

CITY COMMISSION  
CITY OF MOUNT PLEASANT  
Isabella County, Michigan

**ORDINANCE NO. 1089**

AN ORDINANCE AMENDING CITY CODE REGARDING INTERNATIONAL  
PROPERTY MAINTENANCE CODE

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF MOUNT PLEASANT:

**Section 1. Amendment of Chapter 96 of City Code.**

The City of Mount Pleasant hereby amends Chapter 96 of the City Code entitled "Nuisances" to remove section 96.02 titled "Dangerous Structures Prohibited" in its entirety.

**Section 2. Amendment of Chapter 150 of City Code.**

The City of Mount Pleasant hereby amends Chapter 150 of the City Code entitled "Building Regulations" as follows: Section 150.30 shall be amended to read, in its entirety, as follows:

**§150.30 ADOPTION OF 2021 INTERNATIONAL PROPERTY MAINTENANCE  
CODE**

The City hereby adopts by reference the 2021 International Property Maintenance Code issued by International Code Council, Inc., except those sections otherwise deleted or amended by the City Code.

§150.32 entitled "Definitions" and §150.34 entitled "Exterior and Maintenance Requirement of Property" shall be removed in their entirety.

§150.36 entitled "Appeals" shall be amended to read, in its entirety, as follows:

**§150.36 APPEALS**

Any person issued a notice or municipal civil infraction pursuant to this subchapter may appeal to the Building, Fire, and Sanitary Sewer Board of Appeals or its designee.

**Section 3. Amendment of Chapter 152 of City Code.**

The City of Mount Pleasant hereby amends Chapter 152 of the City Code entitled "Housing Licensing Code" to read, in its entirety, as follows:

**§ 152.001 TITLE.**

This code shall be known as the “Housing Licensing Code” and may be cited as such, and will be referred to herein as “this Code.”

**§ 152.002 PURPOSE.**

The purpose of this Code is to provide minimum requirements for the health, safety and welfare of the general public and the owners and occupants of certain residential buildings.

**§ 152.003 SCOPE.**

(A) *Application.* This Code shall apply to all rented or leased buildings, including manufactured homes, or any portions thereof, that are used or intended to be used for human habitation as a two-family dwelling, a multi-family dwelling, a rooming dwelling, a boarding dwelling, a lodging dwelling, or a hotel or motel. This Code shall also apply to single-family dwellings which are leased or rented by the owner for more than 180 days during any 12-month period. In addition, if a building that is licensed under this Code but does not comply with all of the provisions of the Code is thereafter unlicensed for one year or more, the building must thereafter comply with this Code before it acquires a new license.

(B) *Alterations.* Existing licensed buildings that are subject to this Code, but that do not comply with this Code shall, at the time of alteration or repair, and with respect to this new work, be altered or repaired to conform to this Code, the City Building Code (Chapter 150 of the Code of Ordinances), and the laws of the State of Michigan.

(C) *Relocation.* Buildings which are moved or relocated shall be considered new buildings and shall comply with all of the requirements of this Code.

(D) *Exception.* This Code shall not apply to a single-family dwelling that is leased or rented for less than 180 days annually if the owner of the single-family dwelling receives a principle home exemption from the City, and the owner resides at least 180 days in the dwelling during the annual time period in which the dwelling is leased or rented.

(E) *Severability.* If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or a violation of the laws of the State of Michigan, such decision shall not affect the validity of the remaining portions of this Code.

**§ 152.004 DEFINITIONS.**

The definitions in Chapter 2 of the 2021 Edition of the International Property Maintenance Code are adopted as part of this Code. The following definitions shall also apply unless the context clearly indicates or requires a different meaning.

