises. For the purposes of this Code, the owner is: (a) the person or persons identified in the records of the Assessor of the Charter Township of Bangor as the owner(s) of record of the premises, if any; or (b) the owner shall be the person identified there as the payor of the taxes on the premises; or (c) any other person claiming in writing to the Code Official, an ownership interest in the property ("other claimant") regarding all violations for which the owner is responsible under this Code; or (d) to the occupant regarding all violations for which the occupant is responsible under this Code.

The Notice shall:

- (a) Be in writing;
- (b) Include a list of the violation(s) and shall reference each of the sections of this Code violated;
- (c) Set a reasonable time, not to exceed ninety (90) days in any event, for the performance of any act required to remedy the violation(s);
- (d) Contain an outline of remedial action which, if taken, will result in compliance with the provisions of this Code;
- (e) Be served upon the owner, any other person claiming to have an interest in the property, and/or occupant by delivering it to him personally; or by leaving it at his or their residence, office or place of business with some person of suitable age and discretion who shall be informed of its contents; or, by mailing a copy of it by certified mail to his last known address with a return receipt requested and by posting the notice in some conspicuous place on the premises; or by legal publication made pursuant to Michigan Court Rules.

If any person to be served pursuant to this section refuses or fails to accept such service; if an owner is not identifiable from the records of the Township Assessor; if there is no other claimant as described in this section known to the Code Official, or if such other claimant fails, in his writing, to provide an adequate address for service; or if there is no known occupant of the premises; then, the service required by this section is accomplished solely by the posting of the notice in some conspicuous place on the premises; or by legal publication made pursuant to Michigan Court Rules.

The failure to receive notice shall not affect the validity of any proceedings against the owner or occupant.

106.3 Prosecution of violation. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

106.4 Violation penalties. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.4.1 Violations and Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done, or fail to pay any required fees, in violation of this Code.

Any person who shall violate any provisions of this Code shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each separate violation and each day's failure to comply with any provision of this Code shall constitute a separate violation.

In addition to any other penalties provided in this Code, the Code Official may institute appropriate legal action to prevent, enjoin, or abate any violations or any use or occupancy of any buildings or structure not in compliance with the requirements of this Code, and buildings or structures in violation of this Code are hereby declared to be a nuisance per se.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the Township Supervisor or Code Official from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has been served with a notice of violation pursuant to 106.2 above to sell, transfer, mortgage, lease or otherwise dispose of the dwelling unit or structure to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or

lessee a true copy of the notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of the notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation.

SECTION 107 UNSAFE STRUCTURES AND EQUIPMENT

107.1 General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

107.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

107.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

107.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

107.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

107.2 Closing of vacant structures. If the structure is determined by the Code Official to be unfit for human habitation and occupancy but is not in danger of structural collapse, the Code Officials is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.3 Orders to vacate. Where a notice of violation has been served as provided for in Section 106.2 and upon reinspection by the Code Official at the end of the time specified in the notice of violation for the violation or violations to have been corrected and if no appeal before the violations have not been corrected and if no appeal before the Construction Board of Appeals is pending, the Code Official may declare the dwelling structure unfit for human habitation and on that basis declare the structure condemned and may order the building affected by the continued violations vacated in accordance with the following procedures:

- (a) A building or part thereof shall be vacated within a reasonable time set by the Code Official, which in no event shall exceed thirty (30) days.
- (b) A condemned building shall have posted at each entrance a sign which reads: **"CONDEMNED. DO NOT ENTER, UNSAFE TO OCCUPY!"**
- (c) A condemned vacated building or part thereof shall not again be used for human habitation until all violations have been corrected and a written determination is obtained from the Code Official indicating that the building is in substantial compliance with this Code.

When the Code Official determines special circumstances which make the strict application of this subsection of this Code impractical, the Code Official may, as he deems to be most appropriate under the circumstances, grant additional time for compliance or allow temporary occupancy of the premises. Such actions shall contain a specific time period for compliance and shall be entered in the files of the Inspection Department and shall not constitute a waiver of any of the provisions or requirements of this Code nor compromise or preclude resort by the Code Official to any enforcement right or remedy provided by this Code or other laws or ordinances.

- (d) If a building or part thereof is not vacated within the time specified in the vacation order, the Code Official may seek an order to vacate from a court of competent jurisdiction notwithstanding the fact that such violation may also be punishable by fine or imprisonment as otherwise provided in this Code.

SECTION 108 EMERGENCY MEASURES

108.1 Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows. "This Structure is Unsafe and its Occupancy has been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

108.2 Temporary safeguards. Notwithstanding other provisions of this Code, whenever, the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

108.3 Closing streets. When necessary for the public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

108.4 Emergency repairs. For the purpose of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

108.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

108.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Construction Board of Appeals, be afforded a hearing as described in this Code.

SECTION 109 DEMOLITION

109.1 Demolition. In the event that the Code Official determines that the cost to repair any building subject to this Code exceeds its state equalized value, he may proceed to obtain an order to remove it pursuant to Section 134 of P.A. 167 of 1917, MCLA 125.534; MSA 5.2891 (14). (amended by Ord. 258 of 10/12/99)

SECTION 110 APPEALS PROCEDURE

110.1 Appeals Procedure. Any person affected by any notice and order which has been issued under this Code may request and shall be granted a hearing on the matter before the Construction Board of Appeals, as established by Section 110, Article 110.2 of this Housing Ordinance. The affected person shall file a written appeal in the office of the Code Official requesting the hearing. The appeal shall include the name, address and telephone number of the appellant and a brief statement of the grounds for the hearing. The appeal shall be filed within ten (10) days after the day the notice of violation is served. Failure to file the written notice of appeal within the ten (10) day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of violation(s). Upon timely receipt of an appeal, the inspector shall set a time for a hearing before the Construction Board of Appeals and shall give the appellant written notice of the date, time and location for the hearing.

