

CODIFIED ORDINANCES OF TRAVERSE CITY

PART FOURTEEN - BUILDING AND HOUSING

CODE

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CHAPTER 1420

State Construction Code

1420.01 Adoption; application.
1420.99 Penalty.

CROSS REFERENCES

Adoption by reference - see CHTR. Sec. 33
Building codes in home rule cities - see M.C.L.A. Sec. 117.3
State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.
Joint enforcement - see B. & H. 1440.02
Application of State Construction Code to rental housing - see B. & H. 1482.04
Conflicts with State Housing Law - see B. & H. 1484.03

1420.01 ADOPTION; APPLICATION.

The State Construction Code, consisting of the State Construction Code Act of 1972, as amended, and all applicable administrative regulations adopted thereunder, is hereby acknowledged as the applicable construction code in the City.
(Ord. 122. Passed 5-18-81.)

1420.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1440

Administration and Enforcement

1440.01	Authority of Protective Inspection Division.	1440.04	Fees.
1440.02	Joint enforcement.	1440.05	Building permits.
1440.03	Conflict of laws.	1440.06	Liability for defective installation
		1440.99	Penalty.

CROSS REFERENCES

- Municipal building licenses and permits - see M.C.L.A. Sec. 125.54
- Building permits - see M.C.L.A. Secs. 125.1510 et seq.
- Inspection of building construction - see M.C.L.A. Sec.125.1512
- Permits for swimming pools - see M.C.L.A. Sec. 333.12525
- Site plans to accompany building permits - see P. & Z. 1252.01
- Building permits for parking lots - see P. & Z. 1298.04
- Inspectors - see B. & H. Ch. 1444
- Building permits in Historic Districts - see B. & H. 1462.03(c)(12)

1440.01. AUTHORITY OF PROTECTIVE INSPECTION DIVISION.

The City hereby assumes responsibility for the administration and enforcement of the State Construction Code Act of 1972, as amended (M.C.L.A. 125.1501 et seq.; M.S.A. 5.2949(1) et seq.), and hereby designates the Protective Inspection Division of the City as the enforcing agency that shall discharge the responsibility of the City under such Act. (Ord. 122. Passed 5-18-81.)

1440.02. JOINT ENFORCEMENT.

By agreement approved by the City Commission, the City may join together with any other county, city, village or township for the joint enforcement of the State Construction Code or any provision of this Building and Housing Code. Upon approval of the Michigan Department of Labor, the City may contract with a public or private entity to provide enforcement.(Ord. 122. Passed 5-18-81. Ord. 495. Passed 5-1-00.)

1440.03. CONFLICT OF LAWS.

If any of the provisions of this Building and Housing Code are inconsistent with the provisions of any State statute, State administrative regulation or ordinance of the City, presently existing or enacted in the future, the more restrictive requirement shall apply. (Ord. 122. Passed 5-18-81.)

1440.04. FEES.

All fees and charges to be paid to the City under the State Construction Code or this Building and Housing Code shall be established by resolution of the City Commission. (Ord. 122. Passed 5-18-81.)

1440.05. BUILDING PERMITS.

No person shall commence any construction, repair or other activity for which a permit is required by this Building and Housing Code without first obtaining such permit.

ADMINISTRATION AND ENFORCEMENT

Whoever commences any such construction, repair or other activity without first obtaining such a permit shall, if legally authorized and subsequently allowed to obtain a permit, pay double the permit fee established by resolution of the City Commission.

1440.06. LIABILITY FOR DEFECTIVE INSTALLATION.

Nothing contained in this Building and Housing Code shall be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any building, electrical, plumbing or mechanical construction, equipment, devices or material for damage to persons or property caused by any defect therein; nor shall the City be held as assuming any such liability by reason of the inspection or licensing authorized or certificate of compliance issued.

(Ord. 122. Passed 5-18-81.)

1440.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1442

Construction Board of Appeals

1442.01 Establishment; composition; terms of office; compensation; rules; quorum.

CROSS REFERENCES

Building codes in home rule cities - see M.C.L.A. Sec. 117.3

Management and control of municipal buildings and grounds - see M.C.L.A. Sec. 117.4j

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.; B. & H. Ch. 1420

Building Authority - see ADM. Ch. 296

Board of Zoning Appeals - see P. & Z. Ch. 1254

Administration and enforcement - see B. & H. Ch. 1440

Inspectors - see B. & H. Ch. 1444

1442.01. ESTABLISHMENT; COMPOSITION; TERMS OF OFFICE; COMPENSATION; RULES; QUORUM.

- (a) Establishment. There is hereby established in and for the City a Construction Board of Appeals in accordance with the State Construction Code. If the City contracts with a public agency to provide enforcement of the State Construction Code, then that public agency's Construction Board of Appeals shall serve as the Construction Board of Appeals for the City.
- (b) Composition. The appointment and operation of the Board shall be as follows:
 - (1) The Board shall have seven members who shall be appointed by the Mayor with the approval of the City Commission.
 - (2) Voting membership of the Board shall consist of individuals from the following categories:
 - (A) Registered architect;
 - (B) Registered professional engineer;
 - (C) Master electrician;
 - (D) Master plumber;
 - (E) Unlimited heating contractor (must also serve as a member of the Board of Heating Examiners);
 - (F) Building contractor; and
 - (G) Member of the public.
- (c) Terms of Office. The term of a member shall be for three years, except that for the first Board two members shall be appointed for one-year terms and two members for two-year terms.
- (d) Officers. The Board shall designate one of its members as Chairperson on a biennial basis. The City Engineer and the Fire Marshal of the City shall serve as members ex-officio without voting rights. The Building Inspector of the Protective Inspection Division shall be the recording secretary of the Board.
- (e) Compensation. Members of the Board shall serve without compensation, but may be reimbursed reasonable expenses.
- (f) Rules. The Board shall establish its own governing rules and is authorized to appoint other technical boards consisting of not more than three members each with regard to

CONSTRUCTION BOARD OF APPEALS

specialty items, such as building, plumbing, mechanical or electrical problems, on which the Board feels it needs additional input prior to a decision.

(g) Quorum. Four members shall be considered a quorum for the transaction of business. (Ord. 122. Passed 5-18-81. Ord. 496. Passed 5-1-00.)

CHAPTER 1444

Inspectors

1444.01	Appointment.	1444.03	Electrical Inspector.
1444.02	Building Inspector.	1444.04	Plumbing Inspector.
1444.06	Plan Reviewer.	1444.05	Mechanical Inspector.

CROSS REFERENCES

Building codes in home rule cities - see M.C.L.A. Sec.117.3
Management and control of municipal buildings and grounds -see M.C.L.A. Sec. 117.4j
State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.; B. & H. Ch. 1420
Inspection of building construction - see M.C.L.A. Sec.125.1512
Right of entry of Municipal employees - see ADM. 266.01
Sewer inspections - see S.U. & P.S. 1042.16
Right of entry of Fire Chief - see F.P. 1610.02(a)

1444.01. APPOINTMENT.

Any reference in the Traverse City Code of Ordinances to “Building Inspector,” “Plumbing Inspector”, or similar officials shall be deemed to mean the City Manager or the designee of the City Manager. The City Manager may designate a Building Inspector, a Plumbing Inspector, an Electrical Inspector, a Mechanical Inspector and a Rental Housing Inspector for indefinite terms who, for the purposes of enforcement of the provisions of this Building and Housing Code relating to their activities, shall have the powers of a police officer. The City Manager may designate a State or county inspection official to perform these services. The City Manager, with approval of the City Commission, may contract with a government or a private entity to provide the services of the Protective Inspections department.

(Ord. 286. Passed 10-15-90. Ord. 493. Passed 5-1-00)

1444.02. BUILDING INSPECTOR.

The Building Inspector shall have the qualifications required by State law, as set forth in Act 54 of the Public Acts of 1986, as amended.

1444.03. ELECTRICAL INSPECTOR.

The Electrical Inspector shall have the qualifications required by State law, as set forth in Act 54 of the Public Acts of 1986, as amended.

1444.04. PLUMBING INSPECTOR.

The Plumbing Inspector shall have the qualifications required by State law, as set forth in Act 54 of the Public Acts of 1986, as amended.

1444.05. MECHANICAL INSPECTOR.

The Mechanical Inspector shall have the qualifications required by State law, as set forth in Act 54 of the Public Acts of 1986, as amended.

1444.06. PLAN REVIEWER.

INSPECTORS

The Plan Reviewer shall have the qualifications required by State law, as set forth in Act 54 of the Public Acts of 1986, as amended.

CHAPTER 1446

Licensing of Contractors

1446.01 State license and City registration required of mechanical and sewer contractors.

1446.02 Bond.

CROSS REFERENCES

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.;

B. & H. Ch. 1420 Building Authority - see ADM. Ch. 296

Building permits and fees - see B. & H. 1440.04, 1440.05

Sign permits - see B. & H. 1476.06, 1476.20

1446.01 STATE LICENSE AND CITY REGISTRATION REQUIRED OF MECHANICAL AND SEWER CONTRACTORS.

- (a) No person shall be issued a permit to perform any mechanical work until a license has been obtained as required by the laws of this State and this chapter. For purposes of this section, "mechanical work" shall be defined as the installation, alteration or servicing of work classifications as set forth in Act 192 of the Public Acts of 1984, as amended (M.S.A. 18.86 et seq.; M.C.L.A. 338.971 et seq.). The holder of a State license required for mechanical work shall register said State license on an annual basis with the City before performing any work in the City. The holder of such license shall pay an annual fee to the City for each such registration. Said fee shall be established by resolution of the City Commission.
- (b) No person shall be issued a permit to perform any installation, alteration or connection of building sewers who is not licensed as a master plumber with this State and who is not registered with this City. Acceptable verified experience for registration shall be of a nature and type which is adequate, as determined by the Plumbing Inspector. If the Plumbing Inspector denies the granting of registration, the applicant for registration may appeal the decision of the Plumbing Inspector to the Construction Board of Appeals. The Board may overturn the decision of the Plumbing Inspector and order the granting of the registration to an individual. Individuals to be registered shall pay an annual fee to the City and shall furnish an annual bond made out to the City for each such registration. Said fee and bond shall be established by resolution of the City Commission. Said bond shall be submitted in accordance with Section 230.06 of the Administration Code.
- (c) All registrations required by this chapter shall expire December 31 of each year.
(Ord. 326. Passed 2-18-92.)

[4-1-99 CODIFIER'S NOTE: Former section 1446.02 was technically repealed by Ord.326. Passed 2-18-92 and incorrectly included in 1992-A replacement pages.]

CHAPTER 1454

Dangerous Structures

1454.01	Prohibitions.	1454.03	Enforcement.
1454.02	Notice to correct.	1454.04	Immediate action.

CROSS REFERENCES

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.; B. & H. Ch. 1420

Building Authority - see ADM. Ch. 296

Construction Board of Appeals - see B. & H. Ch. 1442

1454.01. PROHIBITIONS.

No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public. (1976 Code Sec. 6.031)

1454.02. NOTICE TO CORRECT.

The City Commission may, after investigation, condemn such structures and give notice to the owner or owners thereof, or if the owner or owners cannot be found, to the party in possession or control of the land upon which such structure is located, specifying in what respect the structure is a public nuisance and requiring the owner or occupant to alter, repair, tear down or remove the same within thirty days after service of the notice.

(1976 Code Sec. 6.032)

1454.03. ENFORCEMENT.

If, at the expiration of the time limit in the notice, the owner has not complied with the requirement thereof, the City Manager may carry out the requirements of the notice after preparing photographs or diagrams of the condition to be abated.

(1976 Code Sec. 6.033)

1454.04. IMMEDIATE ACTION.

If the public safety requires immediate action, the City Manager or a person performing the functions of his or her office may abate such public nuisance without preliminary order of the City Commission.

(1976 Code Sec. 6.034)

CHAPTER 1456

Property Maintenance

The purpose of this Chapter is to establish minimum standards for the exterior maintenance of all non-residential properties and structures.

CROSS REFERENCES

State of Michigan Natural Resources and Environmental Protection
Act definition of hazardous substance - MCL 324.20101(t)
Penalty - TC Code Section 202.99

1456.01	Determination of Necessity.	1456.12	Outdoor Storage.
1456.02	Purpose.	1456.13	Trees, Shrubs, and Other Vegetation.
1456.03	Definitions.	1456.14	Health and Sanitation.
1456.04	Applicability.	1456.15	Workmanlike.
1456.05	Property Maintenance Required.	1456.16	Vacant Property Identification.
1456.06	Structural Integrity.	1456.17	Enforcement.
1456.07	Exterior Surfaces.	1456.18	Fees.
1456.08	Protection of Exterior Surfaces.	1456.19	Emergencies.
1456.09	Exterior Windows, Doors, and Openings.	1456.20	Penalty.
1456.10	Exterior Attachments.	1456.21	City Costs.
1456.11	Accessory Improvements.		

1456.01 DETERMINATION OF NECESSITY.

The City Commission finds that there are non-residential properties in the City that are poorly maintained and neglected by their owners. These properties adversely affect citizens who own or occupy nearby properties by lowering property and rental values. The City Commission finds that elimination and prevention of these conditions is necessary to protect the public health, safety and welfare and is in the best interest of the City and its citizens.
(Ord. 706. Passed 8-21-06)

1456.02 PURPOSE.

The purpose of the Chapter is to maintain, preserve and improve the non-residential properties in the City. To accomplish this, this Chapter sets out minimum standards for the exterior maintenance of all non-residential properties and structures. In carrying out this purpose, it is the intention of the City Commission to exercise its full powers to protect the public health, safety and welfare.
(Ord. 706. Passed 8-21-06)

1456.03 DEFINITIONS.

The following words and terms as used in this Chapter shall mean:

PROPERTY MAINTENANCE

- (a) Accessory Improvements includes, but is not limited to, walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures.
- (b) Basic Structural Elements means the parts of a building that provide the principal strength, stability, integrity, shape and safety of the building, including but not limited to, plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.
- (c) Correct the Violation means substantial steps taken towards remedying a violation of this Chapter.
- (d) Deterioration means the fact or process of decay or degeneration that has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including the advanced stage of rot, rust, mold, vermin infestation or destruction.
- (e) Emergency means a condition that is a violation of this Chapter and constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.
- (f) Exterior Attachments means gutters, down spouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs, lighting fixtures, handrails, guardrails and utility connections.
- (g) Garbage means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.
- (h) Good Repair means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.
- (i) Hazardous Substance means those substances identified at MCL 324.20101(t).
- (j) Non-residential Property means any property without a primary building that is used or intended for use as a single or two family residential unit.
- (k) Responsible Person means any person owning, occupying, managing or controlling any non-residential property in the City.
- (l) Safe means a condition that is not likely to do harm to human, animals, or real or personal property, including free of hazardous substances improperly disposed or stored on the property.
- (m) Sanitary means free of grease, excrement, dirt, food residue, garbage, rust or similar matter that can harbor bacteria or viruses unsafe to humans or animals, or that produces strong odors or provides for, or is an available source of food for, animals or insects.
- (n) Storage means to place or leave in a location in excess of 30 days.
- (o) Trash means waste materials and items that are not in good repair or are discarded and that are of little or no value, including plaster, paper, wrappings, plant cuttings, household furnishings, building materials, packing and clothing, appliances, equipment, machinery or parts thereof.
- (p) Verbal Notice means notice of the existence of an emergency given directly or by telephone to a responsible person.