~~BOARDING DWELLING. A rooming dwelling where meals are provided.~~

~~BUILDING, EXISTING. A building constructed prior to this Code or one which was built pursuant to a valid building permit.~~

~~CEILING HEIGHT. The clear vertical distance from finished floor to the finished ceiling.~~

~~DESIGNATED AGENT. A person, firm or corporation acting on behalf of, representing, or caring for the property on behalf of the owner.~~

~~DWELLING. A building including manufactured homes, used in whole or in part for human habitation.~~

DWELLING: a Building used in whole or part for human habitation. Dwellings are divided into the following categories:

1. Dwelling, One-Family: a Building used exclusively or designed for one-family occupancy.
2. Dwelling, Two-Family: a Building used exclusively or designed for the occupancy of two individual families living independently of each other.
3. Dwelling, Multiple-Family: a Building containing three or more Dwelling Units.
4. Dwelling, Rooming: a Building containing one or more Dwelling Units that is approved for use by three or more Persons, not meeting the definition of a Family, per Dwelling Unit. This is also known as a Rooming House.
5. Dwelling, Boarding: a Rooming Dwelling where meals are provided.
6. Dwelling, Registered Student Organization: a Building or Rooming Dwelling used to house three or more unrelated individuals, which is owned, rented, leased or purchased by or on behalf of a student organization registered by the Central Michigan University Office of Student Life, in the name of:
  - a. the Registered Student Organization;
  - b. a housing corporation or partnership affiliated with the registered organization; or
  - c. one or more members of the Registered Student Organization (RSO) when membership in the RSO is required to live at the Rooming Dwelling and/or the Rooming Dwelling is identified by Signs or other symbols as being affiliated with the RSO.

~~EXIT. A continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke proof enclosures, horizontal exits, exit courts, and yards.~~

~~FAMILY OR FUNCTIONAL FAMILY as defined UNDER THE CITY'S ZONING ORDINANCE as one of the following:~~

~~(1) One or more persons related by blood, marriage, adoption or guardianship, plus not more than one person not so related, living as a single housekeeping unit in all zoning districts of the city.~~

~~(2) Two persons plus their offspring living as a single housekeeping unit in all residential zoning districts in the city.~~

~~a. One professional caregiver such as a nurse, nanny, physical therapist, and the like, caring for either of the persons or their offspring may also reside in the dwelling.~~

~~b. OFFSPRING means descendants, including biological offspring, adopted children, foster, and legal wards.~~

~~c. A functional family living as a single housekeeping unit which has received a permit pursuant to the Mount Pleasant Zoning Ordinance.~~

FIRE OFFICIAL. The duly appointed City Fire Official or a regularly authorized assistant.

~~FUNCTIONAL FAMILY. A group of people plus their offspring having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit.~~

~~FUNCTIONAL FAMILY does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where a common living arrangement or basis for establishment of a housekeeping unit is temporary.~~

~~GOOD REPAIR. Suitable general condition after repair.~~

GUEST ROOM. Any room or rooms used, or intended to be used by a guest which is a person sharing a rooming or dwelling unit in a non-permanent status for not more than 72 hours, for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory is a guest room.

~~HABITABLE ROOM. Any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, foyers, storage spaces, unfinished attics, utility rooms, cellars and similar spaces.~~

HOTEL. An establishment where short-term Lodging is offered for compensation and Lodging units are accessed from interior hallways.

MOTEL. An establishment where short-term Lodging is offered for compensation and one or more Lodging units are accessed by exterior doors opening directly to the exterior parking areas, passageways, or the outdoors.

~~HOTEL and MOTEL. A building containing six or more guest rooms used for the accommodation of transient guests, whether rented or hired out to be occupied or are occupied for sleeping purposes by guests whether rent is paid in money, goods, labor, or otherwise. If used or intended to be used or designed primarily for accommodation of transient or non-transient guests, the designation given by the owner (such as hotel,~~

~~motel, motor inn, or similar) may (but is not required) be used in determining its classification. It does not include any jail, hospital, or institution in which human beings are housed and detained under legal restraint.~~

~~HUMAN HABITATION. Living quarters used by people whether for a portion of a day or longer, containing certain provisions for sleeping and may include provisions for living, cooking, dining, and sanitation.~~

~~MANUFACTURED HOME. (Refer to the Michigan Residential Code Definitions) A structure, transportable in one or more sections, which, in the traveling mode, is eight body ft. (2.4 m) or more in width or 40 body ft (12.2 m) or more in length or, when erected on site, is 320 ft<sup>2</sup> (29.7 m<sup>2</sup>) or more which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the regulatory structure's exterior dimensions, measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.~~