110.2 Membership of Board. The Construction Board of Appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Charter Township of Bangor. The Code Official shall be an-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the Supervisor and approved by the Bangor Township Board. Each member shall serve for three (3) years, except the first Board shall have staggered

terms with one (1) member being appointed for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years. Thereafter, each member shall serve for three (3) years or until his/her successor is appointed and qualified. All vacancies for unexpired terms shall be filled for the remainder of the term. A member shall be removable by the Township Board for nonperformance of duty or misconduct in office, after written charges and after a public hearing.

110.3 Hearings. Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn.

110.4 Decisions, Powers of Housing Board of Appeals. After a hearing, the Construction Board of Appeals may sustain, modify, or withdraw the notice and order violation depending upon its findings. In rendering these determinations, the powers of the Construction Board of Appeals shall be strictly limited to making interpretations of the provisions of this Code, to the applicability of its specific provisions to the specific case being heard, and to granting variances to the provisions of this Code. In granting variances, this Board shall be allowed to grant a variance if it clearly appears that, by reason of special condition, undue hardship would result from the strict application of any section of this Code.

In these cases the Board may permit a variance from the mandatory provisions thereof in such a manner that the public safety shall be secured, substantial justice done in the spirit and intent of the provisions of this Code are upheld. In no case shall this Board grant a variance which would lessen the safety, health and welfare requirements of this Code. Such variances shall be for this Code and shall not and cannot waive the requirements and provisions of any other applicable code, ordinance, or law. All decisions rendered under this section shall be in writing and shall be final. A copy of the decision shall be mailed to the Appellant at the address shown on the appeal.

The failure of the appellant or his representative to appeal and state his case at the hearing shall have the same effect as if no appeal was filed and the Board shall proceed to deny the appeal and affirm the notice and order.

110.4.1 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

110.5 Meetings. The Construction Board of Appeals shall meet in a fixed place and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action(s) of the Board, and the vote of each member upon each question considered. These records shall be considered public records.

110.6 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Township Clerk.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

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

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

201.3 Terms defined in other codes. Where terms are not defined in this Code and are defined in the building, plumbing or mechanical codes listed in Chapter 8, such terms shall have the meanings ascribed to them as in those codes.

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

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

202.1 Definitions.

Accessible: (As applied to electrical equipment.) Admitting close approach: not guarded by locked doors, elevation, or other effective means. (See Accessible, Readily.)"

Accessible, Readily: (Readily Accessible.) Capable of being reached quickly for operation, renewal or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "Accessible.")

Accessory Building: A supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building. Accessory buildings include garages, garden equipment sheds, small greenhouses, swimming pools and similar structures.

Addition: An extension or increase in floor area or height of a building or structure.

Air Condition Equipment: All of that equipment intended or installed for the purpose of cooling air by mechanical means and discharging such air into any room or space.

Alter or Alteration: Any change, addition or modification in construction or occupancy.

Appliance: Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

Approved: Approval as to materials and types of construction by the Code Official as the result of investigation or tests conducted by him or by reason of accepted principles or test by recognized authorities, technical or scientific organizations.

Basement: Any floor level below the first story in a building except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a story (first) as defined herein.

Bathroom: A room equipped with facilities consisting of one or more water closets, lavatories and either bathtubs or showers.

Bedroom: Any room or space used or intended to be used for sleeping purposes.

Branch Circuit: The circuit conductors between the final over-current device protecting the circuit and the outlet(s).

Branch Circuit, Appliance: A branch circuit supplying energy to one or more outlets to which appliances are to be connected; such circuits to have no permanently connected lighting fixtures not a part of an appliance.

Branch Circuit, General Purpose: A branch circuit that supplies a number of outlets for lighting and appliance.

Branch Circuit, Individual: A branch circuit that supplies only one utilization equipment.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Code: Building Code as adopted by the Charter Township of Bangor.

Closet: A small private room or recess used primarily for storing clothes, linen, etc.

Code Official: The official who is charged with the administration and enforcement of this Code, or any duly authorized representative of the official, including, but not limited to Code Official(s) and administrative personnel.

Condemn: To declare that a dwelling structure is unfit for human habitation, use or occupation. The term also may include an order that the structure shall be vacated.

Conductor (electrical): An approved material used for the transmission of electrical energy.

Conduit (electrical): An approved material enclosing only air and unspliced electrical conductors.

Cross-connection: Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

Dead Front (electrical): Without live parts exposed to a person on the operating side of the equipment.

Device (electrical): A unit of an electrical system which is intended to carry but not utilize electric energy.

Dormitory: A room occupied by more than two guests.

Dwelling: Any building or portion thereof which contains not more than two dwelling units.

Dwelling Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this Code, for not more than one family.

Efficiency Dwelling Unit: A dwelling unit containing only one habitable room.