PROPERTY MAINTENANCE

- (q) Vermin means rodents, birds and insects that are destructive of real or personal property or injurious to health.
- (r) Workmanlike means executed in a skilled manner and generally plumb, level, square, in line, undamaged and without marring adjacent work.
(Ord. 706. Passed 8-21-06)

1456.04 APPLICABILITY.

The provisions of this Chapter shall apply to any person owning, occupying, managing or controlling any Non-residential Property in the City.
(Ord. 706. Passed 8-21-06)

1456.05 PROPERTY MAINTENANCE REQUIRED.

All property regulated by this Chapter, whether occupied or unoccupied, and all property including vacant property or formerly occupied property shall meet or exceed the standards of this Chapter.
(Ord. 706. Passed 8-21-06)

1456.06 STRUCTURAL INTEGRITY.

Basic structural elements, foundations, foundation walls and supporting columns shall be in good repair.
(Ord. 706. Passed 8-21-06)

1456.07 EXTERIOR SURFACES.

- (a) All exterior surfaces of any structure shall be weather tight and in good repair and shall not have any holes, cracks or deterioration that would allow water or vermin to reach any basic structural element or to enter the interior of any building.
- (b) Any unauthorized writing or drawing on a visible exterior surface shall be removed within 10 days from the day the writing or drawing first appeared.
(Ord. 706. Passed 8-21-06)

1456.08 PROTECTION OF EXTERIOR SURFACES.

All exterior surfaces of a building or structure made of a material that may deteriorate from exposure to weather shall be protected by a properly applied weather-resistant paint, stain or other waterproof finish. Primers shall be properly covered with a water-resistant finish coating.
(Ord. 706. Passed 8-21-06)

1456.09 EXTERIOR WINDOWS, DOORS, AND OPENINGS.

- (a) All exterior windows and doors shall be weather tight, in good repair, intact and functioning as originally intended and designed or shall be secured against weather by boarding, which shall be painted.
- (b) Any exterior opening large enough for human or animal entry shall be secured by use of exterior grade plywood of at least 3/8th inch thickness, cut to the size of the opening and secured by Phillips headed 2 inch long screws on all first story or ground accessible entry points or 16d common nails on entry points above the first story or where not accessible from ground level.
(Ord. 706. Passed 8-21-06)

1456.10 EXTERIOR ATTACHMENTS.

Any exterior attachment to basic structural elements shall be in good repair.
(Ord. 706. Passed 8-21-06)

1456.11 ACCESSORY IMPROVEMENTS.

All accessory improvements shall be in good repair.
(Ord. 706. Passed 8-21-06)

1456.12 OUTDOOR STORAGE.

Outdoor storage of materials of value shall not be permitted to be located between the street and a building or closer than 4 feet to any side or rear lot line. Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings nor be stacked in a manner that may provide harborage for vermin.
(Ord. 706. Passed 8-21-06)

1456.13 TREES, SHRUBS, AND OTHER VEGETATION.

No tree, shrub or other vegetation shall be allowed to damage a building or block safe vision of a sidewalk, drive or street. No dead tree, trees, or parts thereof shall be permitted. Trees, shrubs, or other vegetation that endangers property shall be removed.
(Ord. 706. Passed 8-21-06)

1456.14 HEALTH AND SANITATION.

All exterior areas shall be sanitary and free of trash and garbage. A responsible person shall dispose of all trash and garbage in a clean and sanitary manner by placing such in approved containers.
(Ord. 706. Passed 8-21-06)

1456.15 WORKMANLIKE.

Additions, replacement, repairs or changes made to buildings, accessory buildings, appurtenances, structures, improvements, or facilities shall be done in a workmanlike manner.
(Ord. 706. Passed 8-21-06)

1456.16 VACANT PROPERTY IDENTIFICATION.

An identification sign in good repair and visible from the street shall be affixed to a vacant unoccupied property. Such sign shall provide the name(s), phone number(s), and address(es) of the property owner or other responsible person to be contacted regarding the property.
(Ord. 706. Passed 8-21-06)

1456.17 ENFORCEMENT.

This Chapter shall be enforced as follows:

- (a) Inspections. The City Manager or his or her designee shall be authorized to enter property subject to this Chapter at reasonable times to inspect the property.
- (b) Notice of Violation. When the City Manager or his or her designee determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred, notice shall be given to a responsible person. Said notice shall be in writing and include a description of the property, a statement of the violation or violations, and

require correction of the violations within a reasonable time. Property tax records shall be conclusive proof of ownership for purposes of the notice.

- (c) Abatement of Violation. If the responsible person fails to correct the violation within the time period provided in the notice, the City may correct the violations and the cost of correction shall be billed to the responsible person as a personal debt which, if unpaid, may be assessed as a lien upon the property involved.
- (d) Administrative Extensions. For good cause shown, the City Manager or his or her designee may extend the time in which to correct the violation provided that the responsible person remits the fee identified in 1456.18 and upon such other conditions that the City Manager or his or her designee deems advisable under the circumstances. (Ord. 706. Passed 8-21-06)

1456.18 FEES.

In addition to other penalties and fees provided by law or this Chapter, a responsible person shall pay the following fees:

- (a) \$175.00 for any violation within 10 days of the issuance of a Notice of Violation.
- (b) \$150.00 for an administrative extension of the time in which to correct the violation(s). (Ord. 706. Passed 8-21-06)

1456.19 EMERGENCIES.

- (a) Notice. If the City determines that a condition exists or is likely to exist that is an emergency, the City shall immediately attempt to verbally inform the responsible person and all occupants of the building of the nature of the condition. The City shall immediately attempt to give Verbal Notice to the responsible person to correct the condition. Such an order shall be effective immediately. A written Notice of Violation called for by this Chapter shall be prepared and mailed or personally served to the responsible person as soon as practicable after the Verbal Notice. If notice is attempted to be served in good faith but cannot be completed prior to having to take action necessary to abate an emergency condition, such notice shall be posted upon the subject property in a prominent location.
- (b) Abatement. If the responsible person cannot be contacted or fails to correct an emergency condition within the time ordered, the City Manager or his or her designee may authorize corrective actions to abate the emergency. The cost of abatement shall be billed to the owner as a personal debt which, if unpaid, may be assessed as a lien upon the property involved. (Ord. 706. Passed 8-21-06)

1456.20 PENALTY.

In addition to the fees set forth at 1456.18, whoever violates or fails to comply with any of the provisions of this Chapter is subject to the civil infraction sanctions according to Traverse City Code Section 202.99, injunctive relief, nuisance abatement, surcharges and equitable remedies as provided in the Traverse City Code of Ordinances or as otherwise available under the law, as well as any damages resulting from such violation. A separate offense is deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 706. Passed 8-21-06)

1456.21 CITY COSTS.

Upon a finding of responsibility for a violation of any provision of this Chapter, the Court shall order the defendant to reimburse the City for all of the costs of enforcement of this Chapter attributable to the violations for which the Defendant is found responsible, including but not limited to the costs of inspection, prosecution and administration.
(Ord. 706. Passed 8-21-06)

CHAPTER 1458

Flood Plain Management

1458.01	Purposes.	1458.06	Encroachments.
1458.02	Definitions.	1458.07	Manufactured homes.
1458.03	Areas of special flood hazard.	1458.08	Mechanical and utility equipment.
1458.04	Planning and Zoning Administrator as Administrative Official	1458.09	Variances.
1458.05	Regulatory floodway.	1458.99	Penalty.

CROSS REFERENCES

Power to regulate watercourses - see CHTR. Secs. 150, 151
 Flood control in home rule cities - see M.C.L.A. Secs. 117.4a, 117.4e
 Municipal bond issues - see M.C.L.A. Secs. 135.1 et seq.
 Drains and drainage; flood control projects - see M.C.L.A. Secs. 280.429, 280.431
 Floodplain easements - see M.C.L.A. Sec. 281.628
 Harbor and waterfront - see S.U. & P.S. Ch. 1062
 Ground-water protection and storm-water runoff control - see S.U. & P.S. Ch. 1068
 Subdivisions in flood plains - see P. & Z. 1246.05
 Zoning of water areas - see P. & Z. 1256.05

1458.01. PURPOSES.

The purposes of this chapter are to minimize losses due to floods, to control flood plains, to qualify for the National Flood Insurance Program and to meet all Federal requirements for flood plain management.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.02. DEFINITIONS.

Words and terms not defined herein shall have meanings as defined by applicable Federal statutes, regulations and orders. As used in this chapter:

- (a) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
- (b) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, manufactured home development, excavating or drilling operations located within the area of special flood hazard.
- (c) "Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (d) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. 146. Passed 11-5-82; Ord. 218. Passed 4-6-87.)

1458.03. AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in an engineering report entitled the Flood Insurance Study for the City of Traverse City, dated June 15, 1982, including Flood Insurance Rate Maps and Flood Boundary Floodway Maps, are hereby adopted and declared to be a part of this chapter by reference. The Flood Insurance Study and Maps are on file at the office of the Administrative Official.
(Ord. 146. Passed 11-5-82; Ord. 218. Passed 4-6-87.)

1458.04. PLANNING AND ZONING ADMINISTRATOR AS ADMINISTRATIVE OFFICIAL.

The Planning and Zoning Administrator of the City is hereby appointed as the Administrative Official to review all development and subdivision proposals for compliance with this chapter, to be responsible for all reporting to appropriate Federal offices and to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source as criteria for requiring new construction, substantial improvement or other development.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.05. REGULATORY FLOODWAY.

A regulatory floodway is hereby adopted in the City, which regulatory floodway shall consist of the channel of any stream plus adjacent 100-year flood plain areas that must be kept free of encroachments in order that the 100-year flood may be carried without substantial increase in flood height.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.06. ENCROACHMENTS.

All encroachments within the regulatory floodway, including fill, new construction, substantial improvements and other development, which encroachments would result in any increase in flood levels within the community during the occurrence of the flood base discharge are prohibited, except by variance.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.07. MANUFACTURED HOMES.

All manufactured homes within the regulatory floodway are prohibited.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.08. MECHANICAL AND UTILITY EQUIPMENT.

Service facilities and equipment, including, but not limited to, electrical, heating, ventilating, plumbing and air conditioning shall be designed and/or located to prevent water from entering or accumulating within components during conditions of flooding.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.09. VARIANCES.

The Board of Zoning Appeals shall hear and decide requests for variances from the requirements of this chapter consistent with the standards and procedures of the rules and regulations of the National Flood Insurance Program, 44 CFR, Parts 59-60.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1462

Historic Areas

1462.01	Purposes.	1462.05	Historic preservation permits.
1462.02	Definitions.	1462.06	Demolition by neglect.
1462.03	Historic Districts Commission.	1462.07	Roster.
1462.04	Designation or removal of designation of historic districts, landmarks and sites.		

CROSS REFERENCES

Management and control of municipal buildings and grounds - see M.C.L.A. Sec. 117.4j
State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.; B. & H. Ch. 1420
Building permits - see M.C.L.A. Secs. 125.1510 et seq.; B. & H. 1440.04, 1440.05
Historic districts, sites and structures - see M.C.L.A. Secs. 399.201 et seq.
Historic Districts Commission - see ADM. Ch. 272
Building Authority - see ADM. Ch. 296

1462.01 PURPOSES.

The purposes of this chapter are to:

- (a) Safeguard the heritage of the City and the Grand Traverse area by preserving districts which reflect elements in the City's cultural, social, economic, political or architectural history and by preserving historic landmarks;
- (b) Stabilize and improve property values in such districts;
- (c) Foster civic beauty;
- (d) Strengthen the local economy;
- (e) Identify and promote the use of historic resources for the education, pleasure and welfare of the residents of the City;
- (f) Provide advice and/or management of public historical properties and resources;
- (g) Unify historic preservation efforts in the area; and
- (h) Satisfy all other purposes, expressed or implied, contained in Act 169 of the Public Acts of 1970, as amended (M.C.L.A. 399.201 et seq.).

(Ord. 124. Passed 6-15-81.)

1462.02 DEFINITIONS.

As used in this chapter:

Alteration means work that changes the detail of a resource but does not change its basic size or shape.

Certificate of appropriateness means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

Commission means the Traverse City Historic Districts Commission.

Conservation district means an area or group of areas, not necessarily having contiguous boundaries, created by the City Commission for purposes of this chapter, but possessing architectural or historical significance to a lesser degree than a historic district, while still worthy

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of recognition and historical preservation, and which reflects elements of the City's cultural, social, economic, political or architectural history.

Conservation landmark means a building, structure or object significant in history, architecture, archeology or culture, but possessing architectural or historical significance to a lesser degree than a historic landmark, while still worthy of recognition and historical preservation, and which reflects elements of the City's cultural, social, economic, political or architectural history.

Construction of a new building or "new construction" means and includes any construction or renovation that adds to or subtracts from existing floor space on the property to an extent greater than fifty percent, or that replaces floor space in a structure that has been destroyed, demolished or otherwise rendered obsolete or unusable to an extent greater than fifty percent, and that affects the exterior appearance of a new or existing structure.

Demolition means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

Demolition by neglect means neglect in maintaining, repairing or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

Denial means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

Historical preservation means the protection, rehabilitation, restoration or reconstruction of districts, archeological and other sites, buildings, structures and objects.

Historic district means an area or group of areas, not necessarily having contiguous boundaries, established by the City Commission for purposes of this chapter, having a singular identity, which area reflects elements of the City's cultural, social, economic, political or architectural history and is worthy of recognition and historical preservation.

Proposed historic district means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

Historic landmark means a building, structure or object which reflects elements of the City's cultural, social, economic, political or architectural history and is worthy of recognition and historical preservation.

Historic preservation means the identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering or culture.

Historic resource means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of this state or a community within this state, or of the United States.

Historic site means a site on which a building with historical significance stood or some historical event occurred, which building or event reflects elements of the City's cultural, social, economic, political or architectural history and is worthy of recognition and historical preservation.

Owner means any person who has equitable or legal title to any structure. In the case of a land contract, "owner" means the purchaser.

Repair means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of chapter.

Resource means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district

Structure means any building over 200 square feet in gross floor area designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Work means construction, addition, alteration, repair, moving, excavation, or demolition. (Ord. 263. Passed 12-19-88. Ord. 464. Passed 4-20-98. Ord. 574. Passed 8-19-02.)

1462.03 HISTORIC DISTRICTS COMMISSION.

- (a) Establishment; Composition; Compensation; Terms of Office. A Historic Districts Commission is hereby established in and for the City. Such Commission shall consist of seven members of legal age who reside in the City. Members shall be appointed by the City Commission and shall serve without compensation but may be reimbursed for actual expenses incurred in Commission activities. Members shall be appointed for three-year terms, except the initial appointments shall be three members for a term of three years, two members for a term of two years and two members for a term of one year. Subsequent appointments shall be for three-year terms, and members shall be eligible for reappointment.

In the event of a vacancy on the Historic Districts Commission, interim appointments shall be made by the City Commission to complete the unexpired term of the position. One member shall be a registered architect and two members shall be selected from a list submitted by duly organized and existing preservation societies or historical groups. Neighborhood associations, merchants' groups and other groups with preservation interests may also submit names to the City Commission.

- (b) Meetings; Rules. The Historic Districts Commission shall meet monthly, or more frequently at the call of the Chairperson, and shall adopt rules for the conduct of its business. The business that the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the Open Meetings Act, 1967 PA 1976, as amended. (MSA 15.261, et seq.) Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.

- (c) Duties; Authority.