~~MULTI FAMILY DWELLING. A building containing three or more dwelling units.~~

~~OCCUPANT. A person residing in a rented or leased building to which this Code applies.~~

~~OWNER. The record title owner of a parcel that is the site of a rented or leased building to which this Code applies.~~

~~ROOMING DWELLING. A building containing one or more units that is approved for use by three or more persons, not meeting the definition of a family, per dwelling unit. This is also known as a ROOMING HOUSE.~~

~~SUPERFICIAL FLOOR AREA. Is the net floor area within the enclosing walls of the room in which the ceiling height is not less than five feet excluding built in equipment such as wardrobes, cabinets, kitchen units, or fixtures.~~

~~TWO FAMILY DWELLING. A building used exclusively or designed for occupancy of two individual families living independently of each other.~~

## **§ 152.005 RESPONSIBILITIES OF OWNERS.**

Every owner shall comply with the following provisions:

(A) At the time a new tenant occupies a vacant dwelling unit, the new tenant shall be provided with a clean, healthful and safe dwelling unit, free of visible mold and mildew.

(B) Maintain the public or shared areas of a dwelling or the premises in a clean, safe, and sanitary condition.

(C) Maintain in good repair every dwelling and premises and all parts thereof, including, but not limited to, plumbing, heating, ventilating, and electrical systems, and the interiors and exteriors of dwellings and dwelling units.

(D) Maintain all fixtures, furniture, and furnishings that are furnished by the owner in a safe condition and in good repair.

(E) Display in a conspicuous place in the common way of the dwelling or dwelling unit a copy of the housing license or attach a copy of the then current housing license to the lease at the time of execution of the lease, or include the following provision in the lease:

The City of Mt. Pleasant regulates rental properties within the City. Your Landlord will provide you a copy of the current housing license for your property without charge upon your written request to the Landlord. You may also acquire a copy of the current housing license for your property by contacting the Mt. Pleasant Fire Department at 989-779-5100.

(F) Include within the terms of every written lease the provisions set forth in § 96.04.

(G) Cooperate with and assist the City in the enforcement of § 96.04.

(H) An owner or agent shall not allow a dwelling unit to be occupied by more persons than such dwelling unit is licensed for or allow any portion of the dwelling unit to be occupied in such a manner that any of the provisions of this Code are violated.

(I) 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.

(J) Equipment, systems, devices and safeguards required by this Code or a previous regulation or Code under which the building was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required by applicable law to be removed from or shut off for any occupied dwelling or dwelling unit, except for such temporary interruption as necessary while repairs or alterations are in progress. 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 buildings.

(K) All water leaks shall be properly repaired.

(L) All locations within the building for which the Landlord is responsible for under the lease, shall be kept free of visible mold and mildew.

(M) Comply with other applicable provisions of this Code.

(N) Owners shall provide tenants with all applicable City requirements for vehicle parking.

## **§ 152.006 RESPONSIBILITIES OF OCCUPANTS.**

Every occupant shall cooperate with and assist the owner to keep and maintain the building, dwelling unit and premises to meet the minimum requirements of this Code. In addition:

(A) Every occupant shall notify the owner or his/her agent in writing of any water leaks or of any condition believed to be in violation of this Code which directly affects the dwelling unit within a reasonable time of discovery of any leaks or condition.

(B) Every occupant may at any time notify the Fire Official of any condition believed to be in violation of this Code.

(C) Every occupant shall properly use all facilities, including bathroom and kitchen facilities, and shall maintain them in a manner that is sufficiently clean and sanitary so as not to place other occupants within that building at risk for safety or health reasons.

(D) An occupant shall not sublet or allow any portion of the dwelling unit to be occupied in such a manner that any of the provisions of this Code are violated.

(E) Every occupant shall properly use the designated parking area provided by the applicable lease and shall not park across sidewalks or lawns.

(F) Occupants of any dwelling unit shall be responsible jointly and/ or severally for any violation of this section of this Code.

(G) Every occupant shall assist the owner and cooperate with the City in compliance with and enforcement of § 96.04.