Electrical Code: The National Electrical Code promulgated by the National Fire Protection Association, as adopted by the Charter Township of Bangor.

Electrical System: Every supplied piece of electrical equipment, including but not limited to services, permanently connected electrical appliances, conductors, boxes, fittings, conduit, receptacles, switches, devices, cover plates and fixtures shall be installed in accordance with the Electrical Code of the Charter Township of Bangor and shall be maintained in a safe, satisfactory working condition, free of hazards and adequate to carry the loads required.

Exit: A place or means of going out.

Exterior Property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by remove or making inaccessible materials that may serve as their food; or by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

Family: An individual or two or more persons related by blood or marriage or a group of not more than four persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

Fire Code: The Uniform Fire Code promulgated jointly by the Western Fire Chiefs Association and the International Conference of Building Officials, as adopted by the Charter Township of Bangor.

Fire-Resistive Construction: Construction complying with the requirements of the Building Code for the time period specified.

Floor Area: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Ground: A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to come conducting body that serves in place of the earth.

Grounded: Connected to earth or to some conducting body that serves in place of the earth.

Ground-Fault Circuit-Interrupter: A device intended for the protection of personnel that functions to de-energize a circuit or portion thereof within an established period of time when a current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Ground-Fault Protection of Equipment: A system intended to provide protection of equipment from damaging line-to-ground

fault currents by operating to cause a disconnecting means to open all underground conductors of the faulted circuit. This protection is provided at current levels less than those required to protect conductors from damage through the operation of the supply circuit overcurrent device.

Guest: Any person hiring or occupying a room for living or sleeping purposes. A guest shall be considered an occupant upon the expiration of thirty (30) consecutive days of such occupancy.

Guest Room: any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered a guest room.

Habitable Space (Room): Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Heating Equipment: Includes all warm-air furnaces, warm-air heaters, combustion products vents, heating air-distribution ducts and fans, all steam and hot-water piping together with all control devices and accessories installed as part of, or in connection with, any environmental heating system or appliance regulated by the Mechanical Code.

Heating System: A warm-air heating plant consisting of a heat exchanger enclosed in a casing, from which the heated air is distributed through ducts to various rooms and areas. A heating system includes the circulating-air and conditioned-air supply and all accessory apparatus and equipment installed in connection therewith.

Hotel: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Hot Water: Water at a temperature greater than or equal to 110 degrees F.

Immediate Family: Spouse, children, parents, brother, sister, legal guardian, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandmother, grandfather, or grandchild of the owner.

Imminent Hazard: A condition which could cause serious or life-threatening injury or death at any time.

Inspector: A person who has been assigned the duty of enforcing this Code by the Code Official, including, but not limited to, the Code Official and all deputies and assistants of said Code Official designated by him.

Let for Occupancy or Let: 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.

Lodging House: Any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

Mechanical Code: The Mechanical Code as adopted by the Charter Township of Bangor.

Motel: A building or a group of buildings in which overnight lodging is provided and offered to the public for compensation and catering primarily to the public traveling by motor vehicles.

Multiple Dwelling: Any dwelling containing more than two dwelling units.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

Occupant: Any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit, except that in dwelling units a guest will not be considered a occupant.

Openable Area: That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator: Any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.

Outlet: A point on the electrical wiring system at which current is taken to supply utilization equipment.

Overcurrent: Any electrical current in excess of the rated current of equipment or the capacity of a conductor.

Owner: Every person who is listed on the current tax records of the Charter Township of Bangor Assessor, as having an interest in a parcel of property on which any structure or dwelling unit is located.

Permit: An official document or certificate issued by the Township authorizing performance of a specified activity.

Person: A natural person, his heirs, executor, administrator, agents or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Plumbing: The practice, materials and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing appurtenances in connection with sanitary drainage or storm drainage facilities; venting systems and public or private water supply systems; within or adjacent to any building or structure.

Not included in this definition are installations of gas piping; chilled water piping in connection with refrigeration, process and comfort cooling; hot water piping in connection with building heating; and piping for fire sprinklers and standpipes.

Plumbing Appliance: Any one of a special class of plumbing fixtures which is intended to perform a special function. Its operation or control may be dependent upon one or more energized components, temperatures sensing elements. such fixtures may be manually adjusted or controlled by the use or operator, or may operate automatically through one or more of the following actions: a time cycle, a temperature range, or a pressure range, a measured volume weight.

Plumbing Appurtenance: A manufactured device or prefabricated assembly of component parts which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance does not demand additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, service, economy, or safety of the plumbing system.

Plumbing Code: Plumbing Code as adopted by the Charter Township of Bangor.

Plumbing Fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either directly or indirectly to the drainage system of the premises; or requires both water supply connection and a discharge to the drainage system of the premises. Plumbing appliances as a special class of fixture are further defined.

Plumbing System: Includes the water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; and sanitary and storm sewers and building drains; including their respective connections, devices and appurtenances within a building or premises.

Portable Heating Appliance (portable heating equipment): A heating appliance designed for environmental heating which may have a self-contained fuel supply and is not secured or attached to a building other than by fuel piping or electrical wiring.

Premises: A lot, plot or parcel of land including any structures thereon.

Receptacle (electrical): A receptacle is a contact device installed at the outlet for the connection of a single attachment plug.

Repair: The reconstruction or renewal of any part of any of an existing building for the purpose of its maintenance.