- (1) Protection of designated areas. The City Commission may designate, by ordinance, historic districts and historic landmarks in which enforced historical preservation will occur. Protection shall be by a Historic Districts Commission review of a building, demolition or other permit application request. The City Commission may designate, by ordinance, historic sites, conservation districts and conservation landmarks in which property owners and occupants shall be given information and assistance on historical preservation.
- (2) Designation of historic districts. The Historic Districts Commission shall investigate and recommend to the City Commission those areas it deems valuable for designation as historic districts. No area shall be designated as a historic district without the written consent of 51 percent of the property owners. Work covered by the review process shall include:

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- (A) Construction of a new building;
 - (B) Moving or demolition of a structure; and
 - (C) Alteration or repair affecting the exterior appearance of a structure for which a permit is required.
- (3) Designation of historic landmarks. The Historic Districts Commission may investigate and recommend to the City Commission those structures it deems valuable for designation as historic landmarks. No property shall be designated as a historic landmark without the written consent of the property owner of record. Work covered by the review process shall include:
- (A) Moving or demolition of the structure;
 - (B) Construction of a new building; and
 - (C) Alteration or repair affecting the exterior appearance of a structure for which a permit is required.
- (4) Designation of conservation districts. The Historic Districts Commission may investigate and recommend to the City Commission those areas it deems valuable for designation as conservation districts. When designation of a conservation district is approved by the City Commission, the Historic Districts Commission will notify the property owner of the conservation district, in writing, and inform him or her of the advice and guidance available to him or her from the Historic Districts Commission with respect to new construction and remodeling. To ensure the continuation of this assistance in conservation districts, the Planning Director shall notify the Historic Districts Commission of all permit applications in conservation districts for:
- (A) Construction of a new building; and
 - (B) Moving or demolition of a structure.
- The Historic Districts Commission shall then contact the owner and offer him or her any advice and guidance desired. The Historic Districts Commission shall have no authority to deny or delay the issuance of any such permit.
- (5) Designation of conservation landmarks. The Historic Districts Commission may investigate and recommend to the City Commission those areas it deems valuable for designation as conservation landmarks. No property shall be designated as a conservation landmark without the written consent of the property owner of record. When designation of a conservation landmark is approved by the City Commission, the Historic Districts Commission will notify the property owner of the conservation landmark, in writing, and inform him or her of the advice and guidance available to him or her from the Historic Districts Commission with respect to new construction and remodeling. To ensure the continuation of this assistance in conservation landmarks, the Planning Director shall notify the Historic Districts Commission of all permit application in conservation landmarks for:
- (A) Construction of a new building; and
 - (B) Moving or demolition of a structure.
- The Historic Districts Commission shall then contact the owner and offer him or her any advice and guidance desired. The Historic Districts

Commission shall have no authority to deny or delay the issuance of any such permit.

- (6) Designation of historic sites. The Historic Districts Commission may investigate and recommend to the City Commission those sites it deems valuable for designation as historic sites. No property shall be designated as a historic site without the written consent of the property owner of record. The Historic Districts Commission shall have no authority to deny or delay the issuance of any permit pertaining to a historic site.
- (7) Erection of historic markers. The Historic Districts Commission may, with the written consent of the property owner of record, erect historic markers on any of the properties, structures or sites described in this subsection.
- (8) Commendation and recognition. The Historic Districts Commission may issue appropriate commendation and recognition to individuals, firms or areas promoting preservation values and may recognize now the landmarks of the future by commending good examples of contemporary buildings.
- (9) Maintenance of historic roster. The Historic Districts Commission shall maintain a roster of historic districts, historic landmarks, historic sites, conservation districts and conservation landmarks.
- (10) Advisory capacity. The Historic Districts Commission shall render advice and guidance with respect to any proposed work to a property within the jurisdiction of this chapter and shall promote historical consciousness in educational programs. In addition, it may undertake any advisory duty deemed appropriate by the City Commission.
- (11) Acceptance of gift or grant. The City Commission may accept public or private gifts for historic purposes or may accept grants from the State or Federal government for historic restoration purposes. The City Commission may authorize the Historic Districts Commission to administer on its behalf grants and gifts for historic restoration purposes.
- (12) Review of building permit applications. The Historic Districts Commission shall review all building or other applicable permit applications and plans coming under its authority as stated in this chapter. The Historic Districts Commission shall then approve or disapprove such applications as hereinafter provided. No permit or other authorization shall be granted until the Commission has acted thereon.
- (13) Budget. The Historic Districts Commission expenses for stationery, clerical services, historic markers and other appropriate activities shall be provided in a budget submitted to and approved by the City Commission in the usual budget procedures.

(Ord. 124. Passed 6-15-81; Ord. 136. Passed 5-17-82; Ord. 144. Passed 10-18-82. Ord. 464. Passed 4-20-98. Ord. 497. Passed 5-1-00.)

1462.04 DESIGNATION OR REMOVAL OF DESIGNATION OF HISTORIC DISTRICTS, LANDMARKS AND SITES.

- (a) Designation or removal of designation of a historic district, historic landmark, historic site, conservation district or conservation landmark may be initiated by the Historic Districts Commission, or upon written petition signed by twenty percent of the

landowners of the district or by the owner of the landmark or site. Such petition should designate clearly the land to be included or excluded.

- (b) Upon receipt of a petition or upon its own motion, the Historic Districts Commission shall conduct studies and research and make a report on the historical significance, features, sites, objects and surroundings in the district, landmark or site. The report shall contain recommendations concerning the area to be included or excluded in the district, landmark or site.
- (c) Copies of the report shall be transmitted for review to the Planning Commission, the Michigan Historical Commission and the State Historical Advisory Council.
- (d) Written consent of all property owners of record of property to be included in a historic landmark, historic site or conservation landmark shall be obtained and on file with the Historic Districts Commission as a prerequisite to the public hearing and to any designation by the City Commission. Written consent of at least fifty-one percent of the property owners of record to be included in a historic district shall be obtained and on file with the Historic Districts Commission as a prerequisite to the public hearing and to any designation by the City Commission.
- (e) The Historic Districts Commission shall hold a public hearing sixty days after such transmittal and shall give due notice of such public hearing, including written notice, to the property owners of record of all property proposed for inclusion in or exclusion from the district, landmark or site.
- (f) The Historic Districts Commission shall submit a final report to the City Commission after the public hearing stating its recommendations and those of the Planning Commission, together with a draft of any proposed ordinance change.
- (g) The City Commission shall act upon this final report and may amend this chapter and roster in the required ordinance amendment procedure.
- (h) After the initial adoption of this chapter, the Historic Districts Commission shall have all the authority and duties of a historic districts study committee to recommend additions to or subtractions from existing districts, landmarks or sites pursuant to statute and this chapter.

(Ord. 124. Passed 6-15-81. Ord. 136. Passed 5-17-82.)

1462.05 HISTORIC PRESERVATION PERMITS.

- (a) Application and Plans. An application for a building permit for a building or structure over 200 square feet in gross floor area in a historic district or that is a historic landmark shall be accompanied by a historical preservation permit application and plans. The plans shall describe the proposed changes, showing the structure in question and its relationship to adjacent structures. The application shall be made by the owner or by any person authorized to act on behalf of the owner.
- (b) Notification. Upon the filing of such application, the Planning Director shall immediately notify the Historic Districts Commission of the receipt of such application and shall transmit it, together with accompanying plans and other information, to the Historic Districts Commission.
- (c) Review. The Historic Districts Commission shall meet within thirty days after notification by the Planning Director, unless otherwise mutually agreed upon by the applicant and the Commission. In reviewing the plans, the Historic Districts Commission shall give consideration to:

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- (1) The historical or architectural value and significance of the structure and its relationship to the historical value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area;
- (3) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used;
- (4) Any major improvement program;
- (5) The economic feasibility of preservation of the structure; and
- (6) Any other factor, including aesthetic, which it deems to be pertinent and within the purpose of this chapter.

To aid in making this decision, the Historic Districts Commission shall use the "Secretary of the Interior's Standards for Rehabilitation" and any other preservation guidelines agreed upon by the Commission and available to all applicants. In reviewing the plans, the Historic Districts Commission may confer with the applicant for the permit and shall have the power to call in experts to aid in its deliberations.

The Commission shall also consider all of the following:

- (1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
 - (2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
 - (3) The general compatibility of the design, arrangement, texture and materials proposed to be used.
 - (4) Other factors, such as aesthetic value, that the Commission finds relevant.
- (d) Approval. The Historic Districts Commission shall approve or disapprove such application and plans. If the same are approved, the Commission shall issue a certificate of approval, which certificate shall be signed by the chairperson, attached to the application for the building or other permit and immediately transmitted to the Planning Director. The chairperson shall also stamp all plans submitted to the Historic Districts Commission signifying its approval or disapproval.

Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

- (1) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- (2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing and environmental clearances.
- (3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value

or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

- (4) Retaining the resource is not in the interest of the majority of the community.
- (e) Conditions. The Historic Districts Commission may impose reasonable conditions to its approval. Standards for imposing such conditions are as follows:
 - (1) Any condition imposed must be reasonable and economically feasible.
 - (2) Any condition imposed must be designed to protect the natural resources and the health, safety and welfare, as well as the social and economic well-being, of those who will use the land under consideration, residents and landowners immediately adjacent and the community as a whole.
 - (3) Any condition imposed must be related to the valid exercise of the police power and purposes which are affected by the proposed construction.
 - (4) Any condition imposed must also be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for historical preservation and be necessary to ensure compliance with those standards.
- (f) Disapproval. If the Historic Districts Commission disapproves of such application and/or plans, it shall state its reasons for doing so and shall transmit a record of such actions and specific objections, in writing, to the Planning Director and to the applicant. Thereafter it shall endeavor to work out with the applicant an economically feasible plan for the repair, alteration or preservation of the structure. The applicant may make modifications to the application and/or plans and may resubmit his or her application at any time after so doing. If disapproved, no building or other permit shall be issued.

In evaluating applications for moving or demolition, the Historic Districts Commission shall give careful consideration to the conditions set forth in subsection (d) hereof.

- (g) Appeals. An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Commission within the Department of State. The appeal shall be filed within 60 days after the decision is furnished to the applicant. The applicant may submit all or part of the appellant's evidence and arguments in written form. The review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering an appeal. The Review Board may affirm, modify or set aside a Commission's decision and may order a commission to issue a certificate of appropriateness or a notice to proceed. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Circuit Court having jurisdiction over the Historic Districts Commission.

Any citizen or duly organized historic preservation organization in the City of Traverse City, as well as resource property owners, jointly or severally aggrieved by a decision of the Historic District Commission may appeal the decision to the Circuit Court, except that a permit applicant aggrieved by a decision rendered under section 1462.05(d) may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board under this section.

- (h) Filing. The Commission shall file certificates of appropriateness, notices to proceed and denials of applications for permits with the Planning Director or other delegated

authority. A permit shall not be issued until the Commission has acted as prescribed above. If a permit application is denied, the decision shall be binding on the inspector or other authority. A denial shall be accompanied with a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the State Historic Preservation Review Board and to the Circuit Court. The failure of the Commission to act within 60 calendar days after the date a complete application is filed with the Commission unless an extension is agreed upon in writing by the applicant and the commission shall be considered to constitute approval.

- (i) **Inspection and Compliance.** After the certificate and the building or other permit is issued, the Planning Director or his or her representative shall inspect the construction, alteration, repair, moving or demolition in accordance with the procedures established by the Planning Director, and shall take such action as is necessary to ensure compliance with the approved plans. The applicant and those acting under the building or other permit shall construct, move, demolish, alter and repair only in conformity with the certificate, the approved application and plans and any conditions imposed.
- (j) **Work Done Without a Permit; Findings of Nonqualification; Restoration.** When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a certificate of appropriateness, the Commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the Circuit Court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the Court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the Court's order. The costs of the work shall be charged to the owner, and may be levied by the City unit as a special assessment against the property. When acting pursuant to an order of the Circuit Court, a Commission or its agents may enter a property for the purposes of this section.
- (k) **Moratorium Declaration for Irreparable Harm.** If the legislative body of a City determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the legislative body may by resolution declare an emergency moratorium of such work for a period not to exceed 6 months. The legislative body may extend the emergency moratorium for an additional period not to exceed 6 months upon finding that a threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.
- (l) **Violation; Penalty.**
 - (1) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this chapter is responsible for a civil violation and may be fined not more than \$5,000.

- (2) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this chapter may be ordered by the court to pay the costs to restore or replicate a resource, unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.
(Ord. 124. Passed 6-15-81. Ord. 464. Passed 4-20-98. Ord. 498. Passed 5-1-00.)

1462.06 DEMOLITION BY NEGLECT.

Upon finding by the Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the Commission may do either of the following:

- (a) Require the owner of the resource to repair all conditions contributing to demolition by neglect.
- (b) If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the City of Traverse City as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.
(Ord. 464. Passed 4-20-98.)

1462.07 ROSTER.

The following properties are hereby designated as historic districts, historic landmarks, historic sites, conservation districts and conservation landmarks, as respectively indicated:

- (a) Central Neighborhood Historic District. All areas and structures that fall inside the boundary starting at the southeast corner of the intersection of Division Street and the alley north of Fifth Street; thence south along the east right-of-way line of Division Street to the northeast corner of the intersection of Division Street and the alley south of Eighth Street; thence east along the north right-of-way line of the alley to the northwest corner of Locust Street and the alley south of Eighth Street; thence north along the west right-of-way line of Locust Street to the north right-of-way line of Sixth Street; thence east along the north right-of-way line of Sixth Street to the west right-of-way line of Union Street; thence north along the west right-of-way line to the south edge of the Boardman River; thence northwesterly along the edge of the Boardman River to a point where the south right-of-way line extended of the alley to the north of Fifth Street would intersect; thence east along the south right of way of the alley north of Fifth Street to the point of beginning.
- (1) Lots 15-28, Block 16; lots 22-42, Block 11; lots 25-42, Block 3 of Hannah Lay and Company's 10th Addition.
- (2) Lots 1-8 of Hannah Lay and Company's First Addition.
- (3) Lots 1-28, Block 17; lots 1-42, Block 10; lots 1-42, Block 4; lots 1-30, Block 18; lots 1-42, Block 9; lots 1-42, Block 6; lots 1-42, Block 5; lots 1-21, Block 7; lots 1-40, Block 8; lots 1-31, Block 19; Public School Block of the Hannah Lay and Company's 6th Addition.
- (4) Lots 1-16, Block 6; lots 1-21, Block 3; lots 1-16, Block 5; lots 1-21, Block 2 of Perry Hannah's Third Addition.

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(5) Lots 1-21, Block 6; Public School Lot Block; lots 1-21, Block 5; lots 1-21, Block 2 of Perry Hannah's First Addition.

(6) Lots 15-38, Block 1; lots 15-38, Block 2; lots 27-38, Block 3 of Hannah Lay and Company's First Addition.

(7) Public Library and Hannah Park Property.