(H) Occupants shall not place any article of furniture and/ or an appliance manufactured for and intended primarily for indoor use out of doors, in yards, on open porches, or patios.

(I) No occupant of any dwelling unit or building shall cause intentional destruction nor allow the intentional destruction by others to the dwelling unit or building or any part thereof.

(J) No occupant shall access, nor permit access by others, to the rooftop of any structure. Exception: access by property maintenance personnel shall be permitted for necessary repairs.

(K) Every occupant shall properly use all facilities and maintain them in a clean and sanitary manner free of excessive accumulations of waste product or clutter, unwashed clothing and unclean dishware or cookware. All areas for which the tenant is responsible for under the lease, shall be kept free of visible mold or mildew.

(L) No occupant of any dwelling unit or building shall allow any refuse, debris or other substance to accumulate in the dwelling unit or building or any other area, which said occupant has use or possession thereof, which puts other occupants of that building at risk for health or safety reasons.

(M) Occupants shall comply with all applicable parking requirements of the City including, but not limited to parking permit requirements.

## § 152.007 REFERENCED CODES AND STANDARDS.

The City hereby adopts by reference the 2021 International Property Maintenance Code issued by International Code Council, Inc., except those sections otherwise deleted or amended below and otherwise in this Code:

~~Chapters 3 through 8 of the 2012 edition of the International Property Maintenance Code are hereby adopted as part of this Code and shall apply to all buildings subject to the Code except as added, amended or deleted, as follows:~~

~~Add 301.4 Owner occupied rental. Owner occupied portions of residential dwelling buildings shall be inspected annually to insure that a non owner occupant of that residential dwelling building will not be subject to risk because of safety or sanitary conditions existing in the owner occupied portion of the residential dwelling building.~~

**Add 301.5 New rental properties.** Each dwelling added to the housing licensing program after the adoption date of this Code, shall be considered as new construction with respect to fire resistance rate construction, fire protection systems and means of egress and shall comply with all sections of this Code and all other applicable codes.

**Amend 302.4 Weeds.** The regulation of noxious weeds shall be enforced in accordance with Section 96.05 of the Mt. Pleasant Code of Ordinances, entitled Lawn Maintenance; Height; Removal of Noxious Weeds.

**Amend 304.14 Insect screens.** Every door, window and other outside opening required for ventilation (see § 403.1) of habitable rooms, food preparation areas, food service areas or any area where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging screen or storm door shall have a self-closing device in good working condition.

~~Amend 304.18.1 Doors. Each dwelling added to the housing licensing program after the adoption date of this Code, shall provide all doors providing access to a dwelling unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than one inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit without the use of a key, tool, combination thereof or any other special knowledge or effort.~~



~~Add 304.18.4 Room security. Each rooming dwelling added to the housing licensing program after the adoption date of this Code, shall have positive latching, lockable door hardware, on each sleeping room.~~

~~Delete 308.2.1~~

~~Delete 308.3.1~~

~~Delete 308.3.2~~

**Add 308.4** Garbage facilities shall be constructed and maintained in compliance with the City of Mt. Pleasant zoning requirements and Chapter 50 of the City Code of Ordinances.

**Add 308.5** Occupant responsibility. Occupants of all dwellings are required to comply with Chapter 50 of the City Code of Ordinances.

~~Amend 403.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable 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~~

~~Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.~~

~~Exception: Where rooms and spaces without openings to the outdoors comply with the Michigan Residential Code for light and ventilation in habitable rooms.~~

~~Add 403.6 Sleeping rooms with two doors. Sleeping rooms with an exterior door in lieu of a window, shall be provided with a screen door at the exterior for ventilation.~~

**Amend 404.3** Minimum ceiling heights for rentals added to the housing licensing program after the adoption date of this Code. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas may be approved to be less than 7 feet if the following conditions are met:

1. Ceiling height shall not be less than 6 feet 8 inches and the ceiling must be at least 3 feet 6 inches in width at that height across the length of the room.

2. Bedrooms must have at least one window which meets the current minimum egress size requirements of the local adopted building code.