Rooming House: Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner to three or more persons who are not husband or wife, son or daughter, grandson or granddaughter, mother or father, or sister or brother of the owner or operator.

Rooming Unit: 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.

Rubbish: Nonputrescible solid wastes (excluding ashes) consisting of either:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood; or

(2) Noncombustible wastes such as tin cans, glass and crockery.

Service: The conductors and equipment for delivering energy from the electricity supply system to the wiring of the premises served.

Service Equipment: The necessary electrical equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

Shall: As used in this Code, is mandatory and is not discretionary.

Smoke Detector: An approved detector which sense visible or invisible particles of combustion. The detector shall bear a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or useable or unused under-floor space shall be considered a story.

Story (first): The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Supplied: Paid for, furnished or provided by or under the control of the owner, operator or agent.

Switch: An approved electrical device, other than circuit breakers and fuses, manually used to interrupt electrical current.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet Room: A room containing a water closet or urinal but not a bathtub or shower.

Township: The Charter Township of Bangor, Bay County, Michigan also referred to as "Bangor Township," or "the Township."

U.B.C. Standards: The Uniform Building Code Standards promulgated by the International Conference of Building Officials, as adopted by the Charter Township of Bangor.

Vacate: An order to vacate is given when it is determined that a dwelling is to be condemned as unfit or unsafe for human habitation.

Vent (mechanical): A listed factory-made vent pipe and vent fittings for conveying flue gases to the outside atmosphere.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Venting System (mechanical): The vent or chimney and its connections assembled to form a continuous open passageway from an appliance to the outside atmosphere for the purpose of removing products of combustion. this definition also shall include the venting assembly which is an integral part of an appliance.

Water Closet: An approved plumbing fixture designed, installed and used, or intended to be used for the deposit and disposition of human wastes.

Water Closet Compartment: Any room containing a water closet.

Water Heater: Any heating device that heats potable water and supplies it to the potable hot water distribution system.

Water Supply System: The water service pipe, water distributing pipes and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

Workmanlike: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard: An open space on the same lot with a structure.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Section 305 and 306. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this Code. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

301.4 Garbage and rubbish disposal. Each dwelling unit shall have adequate garbage and rubbish storage containers provided in which to place the garbage and rubbish from the dwelling unit. The containers shall consist of watertight cans or other approved containers.

301.5 Dangerous appliances. A defective or hazardous appliance, including but not necessarily limited to a cooking range, oven or refrigerator, not otherwise addressed in this Code, which constitutes a danger to the public or to the occupants of a dwelling, dwelling unit, dormitory, lodging house, hotel or motel shall be repaired or altered to a safe condition or properly disconnected from sources of energy or fuel and disposed of in a proper manner.

301.6 Fences and sidewalks. Fences, sidewalks, driveways and all other similar constructed artifacts shall be maintained in reasonably good repair and in a safe condition.

301.7 Insects, rodents and other pests. All buildings and structures, including, but not limited to, dwellings, dwelling units, lodging houses, hotels and all portions thereof shall be kept free of infestation of insects, rodents and/or similar pests.

301.8 Sanitation. All buildings and structures, including, but not limited to, dwellings, dwelling units, lodging houses, hotels and all portions thereof shall be maintained in a clean, sanitary and safe condition.

301.9 Responsibility of occupants. Occupants shall be responsible to:

301.9.1 Make safe and/or properly dispose of dangerous appliances owned by them as required in Section 301.6 above.

301.9.2 Keep dwellings which contain only one dwelling unit free of insects, rodents and other pests as required in Section 301.7 above.

301.9.3 Keep portions of structures occupied and controlled by them in a clean, sanitary condition as required in Section 301.8 above.

301.9.4 Keep all plumbing fixtures located within the dwelling or dwelling unit in a clean and sanitary condition and exercise

reasonable care in the proper use and operation thereof.

301.10 Responsibility of owner. Owner shall be responsible for complying with all provisions of this Code not specifically designated as the responsibility of the occupant.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. all exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Stairways, handrails and guards. Every exterior and interior flight of stairs or means of ingress or egress serving any building or portion thereof and having more than four risers shall have a handrail on at least one side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

Exception: Guards are not required at any location where guards are exempted by the Building Code.

302.5 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens.

302.6 Rodent harborage. All structures and exterior property shall be kept free from rodent 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 prevent reinfestation.

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

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

302.9 Motor vehicles. Motor vehicles shall be in compliance with the Charter Township of Bangor Blight Ordinance. (Ordinance 132, as amended.)

SECTION 303 EXTERIOR STRUCTURES

303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in a good condition. 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. All siding and masonry joints shall be maintained weather resistant and water tight.

303.3 Street numbers. Each parcel on which there is a structure to which a street number has been assigned shall have such number

displayed in a position easily observed and readable from the public way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) high and 1/2-inch (13 mm) stroke.

303.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

303.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

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

303.7 Roof and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

303.9 Overhang extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in 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 or weather-coating materials, such as paint or similar surface treatment.

303.10 Stair and walking surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 302.4.

303.11 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

303.12 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 treatment.

303.13 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.14 Window and door frames. Every window, door and frame shall be kept in sound condition, good repair and weather tight.