Such property is commonly known as:

406, 407, 410, 411, 412, 415, 420, 423, 426, 427, 431, 432, 435, 438, 441, 441 1/2, 442, 502, 506, 507, 508, 511, 511 1/2, 512, 515, 516, 518, 519, 520, 521, 524, 525, 528, 529, 532, 533, 537, 538, 541, 542, 601, 602, 605, 611, 612, 613, 614, 615, 619, 620, 624, 625, 629, 629 1/2 and 630 Fifth Street;

205, 209, 213, 217, 223, 305, 319, 322, 325, 330, 333, 339, 340, 403, 404, 409, 410, 415, 416, 419, 422, 425, 428, 429, 433, 436, 439, 440, 441, 441 1/2, 442, 501, 502, 509, 510, 512, 513, 516, 517, 520, 521, 524, 525, 528, 529, 532, 535, 537, 539, 540, 601, 604, 605, 609, 612, 615, 619, 620, 627, and 628 Sixth Street;

202, 203, 206, 207, 210, 211, 215, 216, 217, 217 1/2, 219, 220, 223, 224, 301, 308, 312, 312 1/2, 316, 318, 320, 324, 326, 330, 330 1/2, 336, 340, 402, 406, 407, 410, 411, 411 1/2, 412, 414, 414 1/2, 415, 417, 418, 422, 423, 426, 427, 430, 431, 433, 433 1/2, 434, 437, 437 1/2, 438, 441, 442, 501, 502, 507, 508, 510, 511, 512, 516, 516 1/2, 517, 517 1/2, 518, 521, 522, 525, 526, 529, 530, 531, 534, 534 1/2, 535, 536, 536 1/2, 540, 541, 602, 603, 605, 607, 608, 616, 617, 619, 620, 621, 622, 625, 626, 628, and 629 Seventh Street;

201, 202, 206, 207, 209, 210, 210 1/2, 212, 214, 215, 216, 219, 223, 224, 303, 307, 311, 311 1/2, 315, 319, 321, 321 1/2, 325, 331, 335, 341, 402, 403, 407, 408, 409, 409 1/2, 412, 414, 415, 416, 419, 419 1/2, 422, 425, 426, 428, 430, 431, 432, 435, 435 1/2, 437, 441, 441 1/2, 442, 502, 503, 504, 506, 507, 511, 512, 513, 518, 519, 521, 522, 524, 525, 528, 529, 532, 533, 536, 537, 540, 604, 606, 607, 611, 612, 613, 615, 618, 621, 622, 623, 626, 627, 629, 630, and 630 1/2 Eighth Street;

116, 218, 311, 315, 508, 511, and 512 South Maple Street; 320, 324 and 511 Pine Street; 112, 115, 206, 211, 212, 312, 411, 513 and 515 South Oak Street; 202, 203, 208, 208 1/2, 209, 212, 214, 214 1/2, 317, 318, 319, 320, 402, 406, 410, 412, and 515 Wadsworth Street; and 515 Division Street.

(b) Boardman Neighborhood Historic District. All residential structures located in that part of the original plat of the City and that part of the plat of Hannah, Lay and Co's 5th Addition in the area of Boardman Avenue to Railroad Avenue and State Street to Webster Street, as described as follows:

(1) Lots 9 and 10 of Block 12, the south 65 feet of lot 1 and the south 65 feet of the west 8 feet of lot 2, Block 13; lots 7 through 16, Block 13; lots 1 through 16, Block 14; lot 8 and the east 33 feet of lot 7, Block 15; lots 1, 2 and 3 and the west 33 feet of lot 4, Block 16; the north 90 feet of lot 8 and the north 90 feet of the east 21 feet of lot 7, Block 16; lots 1 through 16, Block 17; lots 1 through 16, Block 18; lots 9 through 16, Block 19, all being a part of the original plat of the City; and

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- (2) The north 80 feet of lots 1, 2 and 3, Block 6 and lots 4 through 23, Block 6; lots 1 through 38, Block 7; lots 1 through 29, Block 8; lots 1 through 8, Block 9, all being part of the plat of Hannah, Lay and Co's 5th Addition to the City.

Such property is commonly known as 440, 441, 444, 445, 448, 505, 508, 509, 511, 515, 516, 522, 528, 529, 530, 534, 535, 538, 539, 542, 544, 547, 601, 604, 605, 610, 611, 615, 616, 617, 620 and 624 State Street; 401, 402, 410, 413, 414, 421, 422, 427, 428, 431, 435, 436, 448, 502, 515, 516, 521, 526, 529, 534, 536, 538, 543, 547, 601, 602, 612, 613, 616, 617, 619, 622, 623, 626, 625, 628, 629, 632, 633 and 634 Washington Street; 325, 413, 417, 421, 425, 433, 435, 439, 444, 446, 447, 502, 508, 512, 515, 516, 517, 518, 519, 521, 523, 524, 525, 531, 537, 539, 542, 545, 546, 602, 605, 608, 609, 611, 612, 615, 616, 618, 619, 622, 623, 624, 626, 627, 628, 630, 631, 636, 637, 641, 642 and 644 Webster Street; 215, 221 and 325 Boardman Avenue; 205, 212, 214-216, 224-226, 229, 230, 317, 318, 321, 325 and 415 Wellington Street; 115, 119, 120, 213-215, 214, 216, 217, 319 and 320 Franklin Street; and 210, 312 and 314 Railroad Ave.

- (c) Downtown Historic District. All structures in that part of the Original Plat of Traverse City as described as follows:

- (1) Lots 1 through 17, plus the east 44 feet of Lot 18, Block 5; Lots 4 through 10, plus the east 52 feet of Lot 3, Block 4; Lots 1 through 20, Block 6; Lots 1 through 13, Block 7; Block 11 except Lots 9, 10, 11 and 12; Block 21, except Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and the east 39 feet of Lot 14; Lots 1 and 2 of Block 12 and Block 23; plus a parcel of land described as commencing at the Northeast corner of the intersection of East Front Street and Boardman Avenue, which is the point of beginning, thence east 75 feet along the north right-of-way line of East Front Street, thence North to the thread of the Boardman River, thence west along the thread of the Boardman River to a point due North of the point of beginning, thence south the point of beginning, plus Hannah, Lay and Company's Second Subdivision, being the replat of Block 25 of the Original Plat of Traverse City, plus Hannah Lay and Company's Third Subdivision being the replat of Block 24 of the Original Plat of Traverse City.

Such property is commonly known as 101, 102, 104, 106, 107, 108, 109, 110, 111, 112, 114, 115, 117, 118, 120, 121, 122, 125, 126, 127, 128, 129, 130, 131, 134, 135, 136, 137, 140, 143, 144, 145, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 161, 201, 202, 203, 204, 207, 208, 209, 210, 212, 216, 217, 219, 220, 221, 224, 225, 227, 228, 229, 230, 232, 235, 236, 237, 238, 240, 241, 242, 247, 250, 251, 302, 308, 309, 311, 314, 315, 321, 322, 332, 336, 340, 346, 401 and 402 East Front Street; 125, 129, 131, 133, 142, 160, 202, 213, 214, 216, 217, 222, 223, 227, 232, 300, 302, 315 East State Street; 109, 113 South Union Street; 116, 118, 122, 124, 216 Cass Street; 100, 104 North Park Street; 106, 110, 111, 115, 117, 120, 140 Park Street; 111, 116 Boardman Avenue,

- (2) All City lands north of East Front Street and east of the east right-of-way line of Union Street extended northerly to West Grand Traverse Bay and east of the east

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right-of-way line of Boardman Avenue extended northerly to the thread of the Boardman River, thence easterly along said thread to the north right-of-way lines of US 31 where the Murchie Bridge crosses the river, thence easterly along the north right-of-way line of US 31 to the southwest property corner of the Holiday Inn, thence northerly along the west property line to West Grand Traverse Bay. (Ord. 288. Passed 12-3-90. Ord. 509. Passed 9-5-00.)

CHAPTER 1468

Moving of Buildings

1468.01	Permit required; route.	1468.99	Penalty.
1468.02	Civil Infraction		

CROSS REFERENCES

Removal of obstructions and encroachments from highways and roads - see MCLA Secs. 247.171 et seq.

Abatement of street and highway obstructions - see MCLA Sec. 600.2937

Indemnity agreements - see MCLA Sec. 691.991

Street obstructions - see S.U. & P.S. 1020.03

1468.01. PERMIT REQUIRED; ROUTE.

No person shall move any building upon any street, alley or other public space without first obtaining a permit therefor. The moving of the building shall be continuous as long as the building remains upon a street or alley. The route chosen and the time of movement shall be such as, in the opinion of the City Manager, offers the least public inconvenience consistent with the greatest public safety.

(1976 Code Sec. 9.05)

1468.02 CIVIL INFRACTION.

A person who violates this chapter is responsible for a civil infraction and subject to the penalties of Section 202.99.

(Ord. 640. Passed 5-3-04.)

1468.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1470

Numbering of Buildings

1470.01	Street numbering plat.	1470.03	Multifamily dwellings; multiple-occupancy buildings.
1470.02	Placement of numbers; size.	1470.99	Penalty.

CROSS REFERENCES

City Plan - see P. & Z. Ch. 1222

Signs - see B. & H. Ch. 1476

1470.01. STREET NUMBERING PLAT.

All premises and street mail boxes shall bear a distinctive street number in accordance with, and as designated upon, the property tax plats on file in the office of the City Assessor. Such plat, and any revision thereof authorized by the City Commission, is hereby adopted and made a part of this chapter by reference as if fully set forth at length herein. (Ord. 294. Passed 3-18-91.)

1470.02. PLACEMENT OF NUMBERS; SIZE.

Every person owning or occupying any premises shall place the correct street number upon the street side of such premises, adjacent to the principal entrance, and on street mail boxes in such a position as to be plainly visible from the street. If premises has no street side, or where, in the City Assessor's discretion, the street side does not provide access to the premises, the right of way providing the access shall be considered a street for purposes of street numbering. Numbers in block or script displayed on building sides shall be of a contrasting color to their background and shall be not less than three inches in height. Numbers on mailboxes on the premises shall be displayed in such a manner as to be plainly visible from traffic lanes in either direction of approach. The numbers shall be of a contrasting or reflectorized color to their background and shall be not less than one inch in height. (Ord. 294. Passed 3-18-91.)

1470.03. MULTIFAMILY DWELLINGS; MULTIPLE-OCCUPANCY BUILDINGS.

In addition to all other requirements of this chapter, all multifamily dwellings and multiple-occupancy buildings shall have each individual unit clearly and permanently identified in numerical or alphabetical order without duplication. (Ord. 331. Passed 5-4-92.)

1470.04 CIVIL INFRACTION

A person who violates this chapter is responsible for a civil infraction and subject to the penalties of Section 202.99.

(Ord. 638. Passed 5-3-04.)

1470.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Chapter 1476

Signs

This sign ordinance is adopted pursuant to MCL 117.4i of the Home Rule Cities Act to preserve the public health, safety and welfare of the citizens of the City of Traverse City.

1476.01	Title.	1476.09	Signs in planned areas.
1476.02	Purpose.	1476.10	Master Sign Plan.
1476.03	Application of chapter; conflict of laws.	1476.11	Sign illumination regulations.
1476.04	Definitions.	1476.12	Sign structures.
1476.05	Prohibited signs.	1476.13	Nonconforming signs.
1476.06	Signs authorized without a sign permit	1476.14	Violations.
1476.07	Signs authorized with a permit.	1476.15	Appeals.
1476.08	Specific sign regulations.	1476.16	Enforcement.
		1476.17	Transition.
		1476.99	Penalty.

1476.01 TITLE.

This chapter shall be known and cited as the Sign Ordinance.
(Ord. 632. Passed 4-19-04.)

1476.02 PURPOSE.

The purpose of this Chapter is to:

- (a) Protect property values by improving the City's image,
- (b) Acknowledge that signs help locate goods, services and facilities,
- (c) Promote safe travel by minimizing sign hazards, obstructions and driver distractions,
- (d) Recognize the contribution business signs make to sales, job opportunities and the City's tax base,
- (e) Recognize that well-designed signs create attractive business districts,
- (f) Further visibility and effectiveness of all signs by instituting reasonable standards,
- (g) Protect scenic views, landscapes, architecture and the night sky,
- (h) Provide flexible regulations for diverse needs,
- (i) Preserve public health, safety and welfare.
- (j) Provide time, place and manner regulations for signs; the provisions of this ordinance are intended to have neither the purpose nor the effect of imposing regulations on the content of signs.

(Ord. 632. Passed 4-19-04. Ord. 798. Passed 6-16-08.)

1476.03 APPLICATION OF CHAPTER; CONFLICT OF LAWS.

This chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs in the City. No person shall display, construct, enlarge, erect, alter, use or maintain any sign, except in conformity with this chapter. Furthermore, if any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement will apply. If any of the provisions of

any other chapter of these Codified Ordinances is clearly in conflict with this chapter, this chapter shall apply.
(Ord. 632. Passed 4-19-04.)

1476.04 DEFINITIONS.

As used in this chapter:

Awning means a retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. An awning sign is considered a “wall sign”.

Banner means a sign made of vinyl, cloth, plastic or other flexible material.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Canopy means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground including gas pump shelters.

Commercial use means a use for the sale of products or services.

Freestanding sign means a sign principally supported independent of any building.

Frontage, street. "Street frontage" means that side of a parcel which is adjacent to a street.

Grade means:

- A. For buildings having walls within 25 feet of a street: The average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
- B. For buildings more than 20 feet from the street: The average of the lowest and highest ground surface elevations in an area within six feet of the foundation line of a building or structure.

Height means the vertical distance measured from the grade.

Illumination, indirect. "Indirect illumination" means lighting a sign by means of a light source which is directed at its front surface, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. "Indirect illumination" does not include lighting which is primarily used for purposes other than sign illumination, e.g. parking lot lights, or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Illumination, internal. "Internal illumination" means lighting by means of a light source which is within a sign having an opaque background or silhouetting opaque letters or designs, or within letters or designs which are themselves made of a translucent material.

Industrial use means a use for the manufacture of products.

Institutional use means a school, church, hospital or any other public or quasi-public use.

Joint identification sign means a sign which serves as a common or collective identification for two or more commercial or industrial uses on the same parcel. Such sign may contain a directory to such uses as an integral part thereof, or may serve as general identification only for such developments as shopping centers, industrial parks and the like.

Landmark means an older sign designated by the Historic Districts Commission that by virtue of its age, rarity, historical significance, special design qualities, and characteristics of an earlier era, merits special regulatory treatment under this ordinance.

Light source means any artificial illumination and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.

Marquee sign means a sign depicted upon, attached to or supported by a marquee a permanently roofed structure attached to and supported by a building and projecting from the building.

Parcel means a portion of land under one ownership or one tax parcel identification number, whether or not part of a platted subdivision, occupied or intended to be occupied by a building or use.

Parcel width means the width of the parcel at the front building line.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Portable sign means a sign of A-frame or similar construction which can be easily removed on a daily basis.

Projecting sign means a sign which is attached directly to the building wall, and which extends more than fifteen inches from the face of the wall.

Recreational use means a use designed for activities such as picnicking, sports, swimming, biking, etc.

Residential use means a use primarily designed for non-commercial dwellings.

Roof sign means a sign erected, constructed or maintained upon, or which projects above, the roof surface of a building.

Sign means any writing, letter, word, symbol, pictorial representation, form light or structure which, by reason of its shape, bulk, color, message, wording, symbol, design, illustration, motion or otherwise, attracts or is designed to attract attention or to communicate a visual message, including any back lighted translucent, roof, wall, canopy or other architectural element.

Sign area means the total surface area of a sign that can be seen from one vantage point exclusive of supports and masonry encasing.

Sign face means the surface of a sign where the message is displayed or illustrated.

Sign structure means any supports, uprights or internal framework and bracing of a sign.

Sign, temporary means a sign intended to be displayed for a limited period and associated with a temporary event and one which is without permanent foundations or attached to the exterior of a building.

Structure means anything constructed or erected with a fixed location on the ground above grade, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

Suspended sign means a sign attached to and hanging below the ceiling of an eave, arcade, marquee or canopy.

Traffic directional sign (private) means a sign erected on private property for the purpose of guiding vehicular and pedestrian traffic only.

Trailer-mounted sign means a sign designed to be easily relocated to a different site to draw attention.

Wall, building means a side of a building lying in an uninterrupted plane.