3. The smoke detectors must meet the minimum requirements of the local adopted building code.

4. In habitable spaces where the ceiling height is less than 8 feet, ceiling paddle fan blades shall have a clearance height of 7 feet to the floor.

### Delete Exceptions to Section 404.3

**Add** 404.3.1 Elevated sleeping surface. Lofts, bunk beds or other elevated sleeping surfaces shall be installed not closer than 30 inches from the top of the sleeping surface to the ceiling of the room. Lofts, bunk beds or other elevated sleeping surfaces shall not block any opening or window that is a required means of egress by any applicable code.

~~Amend 404.4.2 Access from bedrooms. Each dwelling added to the housing licensing program after the adoption date of this Code shall not have bedrooms which 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.~~

~~Add 404.8 Minimum floor area. Each dwelling subject to this Code shall have the minimum number of square feet of total floor area as set forth in Chapter 154 of the City Code of Ordinances, except as provided in § 154.007.~~

~~Amend 602.3 Heat Supply. Heat shall be supplied so as to maintain a minimum temperature of 68° F (20°) in all habitable rooms, bathrooms, and toilet rooms.~~

#### Exceptions:

- ~~1. When outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Michigan Plumbing Code.~~
- ~~2. In areas where the average monthly temperature is above 30° F (1° C) a minimum temperature of 65° F (18° C) shall be maintained.~~

~~702.5.1 Emergency escape and rescue openings for existing rental dwellings shall be provided and installed in accordance with the Michigan Rehabilitation Code for Existing Buildings.~~

**Add** 702.5 Emergency escape and rescue openings for each dwelling added to the housing licensing program after the adoption date of this Code shall be provided and installed in accordance with the Michigan Residential Building Code.

**Add** 703.3.4 Under-stair protection. Enclosed accessible spaces under stairs shall have the walls, under stair surface and any soffit protected on the enclosed side with minimum 1/2 inch gypsum wallboard, taped and finished. Use of under stair storage areas, which pose difficulty for compliance with this Code, shall be discontinued and permanently sealed from future use. Under stair mechanical areas, which pose difficulty for compliance with this Code, may be protected by the installation of domestic water sprinkler head(s) to completely protect the area.

**Add 703.9** Separation required. Each dwelling subject to this Code with attached garage or storage areas shall have a fire separation extending the full width and height of the common wall(s) with the living portion of the structure. All separations shall be designed and installed in accordance with the Michigan Residential Building Code. If the living space of the structure is located above a garage space, the common floor/ceiling between the two spaces shall be separated in accordance with the garage separation section of this Code and all applicable codes. Fire resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend tight to and be sealed to the underside of the roof sheathing.

~~Delete 704.3~~

~~Delete 704.4~~

**Add 704.5.3** Early detection with elevated sleeping surfaces. Sleeping rooms or areas with elevated sleeping surfaces such as bunk beds or lofts shall require the installation of a smoke detector in said sleeping room. It shall be the responsibility of the provider of the loft or bunk to provide a smoke detector that is sealed and has a non-removable, non-rechargeable battery that is capable of operating the smoke alarm in the normal condition for a life of at least 10 years. This smoke detector must be mounted on the ceiling surface in accordance with manufacturers requirements.

~~Add 704.6 Smoke alarm maintenance. Smoke alarms shall be maintained in good working condition and shall be replaced in accordance with the manufacturer's recommendations and the detector listing. Smoke alarms shall be maintained free of accumulations of dirt, dust and other materials that may impede operation. Covers shall be maintained on all alarm units for proper testing.~~

**Amend 704.6** Smoke alarms. Each dwelling added to the housing licensing program after the adoption date of this Code shall have smoke alarms installed in accordance with the Michigan Residential Building Code. Dwellings licensed on or before the adoption date of the Code shall comply with State of Michigan law as amended for the Michigan Building Code (R408.30546), the Michigan Residential Building Code (R408.30546) and the Michigan Rehabilitation Code (R408.30566). In addition, existing buildings constructed after November 6, 1974, that do not comply with state law shall conform to state law when battery operated smoke alarms expire. Finally, when any new smoke alarm is installed in any dwelling licensed under this Code after this date, the smoke alarm shall comply with the following provisions:

**Amend 704.6.2.3** A smoke alarm shall be sealed and have a non-removable, non-rechargeable battery which will last ten (10) years.