303.14.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.14.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.15 Insect screens. During the period from May 1 to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

303.16 Doors. All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

303.17 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

303.18 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

SECTION 304 INTERIOR STRUCTURE

304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

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

304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

304.4 Stairs and railings. All interior stairs and railings shall be maintained in sound condition and good repair.

304.5 Stairs and walking surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 302.4.

304.6 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

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

SECTION 305 RUBBISH AND GARBAGE

305.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

305.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

305.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

305.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

305.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

305.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 306 EXTERMINATION

306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

306.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

306.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

306.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

306.6 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

CHAPTER 4 LIGHT, VENTILATION, AND OCCUPANCY LIMITATION

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

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

401.3 Alternative. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Building Code shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the Building Code. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extended to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

402.2 Common halls and stairways. Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 160 square feet of floor area, provided that the spacing between lights shall not be greater than 25 feet. Every exterior means of egress stairway, other than in one- and two-family dwellings, shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

403.2.1 Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.

403.2.2 Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is proved with effective absorption and filtering equipment.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the Code Official.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, ducts, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer venting system shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

403.6 Basement or cellar. Every basement or cellar window used for ventilation shall also be supplied with a screen or such other device as will effectively prevent the entrance of rodents, insects and similar pests. Screening added permanently to the window openings shall be finished in a workmanlike manner with appropriate moldings so that no gaps or rough edges or screening are visible.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room sizes. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet of floor space for every additional occupant, the floor space shall be calculated on the basis of total habitable room area.

Every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant.

At least one-half (1/2) of the floor area of every habitable room, bathroom, water closet compartment, and hallway shall have a ceiling height of not less than seven (7) feet. The floor area of the part of any habitable room or other rooms as mentioned above 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 its maximum permissible occupancy.

A room used as a kitchen shall comply with the ceiling height requirement, i.e., shall not be less than seven feet. Such designated rooms (kitchens) shall contain a sink and an area for food preparation. The food preparation area shall not be the required sink basin.

404.3 Basements. Space below the first story of a building may be used as a dwelling unit or guest room, provided that it is free of

dampness and complies with all requirements of this Code and of all other applicable laws, codes and ordinances.

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one occupant shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 other requirements. Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6 and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit meeting the following requirements.

404.6.1 A unit occupied by not more than two occupants shall have a clear floor of not less than 220 square feet (20.4 m²).

A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by sections 404.6.2 and 404.6.3.

404.6.2 The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this Code shall be provided.

404.6.3 The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

404.6.4 The maximum number of occupants shall be three.

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

CHAPTER 5 PLUMBING STANDARDS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

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

501.3 Application. This Code shall apply to existing plumbing systems as described in this section.

501.4 Alterations or repairs. Alterations or repairs may be made to any plumbing system without requiring the existing plumbing to comply with all the requirements of this Code, provided such alteration or repair work conforms to that required for a new plumbing system. Alterations or repairs shall not cause an existing plumbing system to become unsafe or adversely affect the performance of the plumbing.

501.5 Additional loads. Where additions or alterations subject parts of existing systems to loads exceeding those permitted herein, such parts shall be made to comply with the current requirements in the Plumbing Code of the Charter Township of Bangor for new structures and systems. This is not meant to imply that the remaining portions, left unaltered, shall be made to be upgraded due to such partial upgrading of deficient portions.

SECTION 502 REQUIRED FACILITIES

502.1 Bathrooms required. Every dwelling unit, hotel, and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

502.2 Hotels. Where bathrooms are not provided in rooms immediately adjacent to, and for the sole use of the occupants of a guest room, there shall be provided on each floor, for each sex, bathrooms accessible from a common hallway for the first ten guests. Additional bathrooms shall be provided on each floor, for each sex, at the rate of one for every additional ten guests, or fractional number thereof in excess of ten. These rooms shall be clearly marked for "Men" or "Women."

502.3 Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink.

502.4 Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

502.5 Water closet compartments. Walls and floors of water closet compartments, except in dwelling units, shall be finished in accordance with the provisions of the Building Code of the Charter Township of Bangor.

502.6 Room Separations. Every water closet, bathtub or shower required by this Code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight fitting door.

502.7 Prohibited locations of water heaters. Gas-fired water heaters shall not be located in bedrooms, bathrooms, or closets, or in any space accessible only through bedrooms, bathrooms or closets.

502.8 Laundry facilities. Whenever a dwelling exists which does not presently possess laundry facilities, it shall not be required to install such unless mandated by the Plumbing Code of the Charter Township of Bangor at the time of upgrading of the plumbing system. Whenever partial facilities or improper facilities exist, it shall be permitted to remove such facilities to gain compliance with the housing code. Whenever laundry facilities are provided in a dwelling they shall comply with the requirements of the Plumbing Code as adopted and amended by the Charter Township of Bangor.

502.9 Main water distribution system. All water distribution system(s) within dwelling units and buildings shall conform to the applicable provisions of the Plumbing Code of the Charter Township of Bangor. All main distribution lines shall be a minimum or ¾" diameter and all branch distribution lines shall be at least ½" diameter. If individual fixtures or appliances require larger diameter pipe, increased volume or pressure, then alteration shall be made to conform to those requirements.

If existing piping was installed prior to the date of adoption of this Code, the following provisions shall apply:

502.9.1 The water distribution system and all portions thereof shall have been installed in accordance with the applicable plumbing code provisions in effect at the time of the installation.

502.9.2 The water distribution system and all portions thereof shall be in a safe and sanitary condition and be properly maintained.