Wall sign means a sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen inches from the face of the wall.

Wall signs include awning signs.

Wind sign means a sign consisting of one or more pennants, ribbons, spinners, streamers, captive balloons, air pressure stabilized bags, or other objects or materials fastened or supported in such a manner as to provide movement when subjected to wind.

Window sign means a sign which is applied, affixed or attached to the interior of any building window.

Zoning Administrator means the Traverse City Zoning Administrator or other person charged with the administration of this chapter, or that person's duly authorized deputy.

(Ord. 632. Passed 4-19-04.) (Ord. 697. Passed 3-20-06. Ord. 869. Passed 7-6-10.)

1476.05 PROHIBITED SIGNS.

No person shall display, erect, use or maintain a sign for which a permit is required and has not been issued, or a:

- (a) **Electronic message sign** capable of changing any message or graphic and which does so more than once an hour.
- (b) **Imitation traffic sign** which, by reason of its shape, color, use of lighting, or other factor, is similar in both size and appearance to any official traffic signal or traffic sign or railroad sign or signal in a way that may, in the judgment of the Zoning Administrator, interfere with traffic movement or safety.
- (c) **Internally illuminated sign** in a predominately residential area.
- (d) **Motor vehicle with a sign** which is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.
- (e) **Obsolete sign.** Any sign that does not meet the provisions of this Code, together with its supporting structure which is still standing 180 days or more after the premises have been vacated. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is a clear intent to continue operation of the business.
- (f) **Portable sign** along Front Street between Union Street and Boardman Avenue except for governmental directional signs.
- (g) **Revolving sign or sign with movable parts** or which give the illusion of movement by means of illumination or otherwise, are not permitted, except barber poles less than eight feet in height are allowed.
- (h) **Roof sign.**
- (i) **Searchlights, lasers or other high intensity lights sources** to light the night sky.
- (j) **Sign on public property,** without the public property owner's approval.
- (k) **Trailer-mounted or similar portable sign,** such as a wheeled device.
- (l) **Unsafe sign.** Any sign or structure which is structurally unsafe, constitutes a hazard to the public health, welfare and safety or is not kept in a state of good repair, or any sign which obstructs free access to or egress from a required door, window or fire escape or other required exit way.
- (m) **Wind sign** as defined in section 1476.04.

(Ord. 632. Passed 4-19-04. Ord. 869. Passed 7-6-10. Ord. 1031. Passed 3-21-16)

1476.06 SIGNS AUTHORIZED WITHOUT A SIGN PERMIT.

Subject to any other applicable requirements and permits, the following are authorized without a sign permit:

- (a) **Banners within the public right-of-way** with the public property owner's permission.

- (b) **Copy changes** to bulletin boards, display cases or marquees, or maintenance where no structural changes are made, or copy changes on signs using interchangeable letters.
- (c) **Cornerstones and commemorative tablets** identifying a building or building complex that are an integral part of the building.
- (d) **Directional signs**, two entrance/exit directional signs per driveway, each four square feet or less, and limited to 42 inches in height. These signs may be illuminated.
- (e) **Flag Signs** not exceeding 15 square feet in area with no dimension greater than 5 feet. Flag signs are limited to one per business front or parcel. Flag signs shall be installed in a manner that will not impede pedestrian traffic.
- (f) **Inconspicuous signs** which are not readable beyond the boundaries of the parcel upon which they are located or from any public or private street or alley.
- (g) **Landmarks and historical site signs** at least 50 years old which may no longer advertise an existing business activity, but are designated “Landmark Signs” by the Traverse City Historic Districts Commission because of their historical significance and ongoing value to the community. The owner of any sign 50 years or older may submit a written request for designation as a “Landmark Sign” to the Historic Districts Commission and a list of “Landmark Signs” shall be maintained by the Zoning Administrator.
- (h) **Neighborhood identification signs** which identify a commercial district or recognized residential neighborhood when located on public land or within a public right of way with the public property owner’s approval.
- (i) **Official governmental notices and notices** posted by governmental officers in the performance of their duties; governmental-owned directional signs, signs to control traffic, identify municipal boundaries, or for other regulatory purposes, to identify streets or to warn of danger; however, identification or bulletin board signs accessory to governmental buildings or other governmental facilities are not exempt from the requirements of this chapter.
- (j) **Small signs, one wall or projecting sign per one or two-family residential parcel.** The sign shall not be illuminated, shall not exceed two square feet in area and shall not exceed a height of eight feet above ground level.
- (k) **Temporary signs** such as those associated with construction projects, real estate sales or leases and other such temporary signs in connection with:
 - (1) Commercial, industrial, multiple family, recreational and institutional uses. These signs shall not be illuminated, are limited to two per parcel and limited to a maximum area of 32 square feet and eight feet high each. These signs shall be set back ten feet from the front property line. These signs shall be removed within 14 days after the conclusion of the project, sale or event.
 - (2) One and two-family residential uses. These signs shall not be illuminated, are limited to a maximum area of six square feet each and 42 inches in height. These signs shall be located on private property. These signs shall be removed shall be removed within 14 days after the conclusion of the project, sale or event.
 - (3) Temporary signs shall not be arranged to create a sign with a single message exceeding the size and area requirement of this section.
 - (4) Temporary signs shall be adequately secured and must be taut or made of a rigid material.

- (l) **Vehicle mounted signs** with a permanent message displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as a sign indicating the name of the owner or business, which sign is located on a moving van, delivery truck, rental truck, trailer or the like, provided that the primary purpose of such vehicle is not for the display of signs, and provided, further, that such vehicle is parked or stored in an area appropriate to its use as a work vehicle;
- (m) **Warning signs** exclusively devoted to warning the public of dangerous conditions and unusual hazards.
- (n) **Window signs** for commercial, industrial, institutional and recreational uses, not exceeding 25% of each window area.

(Ord. 632. Passed 4-19-04. Ord. 797. Passed 06-02-08. Ord. 869. Passed 7-6-10.)

1476.07 SIGNS AUTHORIZED WITH A PERMIT.

(a) **Permit required.** Except as otherwise provided in this chapter, no person shall display, erect, relocate or alter, excluding maintenance, any sign or allow the same to occur on his or her property without first obtaining a sign permit. A sign permit is required before the following types of signs may be displayed, erected, relocated or altered:

- (1) Freestanding signs.
- (2) Wall signs, including awning signs.
- (3) Canopy signs.
- (4) Projecting signs.
- (5) Suspended signs.

If all requirements of this Chapter and all other laws are met, the Zoning Administrator shall issue a sign permit.

- (b) **Applications.** The owner or tenant of the property on which the sign is to be located, Or his or her authorized agent, shall complete and sign an application for a sign permit on forms furnished by the City. The application shall be accompanied by a Master Sign Plan according to Section 1476.09. The Zoning Administrator shall, within ten working days of the date of the application, either approve or deny the application or, if sufficient information has not been furnished, refer the application back to the applicant.
- (c) **Fees.** Each sign permit application shall be accompanied by a non-refundable permit fee, in an amount determined by resolution of the City Commission. This fee shall be in addition to any electrical permit fee or building permit fee. Where any sign is displayed without the required sign permit, the fee for the sign permit shall be doubled. When any permit has been revoked, permit fees shall not be refunded.
- (d) **Display.** Each sign requiring a sign permit shall contain a clearly legible identification plate, no larger than 15 square inches in area, stating the name of the person responsible for its construction and erection, along with the installation date and permit number.
- (e) **Modifications.** When a sign permit has been issued by the Zoning Administrator, no person shall change, modify, alter or otherwise deviate from the terms or conditions of such permit without the prior written approval of the Zoning Administrator.
- (f) **Expiration.**

- (1) If actual work is not commenced under a sign permit issued within one year from the date of such permit or if substantial building operations under any permit issued under this chapter are suspended for 180 consecutive days, the permit shall automatically become null and void.
- (2) Upon written request stating the reasons therefore, the Zoning Administrator may extend the permit for one additional year upon good cause shown. All requests for extensions and approval thereof shall be in writing.

(Ord. 632. Passed 4-19-04.)

1476.08 SPECIFIC SIGN REGULATIONS.

- (a) **Applicability.** The regulations contained in this section apply specifically to signs authorized with a permit.
- (b) **Schedule of regulations.** Freestanding, wall, canopy, awning, projecting, suspended, window signs, and portable signs must comply with the place, area, height, number and location requirements in the Schedule of Regulations contained in this section. In addition to any other regulations contained in this Code, the following specific regulations apply:

(1) Freestanding and wall signs.

- (A) Freestanding signs area computations are computed as shown in Appendix A.
- (B) Freestanding signs shall be set back in conformity with clear vision triangle standards if located near intersections and driveways. See Appendix B.
- (C) Freestanding signs are not allowed in the downtown area, described on Appendix C.
- (D) A multiple family residential use in a predominately one or two family residential area shall be limited to one wall or projecting sign per parcel, shall not be illuminated, shall not exceed two square feet in area and shall not exceed a height of 8 feet above ground level.
- (E) A commercial, industrial, or institutional use utilizing a freestanding or wall sign located in a predominately one or two family residential area shall be limited to the following:
 - 1. No freestanding sign shall exceed 6 feet in height
 - 2. No sign shall exceed 24 square feet in area.
 - 3. No sign shall be internally illuminated.
- (F) In no case shall the area of a wall sign or signs exceed 15% of the area of the wall upon which the sign or signs are displayed.

(2) Projecting and suspended signs:

- (A) Shall not project over a building's roofline.
- (B) May project over public property only with the public property owner's permission.
- (C) May be accepted from the maximum sign area requirements by the Zoning Administrator for theater marquees in cases where necessary copy and standard changeable letter sizes clearly necessitate such an exception.
- (D) The owner of a sign projecting over City property shall provide

comprehensive general liability insurance in an amount determined by the City Clerk. Proof of such insurance shall be submitted upon application for a sign permit, shall name the City as an additional insured, and shall provide no less than 30 day advance notification of cancellation to the City.

(E) Shall not be internally illuminated, except for signs made of metal with individual routed letters or logos.

(3) **Portable signs:** Portable signs during hours of operation only.

(c) **Sign bonuses.** Bonuses in height and area for freestanding and wall signs may be granted by the Zoning Administrator for the following:

(1) **Freestanding signs.** The base area for freestanding signs may be increased up to a maximum total sign area of 40 square feet for the following:

(A) **Height.** A sign 8 feet or less in height: an additional 10 square feet in sign area is allowed.

(B) **Background.** A sign having a dark or opaque sign face of at least 60%: an additional 10 square feet is allowed. (See Appendix D)

(2) **Wall signs.** The base area or height for wall signs may be increased up to a maximum total sign area of 65 square feet for the following:

(A) **Background.** A sign having a dark or opaque sign face of at 60%: an additional 15 square feet is allowed.

(B) **No freestanding sign.** If there is no freestanding sign on the premises, an additional 15 square feet is allowed.

(C) **Single individual letters or logos** that appear integral to the architecture and made of metal or masonry may exceed the maximum height requirement provided the letters meet the area requirements as outlined in the Schedule of Regulations. The letters and logos shall not be internally lit.

(3) **Canopy signs.** For a commercial, industrial, institutional or recreational use, an additional sign is allowed on a canopy if there is no freestanding sign on the parcel or if the freestanding sign on the parcel is less than 24 square feet in area and no taller than 8 feet in height. The sign on the canopy shall be no larger than 12 square feet and on a canopy no taller than 18 feet. Two such signs per parcel are allowed on the canopy.

(d) **Time-Temperature-Date Devices.** Clocks and thermometers may be incorporated into any sign provided such device does not exceed nine square feet.

(Ord. 696. Passed 3-20-06. Ord. 869. Passed 7-6-10. Ord. 984. Passed 11-4-13)

SCHEDULE OF REGULATIONS

Sign	Place	Size		Height ¹	Number	Location
		Base area	Area bonus ¹			
Freestanding ²	Commercial, industrial, institutional, recreational (Except not allowed in the “downtown” area shown on Appendix C)	20 square feet	For a lower sign: 10 additional square feet. For a dark or opaque background: 10 additional square feet.	15 feet or the height of the principal building, whichever is less	Street frontage per parcel : 0' - 200': 1 sign 201' -399': 2 signs 400' or more: 3 signs per parcel	Set back minimum of 10 feet from any property line (Not allowed in the “downtown” area shown on Appendix C)
	Multiple family residential	12 square feet	N/A	6 feet	1 per street frontage per parcel	
Wall and awning ²	Commercial, industrial, institutional, recreational	Business front width feet x 1.5 feet or 35 square feet, whichever is less but not more than 15% of wall area	For a dark or opaque background: 15 additional square feet If no freestanding sign: an additional 15 square feet	18 feet or one foot below the second floor window trim, except as in Section 1476.08(c)(2), <i>Specific Sign Regulations</i>	N/A	First floor of building wall, except as provided in 1476.08(c)(2), <i>Specific Sign Regulations</i>
	Multiple family residential	12 square feet ¹	N/A	18 feet or one foot below the second floor window trim, except as in Section 1476.08(c)(2), <i>Specific Sign Regulations</i>	1 sign per parcel	First floor of building wall, except as provided in 1476.08(c)(2), <i>Special Sign Regulations</i>
Canopy ²	Commercial, industrial, institutional, recreational	6 square feet	For a dark or opaque background: an additional 6 square feet	18' maximum	2 per canopy ²	See Section 1476.08(c)(3) for conditions
Projecting/ Suspended ²	Commercial, industrial, institutional and recreational	12 square feet, except theater marquees may be excepted (see 1476.08(b)(2))	N/A	Minimum 8' Maximum 15'	1 sign per business front	1. Projecting - not more than 4 feet from the face of the building 2. Suspended - not beyond the outside limits of the arcade, marque or eave to which it is attached.

Window	Commercial, industrial, institutional and recreational	Twenty-five percent of each window area is authorized <i>without</i> a sign permit. See Section 1476.06(l).				
Portable	Commercial, industrial, institutional and recreational	6 square feet with no dimension greater than 3 feet	N/A	Maximum 4'	1. One sign per business front 2. If no business front, one per parcel.	1. On private property within 10 feet of building face. 2. If no building face, 10 feet from any property line.

¹ For commercial, industrial, multiple family dwellings, recreational or institutional users in a predominantly residential block, see Section 1476.08.

² See Section 1476.08 for conditions.

(Ord. 632. Passed 4-19-04. Ord. 641. Passed 5-17-04.)(Ord. 696. Passed 3-20-06. Ord. 869. Passed 7-6-10.)

1476.09 SIGNS IN PLANNED AREAS.

Any sign located in a planned unit development, a zoning district requiring a Master Site and Facilities Plan, or a Planned Redevelopment district shall conform to the requirements of this chapter unless specifically exempted therefrom in the approved Master Signage Plan as a part of a Master Site and Facilities Plan, an order granting the planned unit development or as part of a formal project approval by the Grand Traverse Commons Redevelopment Corporation.

A sign located on the Grand Traverse Commons Planned Redevelopment District shall conform to the guidelines of the site graphics section of the Grand Traverse Commons District Plan, pages 141-143. No signs shall be erected or displayed in this Planned Redevelopment District without a sign permit and no sign permit shall be issued until the design, illumination and location of the proposed sign is approved by the Planning Director.
(Ord. 632. Passed 4-19-04.)