**Amend 704.6.3** A smoke alarm shall receive its primary power from the building wiring (provided that such wiring is served from a commercial source) and shall be equipped with a back-up battery.

**§ 152.008 HOUSING LICENSE APPLICATION; FEE.**

(A) No person shall occupy a dwelling subject to this Code unless a current, unrevoked housing license has been issued by the Fire Official, or designee, for the specific named dwelling.

(B) No person shall operate or permit occupancy of a dwelling subject to this Code unless a current, unrevoked housing license has been issued by the Fire Official, or designee, for the specific dwelling in the name of the owner.

(C) No person who manages a property on behalf of an owner shall permit occupancy of a dwelling subject to this Code unless a current, unrevoked housing license has been issued by the Fire Official, or designee, for the specific dwelling in the name of the owner.

(D) The following shall apply to the issuance of any housing license:

(1) Application for a housing license or for renewal shall be made in writing by the owner to the Fire Official, on forms furnished by the Fire Official, and shall be accompanied by an inspection fee established pursuant to division (E) below. The owner's signature is required on the form.

(a) If after inspection(s) by the Fire Official, or designee, the dwelling is found to be in accordance with all provisions of this Code, and all applicable fees have been paid, a housing license will be issued.

(b) An initial housing license shall be valid for a period of one year from the date of issuance (unless sooner revoked). Any successive renewal of the housing license shall be valid for a one-year period from the date of expiration of the initial or any successive license renewal, except the Fire Official is authorized, for the initial housing license issued for a dwelling, to issue the housing license for a period of up to one year and nine months for the purpose of adjusting the time when such housing license expires.

(2) A violation of this Code shall not prevent the issuance of a housing license, unless the Fire Official determines existing conditions constitute either: (a) a hazard to the health, safety, or welfare of those who may occupy the dwelling; or (b) a hazard to the health, safety, or welfare of the community.

(3) Applicants shall designate in writing with each application or renewal, an agent upon whom service or notice under this Code and service or process for violation of this Code may be made in the absence of the owner. The agent designated must reside in the county to receive such notice. This designated agent must give written approval for the use of his/her name as the designated agent. A violation of this section is a misdemeanor MUNICIPAL CIVIL INFRACTION.

(4) Every person holding a housing license shall provide in the written lease a provision that the tenant or roomer will allow the Fire Official, or his/her designee, access to the dwelling and/or dwelling unit for the purpose of inspection required as a

prerequisite to granting or renewal of a housing license, or for the purpose of investigating a complaint.

(5) No housing license is transferable to another dwelling, and each person issued a housing license shall give notice in writing to the Fire Official within seven days after having conveyed title, or assigned, transferred, or otherwise disposed of legal control of any licensed dwelling. Such notice shall include the name and address of persons succeeding to the ownership or control of such dwelling, and to whom the housing license is to be transferred. Within ten days of any transfer of ownership, the assigned shall comply with provision (D)(3) above.

(6) Application for the renewal of a housing license shall be made at least 30 days prior to the expiration date of the existing housing license. Late applications will be charged a late fee.

(7) A record of all housing licenses issued shall be kept on file in the offices of the Fire Official, and copies will be furnished upon request. The Commission shall set this fee by resolution from time to time.

(E) Housing license fees shall be set by resolution of the Commission.

#### **§ 152.009 TEMPORARY LICENSE.**

The Fire Official may issue a temporary housing license for all or part of a dwelling in the process of erection or alteration if the dwelling or part thereof to be occupied complies with the provisions of this Code. No temporary housing license may be issued for longer than six months, and no temporary housing license shall be effective more than five days after the erection or alteration of the dwelling is completed.

#### **§ 152.010 ENFORCEMENT.**

(A) General. The Fire Official shall enforce the provisions of this Code.