A variance for an individual distribution system or portion thereof existing in a structure which does not comply with this section may be granted when it can be proven by the Code Official or his authorized representative that the system or the applicable portion of that system is capable of providing adequate pressure or volume. The determination of adequate pressure and volume shall be made by the Code Official or his authorized representative using acceptable field testing procedures.

A water distribution system shall consist of a cold water main distribution line with necessary branches to all fixtures and appliances requiring cold water and a hot water distribution line with necessary branches to all fixtures and appliances requiring hot water. Failure to provide either hot or cold water or both to a dwelling or portion thereof shall be deemed a serious violation and shall be abated immediately.

502.9.3 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120 degrees F. (49 degrees C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

502.10 Drain-waste-vent system. All drain-waste-vent systems serving dwellings or buildings containing dwelling units shall comply with these requirements. All such systems shall be sized according to the applicable provisions of the Plumbing Code of the Charter Township of Bangor or such code(s) as were in effect at the time of the installation provided:

- (1) The system has been properly maintained and is in a safe and sanitary condition.
- (2) Proper venting is provided.
- (3) Proper capacity is provided.

A variance for individual systems or portions thereof which do not, in part or whole comply with these requirements, may be granted by the Code Official or his authorized representative determines, by use of accepted field tests, that no hazard exists, adequate capacity is provided, and lack of proper venting does not present a potential for hazard.

502.11 Employee's facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.11.1 Drinking facilities. Drinking facilities shall be drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

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

Exception: Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employee's regular working area to the facilities.

SECTION 503 SANITARY DRAINAGE

503.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

503.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function and be kept free from obstruction, leaks and defects.

SECTION 504

STORM DRAINAGE

504.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. All water runoff shall be controlled in compliance with the Charter Township of Bangor's Zoning Ordinance.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern that minimum mechanical and electrical facilities and equipment to be provided.

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

SECTION 602 HEATING FACILITIES

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

602.2 Residential buildings. Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees F. in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code.

602.2.1 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to June 15 to maintain the room temperature specified in Section 602.2.

602.3 Nonresidential structures. Every enclosed occupied work space shall be supplied with sufficient heat during the period from September 1 to June 15 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

Exceptions:

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

602.4 Room temperature measurement. The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical equipment. All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Equipment access. Access to outdoor mechanical equipment shall be maintained under all weather conditions.

603.3 Cooking and heating equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

603.4 Flue. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

603.5 Clearances. All required clearances to combustible materials shall be maintained.

603.6 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.7 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

603.8 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.0.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Bangor Township Electrical Code. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL STANDARDS

605.1 General. Every dwelling unit, dormitory, dwelling units, hotel, lodging house, and motel shall be provided with electrical energy.

605.2 Maintenance. Every supplied piece of electrical equipment, including but not limited to services, permanently connected electrical appliances, conductors, boxes, fittings, conduit, receptacles, switches, devices, cover plates and fixtures shall be installed in accordance with the Electrical Code of the Charter Township of Bangor and shall be maintained in a safe, satisfactory working condition, free of hazards and adequate to carry the loads imposed.

605.3 Electrical system. Unaltered existing systems which were properly installed in accordance with the applicable laws in effect at the time of installation may continue in use, provided that they are maintained in a safe, satisfactory working condition, free of hazards and adequate to carry the loads imposed are not dangerous to life, health, safety or the public welfare; and in addition, all circuits where overcurrent protection is provided by a fuse, "S" type 15 amp fusestat adapters shall be installed immediately.

605.4 Facilities required. Each dwelling, dormitory, dwelling unit, hotel, lodging house, and motel shall comply with the requirements of this Section; provided however, any of the aforementioned structures existing on the effective date of this Code shall comply with the requirements of Section 605.4 not later than October 1, 1998.

605.4.1 Entrances and exits. Entrances and exits shall be illuminated by exterior light fixtures, which shall be controlled by interior wall switches, located for convenient and readily accessible use.

605.4.2 Living room. The living room shall be provided with illumination. The lighting outlet shall be controlled by a wall switch, located for convenient and readily accessible use, nearest to an entrance to the living room. Receptacle outlets controlled by a wall switch in lieu of a lighting outlet shall be permitted.

There shall be at least one duplex electrical outlet on each wall. The outlets shall be conveniently spaced around the room.

605.4.3 Kitchen. Each kitchen shall be provided with illumination. Lighting outlets shall be controlled by a wall switch, or switches, located for convenient and readily accessible use, nearest to the entrance(s) to the room. Separate small appliance circuits shall be provided. Such small appliance circuits shall meet or exceed all of the following minimum requirements:

- (1) There shall be a minimum of one small appliance circuit. Such circuits shall be grounded and have grounding type duplex receptacles installed. Such small appliance circuits shall have 12 gauge copper wire and be on 20 ampere rated

circuit breakers or fuses.

- (2) There shall be at least three duplex receptacle outlets in the kitchen area. All receptacle outlets in the kitchen shall be grounded.
- (3) At least two of the required receptacle outlets shall serve the countertop area. These outlets shall be located at least thirty (30") above the floor and adjacent to the countertop area.
- (4) The small appliance circuits shall not contain any appliances, motors, equipment, lights or receptacle outlets except those receptacle outlets within the kitchen.