1476.10 MASTER SIGN PLAN.

- (a) **Plan Required.** No permit shall be issued for an individual sign unless a Master Sign Plan for the site upon which the sign is to be erected has been submitted to and approved by the Zoning Administrator as conforming with this ordinance. No sign shall be erected on any site unless it is shown on an approved Master Sign Plan.
- (b) **Submittal Requirements.** A Master Sign Plan submitted for approval shall include the following:
 - (1) An accurate site plan, drawn to scale, showing the proposed location of each freestanding sign and the location of all buildings and driveways on the parcel.
 - (2) An accurate elevation of each building wall intended to accommodate a sign, including window signs, showing the location, dimensions, and height of each sign above grade level.
 - (3) A computation of the area of each sign on the parcel.
 - (4) An illustration depicting each proposed sign, its size and proportions, color scheme, construction material and type of illumination.
- (c) **Amendment.** A Master Sign Plan may be amended by filing a new plan which conforms to all of the requirements of the Sign Ordinance.
- (d) **Binding Effect.** Upon approval of a Master Sign Plan, no sign shall be erected, placed, painted, attached or maintained, except as shown on such plan and a violation of the approved plan may be enforced in the same manner as any provision of this ordinance. In the case of a conflict between the provisions of the Master Sign Plan and any other provision of the Sign Ordinance, the ordinance shall control.

(Ord. 632. Passed 4-19-04.)

1476.11 SIGN ILLUMINATION REGULATIONS.

Illuminated signs shall be designed, constructed, and installed to comply with the following standards in order to reduce glare and the general overwash of light to public rights-of-way and residential uses and to promote the protection of the dark sky.

- (a) Flashing, rotating and intermittent lighting is prohibited except for marquee signs on buildings used solely for theaters for the general public subject to the following conditions:
 - (1) Only permitted in area shown in Appendix E.

- (2) The marquee shall be designed as to not be dangerous or confusing to motorists on the public right-of-way by its color, wording, design, location, or illumination that would resemble or conflict with any official traffic-control device or which impedes the safe and efficient flow of traffic.
 - (3) The marquee lights shall be lit only during times the theater is in operation.
 - (b) Back-lighted individual opaque channel letterforms shall be softly silhouetted against their background.
 - (c) Internally illuminated channel letters and logos with translucent faces, shall contain soft, diffused light sources inside each letter or logo.
 - (d) With the exception of directional and “no vacancy” signs, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.
 - (e) Externally lit signs associated with multiple family residential uses are allowed.
 - (f) Electronic message signs shall not exceed a light intensity of 10 percent of the day time use between dusk and dawn.
- (Ord. 632. Passed 4-19-04. Ord. 797. Passed 6-02-08. Ord. 1032. Passed 3-21-16)

1476.12 SIGN STRUCTURES.

The following requirements apply to all signs requiring a permit:

- (a) **General Design.** Signs and sign structures shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
- (b) **Maintenance.** Every sign, including those specifically exempt from this chapter with respect to permits and permit fees, shall be maintained in good repair and sound structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals.
- (c) **Safety.** All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted and free from corrosion. The Zoning Administrator shall inspect and may order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

(Ord. 632. Passed 4-19-04.)

1476.13 NONCONFORMING SIGNS.

- (a) **Description.** A legal nonconforming sign is any sign which was lawfully erected and maintained prior to the enactment of this chapter, and any amendments thereto, and which does not conform to all the applicable regulations and restrictions of this chapter and any amendment thereto.
- (b) **Continuation.**
 - (1) A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
 - (A) Converted to another nonconforming sign by changing the sign face.
 - (B) Expanded or altered so as to increase the degree of nonconformity of the sign.
 - (C) Re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation

exceeds fifty percent of the replacement sign cost as determined by the Zoning Administrator.

- (D) Continued in use following construction of a new building, reconstruction, substantial addition to or improvement of an existing building when the value of such construction exceeds \$50,000 in a twelve-month period.
 - (2) If there are multiple nonconforming signs on a parcel and only the face of any one of the signs is changed, only the changed sign or signs must be brought into compliance with this Code.
 - (3) Any legal nonconforming sign designed for changing the sign's message on a regular basis (such as a bulletin or message board, joint identification sign, or gasoline pricing sign where individual letters, numerals or name panels are readily interchangeable) may be changed without having to be brought into compliance with this Code.
 - (c) **New additional signs.** On parcels where a sign or signs is a legal nonconforming sign, no new additional sign shall be erected until all such nonconforming sign or signs on the parcel are brought into compliance with this chapter.
- (Ord. 632. Passed 4-19-04. Ord. 642. Passed 5-15-04.)

1476.14 VIOLATIONS.

- (a) **Notice.** If the Zoning Administrator finds that a sign violates this chapter, he or she shall give written notice to the owner of the sign or to the owner of the property where the sign is located and an order ordering that the violation be corrected.
 - (b) **Order.** The order shall specify those sections of this chapter violated, and shall state the amount of time from the date of the order in which to either correct the alleged violation or appeal the order to the Board of Zoning Appeals.
 - (c) **Compliance.** If such person fails to bring the sign into compliance within the time given in the notice, the Zoning Administrator may, in addition to the other remedies provided in this Code, cause such sign to be brought into compliance at the expense of the owner or the owner of the property where the sign is located and cause the permit to be revoked.
 - (d) **Dangerous signs.** If the Zoning Administrator finds that a sign endangers public or private property or public safety, the Zoning Administrator may, after notice given to the owner of the sign and of the property where the sign is located, immediately remove or alter such sign at the expense of the sign owner or property owner.
 - (e) **Forfeiture of Fees.** When any permit has been revoked, permit fees shall not be refunded.
- (Ord. 632. Passed 4-19-04.)

1476.15 APPEALS.

- (a) **Board.** The Board of Zoning Appeals shall serve as the appeals board for the purposes of this Chapter.
- (b) **Powers.** Nothing contained herein shall be construed to empower the Board of Appeals to substantially change the terms of this Chapter, or to significantly add to the types of signs permitted on any premises. Upon an affirmative vote of the majority of the members present, the appeals board shall have the power to:

- (1) **Modify or reverse**, wholly or partly, the notice or order of the Zoning Administrator.
- (2) **Grant an extension of time** for the performance of any act required of not more than three (3) additional months, where the appeals board finds that there is practical difficulty or undue hardship connected with the performance of this Chapter or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this Chapter to secure the public health, safety and welfare.
- (3) **Grant exceptions** only in cases involving unique circumstances when the evidence in the official record of the appeal supports all of the following affirmative findings:
 - (A) That the alleged circumstances are exceptional and peculiar to the property of the person requesting the exception, and result from conditions which do not exist generally throughout the City.
 - (B) That the alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
 - (C) That allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant an exception, and the rights of others whose property would be affected by the allowance of the exception, and will not be contrary to the public purpose and general intent and purpose of this Chapter.
 - (D) The above findings of fact shall be made by the Board of Appeals, which is not empowered to grant an exception without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.
- (4) **Interpret** this chapter in such a way as to carry out its intent and purpose.
- (c) **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator on an application form determined by the Zoning Administrator and shall be accompanied by a fee established by the City Commission. Appeals shall be filed within forty-five (45) days after written notice is given of the action being appealed. An appeal must be submitted at least twenty-one (21) days before the Board meeting at which it will be considered.
- (d) **Application.** The application form shall be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application. Applications shall be accompanied by a Master Sign Plan and any other information the Zoning Administrator deems pertinent. All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.
- (e) **Notices.** The Zoning Administrator shall give notice of a hearing on an appeal to all owners of record of real property within 300 feet of the parcel on which the sign is located. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll at least fifteen days prior to the hearing.
- (f) **Advertisements.** One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed between

seven and 20 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.

- (g) **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.
- (h) **Reconsideration.** An applicant may re-appeal a decision after twelve months from the decision of the Board. The Board will not reconsider any appeal within twelve months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

(Ord. 632. Passed 4-19-04.)

1476.16 ENFORCEMENT.

The Zoning Administrator or his or her designee shall enforce this chapter. He or she shall appear for and on behalf of the City in all matters regarding the interpretation and application of this chapter and shall resist and oppose any deviations from this chapter.

The Zoning Administrator and his or her designees, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to any violation of this chapter pursuant to Section 1.f Act 147 of the Public Acts of 1968, as amended (MCLA 764.9(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

The Zoning Administrator or his or her authorized representative may enter at reasonable times any land, building, structure or premises in the City to perform any duty imposed upon the Zoning Administrator by this chapter.

(Ord. 632. Passed 4-19-04.)

1476.17 TRANSITION.

The intent of this chapter is to make the Sign Ordinance fully effective as soon as possible, but to allow for the continuation of all sign permits. All sign permits which have been previously issued, but which have not been acted upon by the permit holder by starting substantial construction, are hereby revoked. Other such permits may be continued if construction is diligently pursued and timely completed.

(Ord. 632. Passed 4-19-04.)

1476.99 PENALTY.

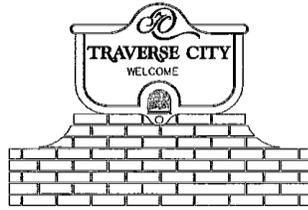
Whoever violates or fails to comply with any of the provisions of this chapter is subject to the civil infraction sanctions according to Traverse City Code Section 202.99, injunctive relief, nuisance abatement, surcharges and equitable remedies as provided in the Traverse City Code

SIGNS

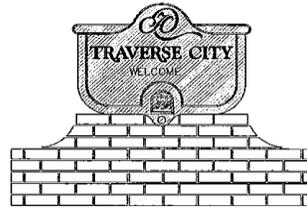
of Ordinances or as otherwise available under the law, as well as any damages resulting from such violation. A separate offense is deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 632. Passed 4-19-04.)

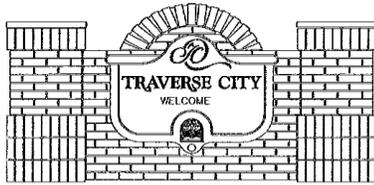
APPENDIX A



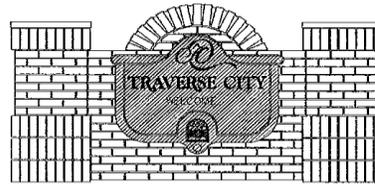
PROPOSED SIGN



SIGN AREA



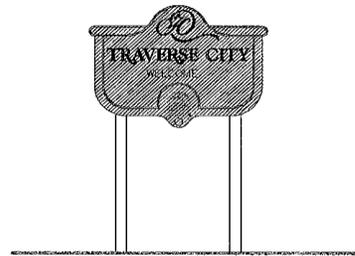
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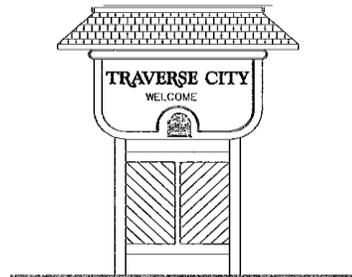
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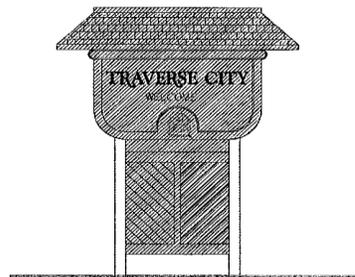
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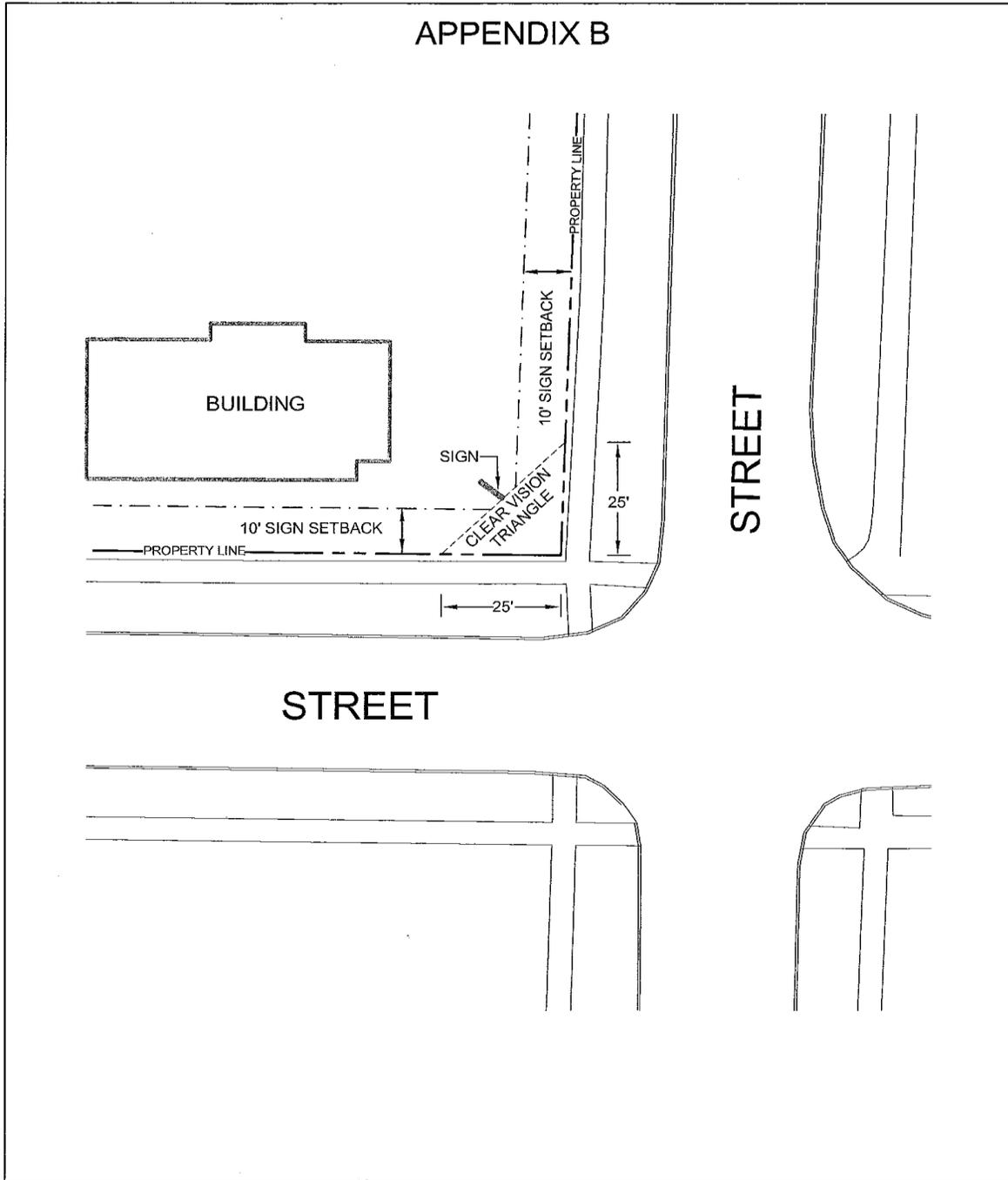
SIGN AREA