~~(B) Inspection. The Fire Official, or designee, shall make all required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible Officer of such approved agency or by the responsible individual. The Fire Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.~~

~~(C) Right of entry. The Fire Official, or designee, is authorized to enter all buildings or structures subject to this Code at reasonable times in order to inspect the buildings or structures, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Fire Official is authorized to pursue recourse as provided by law.~~

#### **§ 152.011 HOUSING BOARD OF APPEALS.**

(A) Creation. A Housing Board of Appeals is hereby created to provide a reasonable interpretation of the provisions of this Code and to give relief where unnecessary hardship would result from carrying out the strict letter of this Code. The duty of the

Board shall be to consider appeals from decisions of officials charged with the enforcement of this Code and to determine in particular cases whether any deviation from the strict enforcement of this Code will violate the intent of this Code or jeopardize the public health, safety and welfare.

(B) Membership and appointment. The Building Fire and Sanitary Sewer Board of Appeals shall perform the duties of the Housing Board of Appeals.

(C) Public meetings.

(1) The Housing Board of Appeals shall meet in a fixed place, and all meetings shall be open to the public.

(2) When an appeal has been properly filed and is to be considered, the Housing Board of Appeals shall give at least ten days' notice of the time and place of the hearing in a daily newspaper of general circulation in the City. The Housing Board of Appeals shall also give five days' notice by personal service or by mail to the applicant, and Fire Official, and, when an appeal applies to the condition or appearance of the outside of a building or to conduct by an occupant which the Housing Board of Appeals reasonably believes may adversely impact neighboring properties, to any person to whom real property is assessed that is within 100 feet of the premises of the appeal, and such notice will be addressed to the respective owners at the address given on the last assessment roll. Any party may appear at such hearings in person or by agent.

(D) Rules, minutes and records. The Housing Board of Appeals shall adopt its own rules or procedure and keep a record of its proceedings, showing the action of the Board. Such records shall be considered public records.

(E) Appeal cases. Any person affected by any notice and order which has been issued in connection with the enforcement of this Code who has not otherwise been offered a hearing under this Code may request and shall be granted a hearing on the matter before the Housing Board of Appeals, provided that such person shall file in the office of the Fire Official a written petition requesting such hearing and setting forth the name, address, and phone number of the petitioner and a brief statement of the grounds for such hearing. Petition shall be filed within ten days after the day the notice of order is served. Upon receipt of such a petition, the Fire Official shall set a time for the hearing before the Housing Board of Appeals and shall give the petitioner written notice thereof.

(F) Fee for appeal cases. A fee shall be paid to the City Treasurer before filing a petition as set forth in division (E) above. The Commission shall set this fee by resolution.

(G) Stay of order. Any determination made by the Fire Official which is appealed to the Housing Board of Appeals under division (E) above shall be stayed until a disposition of the appeals is made by the Housing Board of Appeals.

(H) Action of Board. After a hearing, the Housing Board of Appeals shall sustain, modify, or withdraw the notice and order depending upon its findings. If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this Code, the Housing Board of Appeals may permit a variance from the mandatory provisions thereof in such a manner that the public

safety shall be secured, substantial justice done, and the spirit of the provisions of this Code upheld. All decisions to permit a variance under this section shall be by a majority vote of the total membership of the Board, excluding the alternate member.

**§ 152.012 DETERMINATION AND NOTICE OF VIOLATION.**

(A) If upon inspection the Fire Official finds a violation of this Code, he/she shall issue a notice and order directed to the owner of record in accordance with the 2021 International Property Maintenance Code. ~~Stating the date of inspection, the name of the inspector, the nature of the violation, and the time within which the correction shall be completed.~~

(B) A violation which is determined by the Fire Official to constitute a hazard to health or the occupants or the community as a whole, shall be ordered corrected within the shortest reasonable time, and notice of having begun compliance shall be given to the Fire Official by the owner within 48 hours. All other violations shall be corrected within 30 calendar days from the date of notice.

(C) At the end of the period of time the Fire Official has allowed for the correction of any violation notice as provided, the Fire Official shall reinspect the licensed dwelling, and if he/she determines that the conditions requiring corrections set forth in the notice sent have not been corrected, the Fire Official may issue an order notifying the owner of the continuing violation(s) and schedule a hearing to suspend the housing license under the procedure as outlined in the 2021 International Property Maintenance Code.