Any kitchen failing to meet these requirements shall meet the current Electrical Code of the Township requirements. All replacement receptacles shall be grounded. Any receptacles located within six feet of a sink would be required to be provided with ground-fault circuit interrupter protection in addition to the grounding requirement.

605.4.4 Bathroom. Each bathroom shall be illuminated. Lighting outlets shall be controlled by a wall switch, located for convenient and readily accessible use nearest to the entrance to the room. A grounding type electrical duplex receptacle outlet separate from the lighting outlet shall be provided and shall be located at least thirty (30) inches above the floor and adjacent to the lavatory. Any new electrical duplex receptacle outlets must be provided with ground fault protection.

605.4.5 Other habitable rooms. Each habitable room shall be illuminated. Lighting outlets shall be controlled by a wall switch, located for convenient and readily accessible use nearest to the entrance to the room. Convenient duplex electrical receptacle outlets shall be provided with a minimum of two (2) outlets on opposite walls. An additional electrical outlet controlled by a wall switch shall be permitted in lieu of a light outlet.

605.4.6 Basements. Basements shall be wired for a minimum of one (1) lighting outlet for each two hundred (200) square feet of area of major fraction thereof for use as general illumination. All enclosed areas that can be walked into such as toilet rooms, fruit storage rooms, utility rooms, excavated areas, etc. shall be provided with at least one (1) lighting outlet (except areas used as coal bins). Stairway and laundry lighting outlets shall not be counted as the required basement light outlets.

605.4.7 Laundry areas. Laundry areas shall be provided with illumination. The laundry appliance circuit shall be an independent circuit with grounding type duplex receptacle outlets mounted on the wall adjacent to the laundry area, convenient for use of laundry appliances.

605.4.8 Heating equipment. Heating equipment, furnaces or heating equipment requiring electrical energy for operation or control shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the unit.

605.4.9 Lighting in public halls. Every public hall and stairway in every multiple dwelling serving five (5) or more dwelling units and in every rooming house or hotel serving ten (10) or more rooming units, shall be adequately lighted at all times.

Every public hall and stairway in structures devoted solely to dwelling occupancy and serving less than the above number of dwelling or rooming units may be supplied with multiple switch control, one (1) at the head and the other at the foot of the stairway controlling an adequate lighting system which may be turned on when needed, instead of full time lighting.

605.4.10 Service. Services to a dwelling unit either in a single-family structure or in any other dwelling shall conform to the following standard(s):

- (1) All service equipment shall be "dead front". By this it is meant that the equipment shall be so manufactured as to provide a cover or barrier between those sections to be regularly accessed and those which contain live connections.
- (2) Type "S" fusestat fuses and adaptors shall be installed wherever fusible equipment is used. The October 1, 1998 date set forth in Section 605.4 above shall not apply to this requirement for the installation of "S" type fuses. "S" type fusestat fuses and adaptors shall be installed immediately wherever overload protection is provided. Such type "S" fuses shall be properly sized in accordance with the allowable ampacity of the conductors and branch circuits as set forth in the Electrical Code as adopted by the Charter Township of Bangor.
- (3) All service equipment which controls power to an individual unit shall be readily accessible to all tenants of that unit at all times. This must be provided by direct interior access to such equipment as set forth in the Electrical Code as

adopted by the Charter Township of Bangor. At no time can such equipment be locked so as to deny tenant access nor shall it be so located that tenants must first exit then re-enter the structure at another point of entry to access the equipment. An exception to these provisions shall be granted by the Code Official when the owner provides 24-hour on-site management of the facility and such management personnel have direct access to the service equipment. Such 24-hour management shall meet the requirements for such management as set forth in the Electrical Code as adopted by the Charter Township of Bangor.

- (4) No service to any dwelling unit or structure shall be less than three (3) wire, 120/240 volt, 60 ampere capacity.
- (5) Service capacity may remain at the minimum 60 ampere capacity if any one of the following conditions are met:
 - (aa) There are no more than four 120 volt branch circuits rated at 20 amperes or less.
 - (bb) The dwelling unit does not exceed 600 square feet and has no more than four 120 volt branch circuits.

Exception to (aa) or (bb): In pre-existing situations, one additional circuit shall be permitted for a furnace circuit if that circuit was previously installed under a permit from the Charter Township of Bangor and inspected and approved by the Charter Township of Bangor at the time of installation.

- (cc) The dwelling unit has more than 600 square feet but less than 1200 square feet and has not more than any two of the following circuits: furnace circuit, laundry circuit, one kitchen circuit (this being allowed as a variance under the provisions of the Electrical Code of the Charter Township of Bangor).

If the existing service does not comply with the above and it is then necessary to increase the service capacity or change service equipment, the altered or replaced service shall comply with all the provisions of the National Electrical Code as adopted and amended by the Charter Township of Bangor. In no case shall such an altered service have a capacity of less than three (3) wire 120/240 volt 100 ampere capacity.

Each dwelling unit in a structure shall require service equipment sized in accordance with the provisions of the National Electrical Code as adopted and amended by the Charter Township of Bangor with an overall service with adequate capacity to handle any combined load(s) of the structure.

SECTION 606 REPAIR, MAINTENANCE AND ALTERATION

606.1 Existing wiring and electrical alterations. Existing wiring and electrical equipment shall be maintained and used as originally listed, approved, and designed to be used. All new wiring and electrical equipment used to replace existing inadequate wiring shall comply with all the provisions of the Electrical Code of the Charter Township of Bangor.