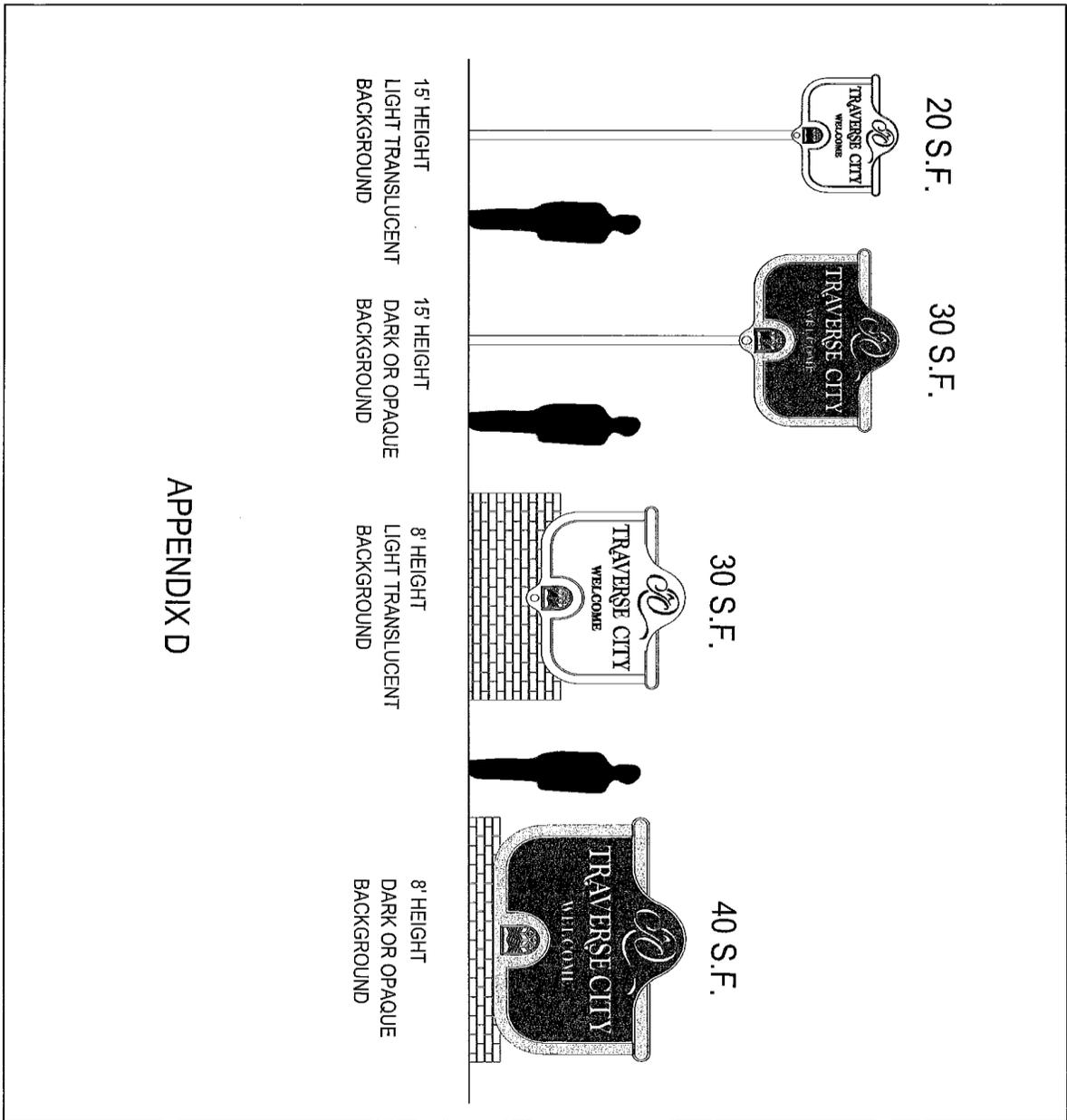


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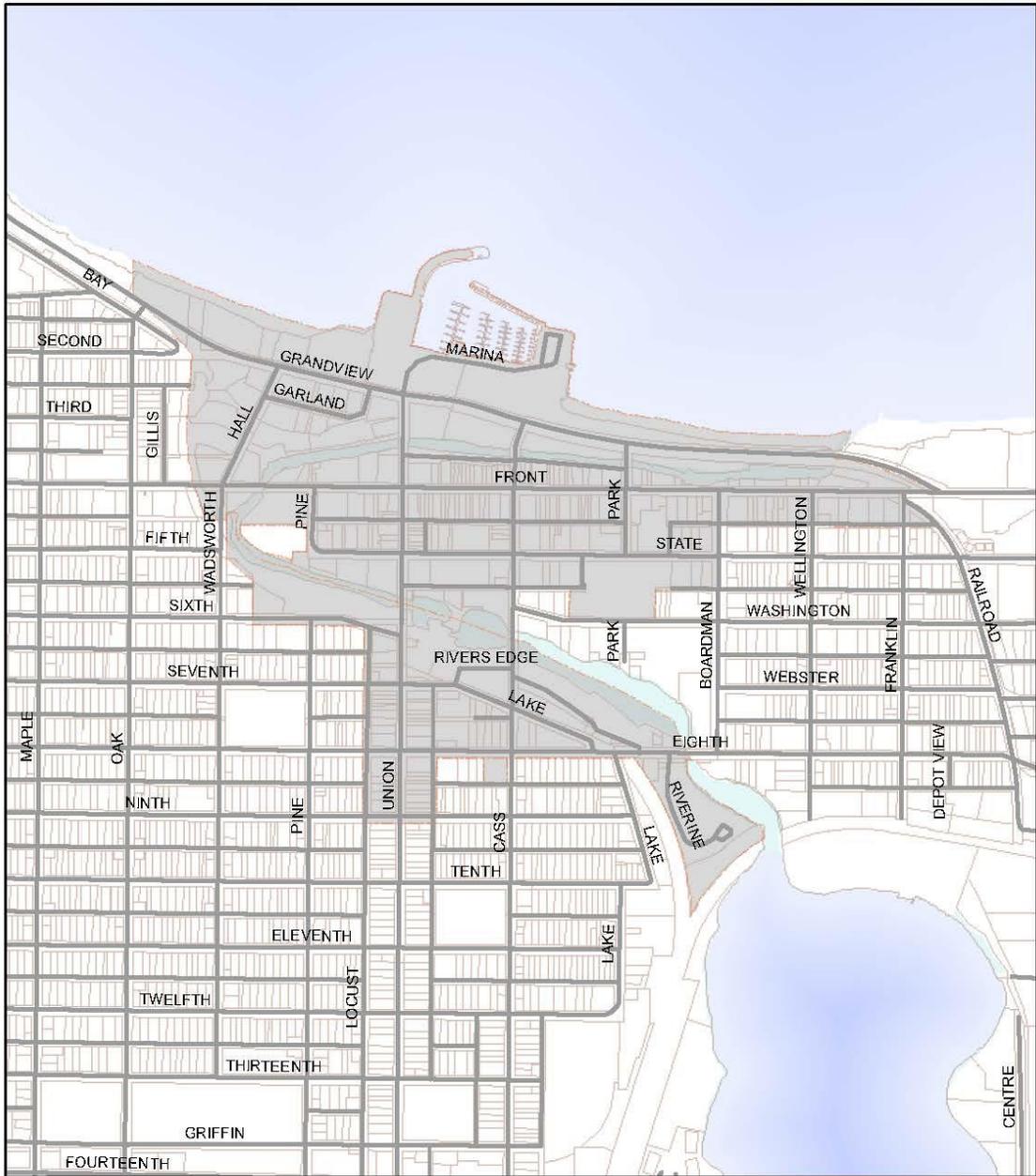


SIGN AREA





APPENDIX "E"



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Traverse City Department of Public Services Asset Management

2-29-2016
JPT

This map is based on digital databases from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or potential inaccuracies. There are no warranties expressed or implied.

CHAPTER 1480

Mobile Homes

1480.01 Use as offices; water, sewer and electrical connections.
1480.99 Penalty.

CROSS REFERENCES

Power to regulate - see CHTR. Sec. 149
Presumption of vehicle weight - see TRAF. 410.03 (UTC 2.59)
Use of house trailers for living purposes - see P. & Z. 1320.12
House trailers in floodways - see B. & H. 1458.07

1480.01. USE AS OFFICES; WATER, SEWER AND ELECTRICAL CONNECTIONS.

No person shall use an automobile trailer or mobile home as an office or for the transaction of any business. No person shall connect any water or sewer service to any automobile trailer. No person shall connect any trailer to any public utility electrical power source, except for displaying a trailer for sale. Notwithstanding the above, a Mobile Food Vending Unit with a valid license issued under Chapter 865 may operate an automobile trailer and hookup to a public utility electrical power source if authorized by their permit.
(1976 Code Sec. 26.27 Ord. 964. Passed 5-6-13)

1480.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1482

Rental Housing Regulations

1482.01	Definitions.	1482.11	Plumbing.
1482.02	Scope.	1482.12	Mechanical Requirements.
1482.03	Interpretation.	1482.13	Electrical Requirements.
1482.04	Application of State Construction Code.	1482.14	Fire safety.
1482.05	Duties of Housing Administrator.	1482.15	Sanitation.
1482.06	Rental Housing Board of Appeals.	1482.16	Rooming houses.
1482.07	Application of chapter to existing structures.	1482.17	Amendments.
1482.08	Exterior requirements.	1482.18	Conflict of laws.
1482.09	Interior requirements.	1482.19	Enforcement.
1482.10	Light and ventilation.	1482.99	Penalty.

CROSS REFERENCES

State Housing Code - see M.C.L.A. Secs. 125.401 et seq.
Municipal Housing Act - see M.C.L.A. Secs. 125.651 et seq.
Municipal housing commissions - see M.C.L.A. Secs. 125.653 et seq.
Adoption, promulgation and publication of rules - see M.C.L.A. Sec. 125.694b
Board of Tenant Affairs - see M.C.L.A. Secs. 125.699 et seq.
Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.
Hotels, boarding and lodging houses - see M.C.L.A. Secs. 427.1 et seq.; B.R. & T. Ch. 836, Ch. 868
Housing Commission - see ADM. Ch. 274
Numbering of multifamily dwellings - see B. & H. 1470.03
State Housing Law - see B. & H. Ch. 1484
Smoke detectors in dwellings - see F.P. 1610.14(b), (c)

1482.01 DEFINITIONS.

As used in this chapter:

"Approved" means approved by the local or State authority having administrative authority.

"Building" means a structure or part thereof.

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

"Emergency escape window or door" means an outside window or door, operable from the inside without the use of tools, and providing a clear opening of not less than twenty inches (50.8 cm.) in width, twenty-four inches (sixty-one cm.) in height and 5.7 square feet (.53 sq. m.) in area. The bottom of the opening shall not be more than forty-four inches (112 cm.) off the floor.

Such means of escape shall be acceptable if:

- i. The window is within twenty feet (6.1 m.) of the grade.
- ii. The window is directly accessible to an approved rescue apparatus.

iii. The window or door opens onto an exterior balcony.

"Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces and workshops.

"Housing Administrator" means that person appointed by the City Manager who is charged with the administration of this chapter, or the Housing Administrator's duly authorized representative.

"Occupant" means any person over one year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or a rooming unit.

"Owner" means any person who has equitable or legal title to any premises, dwelling or dwelling unit.

"Premises" means a platted lot or part thereof, or an unplatted lot, parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any building, accessory structure or other structure thereon.

"Rental dwelling unit" means all dwellings, dwelling units and habitable rooms which are leased or otherwise made available for rental purposes, except:

- i. Hotels and motels
- ii. Any dwelling unit or mobile home which the State has exclusive authority under State law to inspect and regulate;
- iii. The principal residence of the owner which is temporarily occupied by persons other than the owner for not more than two years; and
- iv. Dwellings in a dormitory operated by an institution of higher education.

"Renter" means any person who, alone or jointly or severally with others, has the right to occupy a premises and pays compensation therefor, and includes a tenant.

"Rooming house" means a residential building where rooms or suites of rooms are rented and where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, two and multi-family dwellings or fraternity and sorority houses.

"Structure" means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, advertising signs, billboards, back stops for tennis courts and pergolas. (Ord. 259. Passed 10-3-88.)

1482.02 SCOPE.

This chapter is enacted to protect the public health, safety and welfare for all dwelling units which are not owner occupied. Toward that goal, this chapter establishes the following:

Minimum standards for the maintenance of rental structures and the surrounding premises;
Responsibilities of owners, renters, operators and occupants of such structures; and
Administration, enforcement and penalties. (Ord. 259. Passed 10-3-88.)

1482.03 INTERPRETATION.

This chapter shall be construed liberally to ensure the public health, safety and welfare as they are affected by the maintenance of rental structures and premises. The provisions of this chapter

shall be deemed cumulative and shall not be construed to prevent the enforcement of other ordinances or regulations or the utilization of other remedies. (Ord. 259. Passed 10-3-88.)

1482.04 APPLICATION OF STATE CONSTRUCTION CODE.

In the event of a conflict between this chapter and the State Construction Code, any repair or alteration to a structure, or change of use therein, which may be caused directly or indirectly by the enforcement of this chapter, shall be done in accordance with the State Construction Code. (Ord. 259. Passed 10-3-88.)

1482.05 DUTIES OF HOUSING ADMINISTRATOR.

The Housing Administrator shall see that this chapter is enforced. The City Manager shall appoint the Housing Administrator. The Housing Administrator, with the consent of the City Manager, may appoint subordinates to exercise all or part of the authority of the Housing Administrator. (Ord. 259. Passed 10-3-88.)

1482.06 APPEALS.

(a) **Appeals.** Any aggrieved party may appeal a decision of the Housing Administrator to the Board of Zoning Appeals. The Board may interpret this chapter. After a public meeting, the Board may grant a specific variance to a substantive requirement of this chapter if the literal application of such substantive requirement would result in an exceptional, practical difficulty to the applicant, and if the performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by this chapter of that particular item or part for the public health, safety and welfare.

(b) **Conditions.** The Board of Appeals may attach, in writing, any condition in connection with the granting of a variance that, in its judgment, is necessary to protect the public health, safety and welfare. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall a variance from the provisions of this chapter be granted that is more than the minimum necessary to alleviate the exceptional, practical difficulty. The Board may not modify, subtract from or add to this chapter, except as may be incidental in its interpretation and grant of a variance. Decisions of the Board shall be final. (Ord. 343. Passed 4-5-93. Ord. 599. Passed 4-21-03.)

1482.07 APPLICATION OF CHAPTER TO EXISTING STRUCTURES.

This chapter establishes the minimum requirements for the initial and continued occupancy and use of every dwelling unit which is not owner occupied. Such structures and premises existing on the effective date of this chapter (Ordinance 259, passed October 3, 1988) shall be brought into full compliance not more than twelve months from such effective date or such earlier or later date as may be ordered by the Housing Administrator for good cause involving health and safety. (Ord. 259. Passed 10-3-88.)

1482.08 EXTERIOR REQUIREMENTS.

- a) Scope and Responsibility. The owner of the rental dwelling unit shall maintain such structures and exterior premises in compliance with the requirements of this section. A

RENTAL HOUSING REGULATIONS

person shall not rent to another for occupancy or use premises which do not comply with this section after notice of code violation has been sent or communicated. (Ord. 390. Passed 9-6-94.)

b) Premises Conditions.

- a. Sanitation. All exterior premises shall be maintained in a safe condition and shall not be initially rented for occupancy unless in a sanitary condition as described by Section 1482.15.
- b. Grading and drainage. All exterior property shall be graded and maintained so as to prevent the accumulation of stagnant water thereon.

c) Structural Conditions.

- a. Generally. The exterior of a building shall be structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants, neighbors or the general public, and so as to protect the occupants from the outside environment.
- b. Structural members. All supporting structural members of buildings shall be kept structurally sound, free of deterioration and maintained so as to be capable of safely bearing the dead and live loads imposed upon them.
- c. Exterior surfaces. Every foundation, exterior wall, roof and other exterior surface shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and birds.
- d. Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained sound and free from open cracks and breaks.
- e. Exterior walls. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers and other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface
- f. Roofs. The roof shall be structurally sound, tight and shall not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.
- g. Chimneys. All chimneys and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- h. Stairs and porches. Every stair, porch and balcony, and any appurtenance attached thereto, shall be constructed to be safe for use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.
- i. Window and door frames. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling or structure.