~~(1) The hearing will be held before the Building Official, the Department of Public Works Director, and the Planning and Economic Development Director.~~

~~(2) Notice of the continuing violation(s) and the date and place of the hearing will be provided to the owner at least five days before the hearing.~~

~~(3) At the hearing, the Fire Official, or designee, shall present evidence to establish that a violation of the Code exists.~~

~~(4) The owner shall have the right to present evidence and ask questions of the Fire Official, or designee.~~

~~(5) The Fire Official, or designee, shall have the right to ask questions of the owner.~~

~~(6) The hearing panel shall determine, by a preponderance of the evidence, if a violation of the Code exists and if the housing license is suspended.~~

~~(7) Within seven days after the hearing, the hearing panel shall present a written decision to the Fire Official and the owner.~~

(D) Any person whose housing license under this section has been suspended shall be entitled to an appeal to the Housing Board of Appeals. If no appeal is properly presented within 21 days following the issuance of the order of suspension, the housing license shall be revoked except that if prior to the revocation of the housing license any person whose housing license has been ordered suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(E) If, upon reinspection pursuant to the request of the person whose housing license has been ordered suspended but not yet revoked, the Fire Official finds the dwelling in connection with which notice was issued is now in compliance with this Code and with

applicable rules and regulations issued pursuant thereto, he/she shall reinstate the housing license. A request for reinspection shall not extend the suspension period.

(F) If an appeal to the Housing Board of Appeals is taken, and if the Housing Board of Appeals does not reverse the decision, the housing license shall be revoked within ten days following the denial of the appeal by the Housing Board of Appeals.

(G) If an owner or occupant fails to comply with an order of suspension which has not been appealed, or which the Housing Board of Appeals has sustained, the Fire Official or his/her agent may take action to abate or enjoin the violation and enforce the provisions of this Code.

(H) When an uncorrected violation creates an imminent danger to the health and safety of the occupants of the dwelling or premises, the City may file an action seeking a preliminary injunction or other temporary relief appropriate to remove such danger during the pendency of any action.

### **§ 152.013 NOTICE.**

(A) Service and terms. All notices shall be in writing and shall be deemed given when one of the following is done:

(1) Personal service.

(2) A copy of such notice is sent by certified mail, postage prepaid, return receipt requested.

(3) If no address so appears nor is known to the Fire Official, a copy of the notice shall be mailed to the owner at the address of the building or structure and a copy of the notice and order shall be posted in a conspicuous place on the building or structure.

(4) Service by certified mail in the manner herein provided shall be effective on the date of mailing; proof of service of the notices and the manner of such service shall be made by affidavit sworn to by the person affecting such service, declaring time, date, and the manner in which the service was made. The affidavit, together with any receipt for mailing and any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Fire Official.

(B) Notice. The failure of any person to receive notice as provided for above shall not affect the validity of any proceedings taken under this Code.

### **§ 152.999 PENALTY.**

(A) Except as provided in the sections above, any person violating a provision of this Code shall be responsible for a municipal civil infraction and subject to a fine set by the court.

(B) Fines for permitting occupancy of unlicensed dwellings, in violation of divisions (B) and (C) of § 152.008, shall be as follows:

(1) First offense \$50.

(2) Second offense, or offense by an individual who knew or should have known about the City's housing licensing requirements. An individual who owns, manages, or



is an employee or principal of an entity that owns or manages a licensed rental dwelling in the City is presumed to know about the City's licensing requirements \$2,500.

(3) Each subsequent offense \$5,000.

**Section 4. Publication and Effective Date.** The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

\_\_\_\_\_  
Amy Perschbacher, Mayor

\_\_\_\_\_  
Heather Bouck, City Clerk

#### **CERTIFICATION**

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting held on August 14, 2023.

\_\_\_\_\_  
Heather Bouck, City Clerk

Introduced: July 14, 2023  
Adopted: August 14, 2023  
Published: August 18, 2023  
Effective: September 13, 2023