606.2 Application to existing electrical systems and equipment.

606.2.1 Additions, alterations or repairs. Additions, alterations or repairs may be made to any electrical system and equipment to comply with the requirements of the Electrical Code, provided the addition, alteration or repair conforms to that required for a new electrical system and equipment and provided further that no hazard to life, health or safety will be created by such additions, alterations or repairs.

606.2.2 Existing installations. Electrical systems and equipment provided lawfully in existence at the time of the adoption of this Code may have their use continued, no hazard to life, health or property is created by such electrical system and equipment or use thereof, and such use, maintenance or repair otherwise complies with this Code.

606.2.3 Changes in building occupancy. Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply with all requirements of this Code which are applicable to the new use or occupancy.

606.2.4 Maintenance. All existing and new electrical systems and equipment and all parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and hazard-free condition. All devices or safeguards which are required by this Code shall be maintained in conformance with this Code. The owner of his designated agent shall be responsible for the maintenance of the electrical system. To determine compliance with this subsection, the

Chief Inspector may cause any electrical system to be reinspected.

SECTION 607 ELEVATORS, ESCALATORS AND DUMBWAITERS

607.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

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

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed means of egress shall be provided. The means of egress shall be maintained continuous and unobstructed.

702.2 Exit capacity. The capacity of the exits serving a floor shall be sufficient for the occupancy load thereof as determined by the Building Code.

702.3 Number of exits. In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet (186 m²) shall be provided with not less than two independent exits.

Exception: A single exit is acceptable under any one of the following conditions.

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

702.4 Arrangement. Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

702.5 Exit signs. All means of egress shall be indicated with approved "Exit" signs where required by the Building Code. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

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

Exceptions:

1. Corridors in occupancies, other than high hazard occupancies, which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in health care occupancies where smoke barriers are provided in accordance with the Fire Code, are not required to be self-closing.
3. Corridors in educational occupancies where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the Building Code.

702.7 Dead-end travel distance. All corridors that serve more than one exit shall direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10,668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increase to 70 feet (21,336 mm) where the building is equipped throughout with an automatic sprinkler system.

702.8 Aisles. Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in assembly, educational and health care occupancies shall be maintained in accordance with the requirements of the Building Code. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

702.9 Stairways, handrails and guards. Every exterior and interior flight of means of egress stairs serving any building or portion thereof and having more than four risers shall have a handrail on at least one side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

Exception: Guards are not required at any location where guards are exempted by the Building Code.

702.10 Stairway identification. A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the Building Code.

Exception: The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the Building Code.

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

702.11.1 Locks permitted. Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions.

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

3. Where the door hardware conforms to that permitted by the Building Code.

702.12 Emergency escape. Every sleeping room located below the third story in residential and group home occupancies shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception: Buildings equipped throughout with an automatic fire suppression system.

702.12.1 Security. Bars, grilles or screens placed over emergency escape windows 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 window.

SECTION 703 ACCUMULATIONS AND STORAGE

703.1 Accumulations. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

703.2 Hazardous material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Building Code and the Fire Code.

SECTION 704 FIRE RESISTANCE RATINGS

704.1 General. The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

704.2 Maintenance. All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

SECTION 705 FIRE PROTECTION SYSTEMS

705.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

705.2 Fire suppression system. Fire suppression systems shall be in proper operating condition at all times.

705.3 Standpipe systems. Standpipe systems shall be in proper operating condition at all times.

705.4 Fire extinguishers. All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be an approved type.

705.5 Smoke detectors. A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in residential and group home occupancies, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in one and two family dwellings and multi-family dwellings. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

705.5.1 Installation. All detectors shall be installed in accordance with the Building Code. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

705.5.2 Power source. The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

705.5.3 Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this

Code.

705.6 Fire alarm systems. Fire alarm systems shall be in proper operating condition at all times.

705.7 Key boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire fighting purposes, the Fire Chief is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the Chief and shall contain keys to gain necessary access as required by the Chief.

APPENDIX A

TO THE PROPERTY MAINTENANCE CODE

A. Rental Housing Registration Fees:

| | |
|---|----------|
| Single dwelling unit dwellings | \$ 28.00 |
| Two dwelling units | \$ 31.00 |
| Multiple dwelling units, per building..... (plus \$5.00 for each dwelling unit in excess of the first two units) | \$ 33.00 |
| Lodging houses..... | \$ 28.00 |
| Hotels..... (plus \$1.00 for each rooming unit) | \$ 33.00 |
| Reinspection necessitate by owner's failure | \$100.00 |
| to make corrections within the required time (per building) | |

A. In the discretion of the Bangor Township Board, these fees may be adjusted once each calendar year commencing in 1998 in an amount not to exceed that equal to the cost of living increase, if any, for the preceding twelve months, base upon the "Consumer Price Index for all Urban Consumers, All Items" (1982-84 equals 100), for communities similarly situated to Bangor Township, cross-classified by region and population size, published by the Bureau of Labor Statistics of the U.S. Department of Labor Statistics of the U.S. Department of Labor.

B. Any such adjustment shall not be effective until at least 14 days following completion of publication of such adjusted fees in the official newspaper designated by the Township from time to time.

C. This Ordinance shall become effective immediately after the last required publication following adoption.

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