- j. Weathertight. Windows and exterior doors shall be fitted reasonably in the frames and shall be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

1482.09 INTERIOR REQUIREMENTS.

- a) Scope and Responsibility. The owner and the renter of a rental dwelling unit shall maintain the interior of a structure and its equipment in a safe, structurally sound and sanitary condition and in compliance with the requirements of this section. Both the owner and the renter shall be jointly and severally responsible for compliance.
- b) Structural Members. The supporting structural members of every building shall be maintained so as to be structurally sound and shall not show any evidence of deterioration which would render them incapable of carrying the imposed loads.
- c) Interior Conditions.
 - a. Surfaces. Floors, walls, including windows and doors, ceilings and other interior surfaces shall be maintained in a good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated.
 - b. Lead-based paint. Lead-based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of 0.5 percent lead shall be removed or covered with paneling or other suitable covering approved by the Housing Administrator.
 - c. Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
 - d. Decay. Every dwelling unit and common space shall be maintained reasonably free from mold, mildew, standing water and other conditions conducive to decay or deterioration of the structure.
- d) Exit Doors. Every door available as an exit shall be capable of being opened easily from the inside without the use of a key.
- e) Exit Facilities. All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or that are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads. (Ord 259. Passed 10-3-88.)

1482.10 LIGHT AND VENTILATION.

- a) Scope and Responsibility. The owner of the rental dwelling unit shall provide and maintain light, ventilation and space conditions in compliance with the requirements of this section. A person shall not rent to another for occupancy or use any premises which do not comply with such requirements after notice of code violation has been sent or communicated.(Ord. 391. Passed 9-6-94).
- b) Alternative Devices. In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers or other methods and devices

that will provide the equivalent minimum performance requirements shall be permitted when complying with the State Construction Code.

- c) General Requirements.
 - a. All spaces or rooms shall be provided sufficient light and ventilation so as not to endanger health and safety.
 - b. Every habitable room shall have at least one window of an approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room, except in rooms where artificial light may be provided in accordance with the State Construction Code.

1482.11 PLUMBING.

- a) Scope and Responsibility. The owner of a building in which there is a rental dwelling unit shall provide and maintain plumbing facilities and fixtures in compliance with the requirements of this section. A person shall not rent to another for occupancy or use any structure or portion thereof or premises which do not comply with such requirements after notice of code violation has been sent or communicated. (Ord. 392. Passed 9-6-94.)
- b) Required Facilities. Every rental dwelling unit shall have its own plumbing facilities which are in proper operating condition, which can be used in privacy and which are adequate for personal cleanliness and the disposal of human waste. All plumbing facilities shall be supplied and maintained in a sanitary and safe working condition.
- c) Water Closet and Lavatory. Every rental dwelling unit shall contain within its walls a room, separate from habitable rooms, which room affords privacy and a water closet supplied with cold running water. The lavatory may be placed in the same room as the water closet or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which such water closet is located. The lavatory shall be supplied with hot and cold running water.
- d) Bathtub or Shower. Every rental dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower supplied with hot and cold running water.
- e) Kitchen Sink. Every rental dwelling unit shall contain a kitchen sink apart from the lavatory required under this section, and such sink shall be supplied with hot and cold running water.
- f) Rooming Houses. At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewerage system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. A kitchen sink need not be provided for rental dwelling units in a rooming house.
- g) Water System.
 - a. Generally. Every sink, lavatory, bathtub, shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All lavatories, bathtubs, showers and required sinks shall be supplied with hot and cold running water.

- b. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
 - c. Supply. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
 - d. Water heating facilities. Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, laundry facility or other similar unit at a temperature of not less than 110 degrees Fahrenheit (43.33 degrees Centigrade).
- h) Sewerage System.
- a. Generally. Every sink, lavatory, bathtub, shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewerage system or to an approved private sewage disposal system.
 - b. Maintenance. Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the State Construction Code.

1482.12 MECHANICAL REQUIREMENTS.

- a) Scope and Responsibility. The owner of a building in which there is a rental dwelling unit shall provide and maintain such mechanical facilities and equipment in compliance with the requirements of this section. A person shall not rent to another for occupancy any premises which do not comply with the requirements of this section after notice of code violation has been sent or communicated. (Ord. 393. Passed 9-6-94.)
- b) Heating Facilities. Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees Fahrenheit (18.33 degrees Centigrade) at a point three feet (0.91 m.) above the floor and three feet (0.91 m.) from any exterior wall.
- c) 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 and shall be kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the State Construction Code or other law or ordinances applicable thereto.
- d) Portable Cooking Equipment. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.
- e) Installations. All mechanical equipment shall be properly installed and safely maintained in good working condition and shall be capable of performing the function for which it was designed and intended.

- f) Flues. All fuel-burning equipment shall be connected to an approved chimney, flue or vent, and all required clearances to combustible materials shall be maintained. All chimneys shall be free of excessive creosote buildup.
- g) Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.
- h) Combustion Air. A supply of air for the complete combustion of fuel and for ventilation of the space shall be provided to the fuel-burning equipment.
- i) Fireplaces. A fireplace or other construction or device intended for a use similar to a fireplace shall be stable, structurally safe and connected to an approved chimney.

1482.13 ELECTRICAL REQUIREMENTS.

- a) Scope and Responsibility. The owner of a building in which there is a rental dwelling unit shall provide and maintain electrical facilities and equipment in compliance with the requirements of this section. A person shall not rent to another for occupancy any premises which do not comply with the requirements of this section after notice of code violation has been sent or communicated. (Ord. 394. Passed 9-6-94.)
- b) Outlets. Every room, except a closet, shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture. In a kitchen, three separate and remote wall-type electric convenience outlets or two such convenience outlets and one ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be at least one electric outlet.
- c) Installations. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.
- d) Defects. Where it is found, in the opinion of the Housing Administrator, that the electrical system in a structure constitutes a hazard to the occupants or to the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring installation, deterioration or damage, or for similar reasons, the Housing Administrator shall require that the defects be corrected to eliminate the hazard.
- e) Elevators, Escalators and Dumbwaiters. Accessible elevators, dumbwaiters and escalators shall be maintained to safely sustain the loads to which they are subject, to operate properly and to be free of physical and fire hazards.

1482.14 FIRE SAFETY.

- a) Scope and Responsibility. The owner of a rental dwelling unit shall provide and the renter shall maintain fire safety facilities and equipment in compliance with the requirements of this section, other ordinances and State law. No person shall rent to another for occupancy any premises which do not comply with the requirements of this section after notice of code violation has been sent or communicated. (Ord. 395. Passed 9-6-94.)
- b) Egress. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open area at grade.

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- c) Direct Exit. Every dwelling unit or room shall have access directly to the outside or to a public corridor.
- d) Locked Doors. All doors in the required means of egress shall be readily openable from the inside without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.
- e) Fire Escapes. All required fire escapes shall be provided and maintained in working condition and shall be structurally sound.
- f) Emergency Escapes.
 - a. Windows or doors. Every sleeping room shall have a safe means of emergency escape to the outside consisting of an emergency escape window or door.
 - b. Maintenance. Emergency escape windows and doors shall be maintained operational and available to occupants of sleeping rooms in residential uses.
 - c. Security. Bars, grilles, grates or similar devices shall not be installed in a required emergency escape window except when such devices are equipped with approved release mechanisms which are openable from the inside without the use of a key, special knowledge or excessive force.
- g) Accumulation and Storage.
 - a. Waste materials. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
 - b. Flammable and explosive matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential rental premises except in reasonable quantities consistent with normal usage.
 - c. Flammable liquids. A rental dwelling unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees Fahrenheit (43.33 degrees Centigrade) or lower, except as provided for in the State Construction Code.
 - d. Generally. Floors, walls, ceilings and other elements and components, when provided to meet a fire resistant rating, shall not be altered so that the respective fire resistant rating of the enclosure, separation or construction is diminished.
- h) Fire Protection Systems.
 - a. Generally. All fire protection systems and equipment shall be maintained in proper operating condition at all times.
 - b. Fire alarms. Fire alarms and detecting systems shall be maintained and shall be suitable for their respective purposes.
 - c. Fire extinguishers. All portable fire extinguishers shall be visible, accessible and maintained in an efficient and safe operating condition.
 - d. Smoke detectors. Smoke detectors shall be provided as required by City ordinances.

1482.15 SANITATION.

- a) Cleanliness. Every renter shall keep that part of the structure or premises thereof which that renter occupies, controls or uses in a clean and sanitary condition and in accordance with the requirements of this section. Every owner of rental premises shall maintain, in a clean and sanitary condition and in accordance with this section, the shared or public

areas of the dwelling and premises thereof, and the rented portion if the occupant fails to do so.

- b) Disposal of Rubbish and Garbage. Every renter shall dispose of rubbish and garbage in a clean and sanitary manner by placing it in a suitable covered container, or if such is not available, by removing all such matter.
- c) Garbage and Rubbish Storage Facilities. The renter shall supply suitable containers and covers for the storage of rubbish and shall be responsible for the removal of garbage and rubbish.
- d) Extermination. If necessary, the owner of any structure shall be responsible for the extermination of insects, rats or other pests within the structure prior to renting the structure. The renter of a single-family dwelling unit shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises occurring during the occupancy.
- e) Vermin or Rat Infestation. Continuing or repeated incidents of rat infestation shall require the installation of rat and vermin-proof walls by the owner. The rat and vermin-proof walls shall be installed in accordance with the State Construction Code. The renter shall be responsible for the continued rat-proof condition of the dwelling unit, and if the renter fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the renter.
- f) Insect and Rat Control. The exterior of the property shall not be infested by insects, rats, vermin or other pests. Whenever infestation exists, extermination shall be the immediate responsibility of the owner. (Ord. 259. Passed 10-3-88.)

1482.16 ROOMING HOUSES.

- a) Application. This chapter is applicable to rooming houses whether or not owner occupied.
- b) Additional Requirements. Rooming houses shall meet license requirements or other requirements of these Codified Ordinances or other applicable laws and statutes. (Ord. 259. Passed 10-3-88.)

1482.17 AMENDMENTS.

Any amendment to this chapter shall be made by the City Commission in accordance with the procedure established for amending any other portion of these Codified Ordinances. (Ord. 259. Passed 10-3-88.)

1482.18 CONFLICT OF LAWS.

If any of the provisions of this chapter are inconsistent with the provisions of any other statute, State administrative regulation or ordinance of the City presently existing or enacted in the future, the more restrictive requirement shall apply. (Ord. 259. Passed 10-3-88.)

1482.19 ENFORCEMENT.

- a) Rules and Regulations. The City Manager may, as may be necessary in the interest of the public safety, health and general welfare, adopt and promulgate rules and regulations to interpret and implement this chapter.

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- b) Notices. The Housing Administrator shall issue all necessary notices and orders to ensure compliance with this chapter.
- c) Inspections. The Housing Administrator is authorized to inspect upon the consent of the person in charge of the area to be inspected or upon the issuance of a warrant.
- d) Obstruction of Inspections. No owner, renter, occupant or other person in charge of a structure or premises subject to this chapter shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to any part of a structure or premises where an inspection authorized by this chapter is sought. The Housing Administrator may seek an order to cease and desist with such interference from a court of competent jurisdiction.
- e) Obstruction of Repairs. No renter or occupant of any structure or premises shall refuse access to the owner or operator thereof, at reasonable times, for the purpose of making inspections, maintenance, repairs or alterations as necessary to comply with this chapter.
- f) Appearance Tickets. The Housing Administrator, or his or her authorized representative is hereby authorized to issue and serve appearance tickets with respect to any violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2); M.S.A. 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City Attorney in conformity with all statutory requirements.
- g) Order to Vacate. In the event of an emergency and a situation causing danger to persons or property, the Housing Administrator may order that the property be vacated after determining, in writing, that a provision of this chapter has been violated and that a danger and emergency exist.
- h) Alternate Responsibility. Notwithstanding other provisions of this chapter assigning responsibility, a person who is an occupant, renter or owner and who repeatedly causes violations of this chapter is also responsible and subject to the penalties herein provided. (Ord. 259. Passed 10-3-88.)

1482.99 PENALTY.

A person who violates any provision of this chapter is responsible for a civil infraction. (Ord. 450. Passed 7-7-97.)

CHAPTER 1484

State Housing Law

1484.01 Application.

1484.02 Board of Appeals.

1484.03 Conflicts with State Construction Code.

1484.99 Penalty.

CROSS REFERENCES

State Housing Code - see M.C.L.A. Secs. 125.401 et seq.

Municipal Housing Act - see M.C.L.A. Secs. 125.651 et seq.

Municipal housing commissions - see M.C.L.A. Secs. 125.653 et seq.

Adoption, promulgation and publication of rules - see M.C.L.A. Secs. 125.694b

Board of Tenant Affairs - see M.C.L.A. Secs. 125.699 et seq.

Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.

Hotels, boarding and lodging houses - see M.C.L.A. Secs. 427.1 et seq.; B.R. & T. Ch. 836, Ch. 868

Housing Commission - see ADM. Ch. 274

Numbering of multifamily dwellings - see B. & H. 1470.03

Rental housing regulations - see B. & H. Ch. 1482

Smoke detectors in dwellings - see F.P. 1610.14(b), (c)

1484.01 APPLICATION.

It is acknowledged that Act 167 of the Public Acts of 1917, as amended (the *Housing Law of the State of Michigan*), being M.C.L.A. 125.401 et seq.; MSA 5.2771 et seq., applies within the City except for private dwellings and two-family dwellings. (Ord. 274. Passed 11-6-89.)

1484.02 BOARD OF APPEALS.

Section 8 of the *Housing Law of the State of Michigan* provides for decisions of the Board of Appeals, but that Act does not establish or regulate such Board (M.C.L.A. 125.408; MSA 5.2778). All powers and obligations of a board of appeals under the *State Housing Law* are hereby conferred on the Board of Zoning Appeals. (Ord. 274. Passed 11-6-89. Ord 599. Passed 5-1-03.)

1484.03 CONFLICTS WITH STATE CONSTRUCTION CODE.

It is recognized that conflicts between the *State Housing Law* and the *State Construction Code* may occur from time to time. If such a conflict occurs regarding new construction, that new construction need only comply with the *State Construction Code*. If such a conflict occurs regarding existing construction, and if that construction occurred since November 6, 1974, the effective date of the *State Construction Code*, that construction need comply with either the Housing Law of 1917 or the applicable construction code at the time of the construction. If any other such conflict exists, it shall be resolved by executive order of the City Manager or by the Board of Zoning Appeals.

- a) **Appeals.** Any aggrieved party may appeal a decision of the Housing Administrator to the Board of Zoning Appeals. The Board may interpret this chapter. After a public meeting, the Board may grant a specific variance to a substantive requirement of this chapter if the literal application of such substantive

requirement would result in an exceptional, practical difficulty to the applicant, and if the performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by this chapter of that particular item or part for the public health, safety and welfare.

- b) **Conditions**. The Board may attach, in writing, any condition in connection with the granting of a variance that, in its judgment, is necessary to protect the public health, safety and welfare. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall a variance from the provisions of this chapter be granted that is more than the minimum necessary to alleviate the exceptional, practical difficulty. The Board may not modify, subtract from or add to this chapter, except as may be incidental in its interpretation and grant of a variance. Decisions of the Board shall be final. (Ord. 274. Passed 11-6-89. Ord. 599. Passed 4-21-03.)

1484.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)