

HOUSING CODE ORDINANCE
CHARTER TOWNSHIP OF
BRIDGEPORT, MICHIGAN
Ord. No. 95-5 Eff. October 13, 1995 (as amended)

11.500 **PURPOSE:** An Ordinance of the Charter Township of Bridgeport, Saginaw County, Michigan to adopt a nationally recognized model housing code and standards regulating the minimum standards for regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the township; to provide for the administration and enforcement of this ordinance and housing code by the township through agreement and otherwise, to provide for penalties for violations thereof.

THE CHARTER TOWNSHIP OF BRIDGEPORT ORDAINS:

11.510 **SECTION 1. TITLE.** This Ordinance shall be known and may be cited as the Charter Township of Bridgeport Housing Code Ordinance.

11.520 **SECTION 2. ADOPTION OF UNIFORM HOUSING CODE.** Those certain documents copies which are on file in the Office of the Township Clerk and the Constructions Codes Office of Bridgeport Charter Township being marked and designated as' the Uniform Housing Code, 1994 Edition, published by the International Conference of Building Officials, are hereby adopted as the code of the township for regulating the minimum standards for regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the township; each and all of the regulations, provisions, penalties, conditions and terms thereof, except as may hereafter be modified, shall be deemed adopted and made a part hereof as if fully set forth in this ordinance. The township does hereby elect that it shall be exempt from the state construction code being Michigan P.A. 230 of 1972 and the rules promulgated pursuant thereto.

11.530 **SECTION 3. CHANGES IN THE ADOPTED CODE - CHAPTER 2 - ENFORCEMENT.** The Uniform Housing Code adopted in this ordinance is amended as follows:

Section 203 - Housing Advisory and Appeals Board is amended as follows:

Section 203 - HEARING OFFICER

203.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created the position of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at his/her pleasure. The Hearing Officer may adopt rules

of procedure for conducting business and shall refer all decisions and findings in writing to the appellant with a duplicate copy to the building official. Appeals to the Hearing Officer shall be processed in accordance with the provisions contained in Section 1201 of this code. Copies of all rules of procedures adopted by the Hearing Officer shall be delivered to the building official, who shall make them accessible to the public.

203.2 References to Board of Appeals. Any and all references contained herein to the "housing advisory and appeals board", "board of appeals" and/or "board" shall mean the

Hearing Officer.

203.3 Limitations of Authority. The Hearing Officer shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Officer be empowered to waive requirements of this code.

11.540 SECTION 4. CHANGES IN CODE ADOPTED: CHAPTER 9 - FIRE PROTECTION. The Uniform Housing Code adopted in this Ordinance is amended to add the following sections:

Section 902 - SMOKE DETECTORS

902.1 Requirements. Notwithstanding any provision in any code to the contrary, each structure or portion thereof regulated by this code shall be provided with approved smoke detectors or approved smoke detection and alarm systems as hereinafter provided.

902.2 Maintenance. Such smoke detectors or smoke detection and alarm systems shall be maintained in a sound operating condition in accordance with their original approval.

902.3 Location. When smoke detectors are mounted on ceilings, they shall be located no closer than twelve inches (12") from intersecting walls. When smoke detectors are mounted on walls, they shall be located no closer than twelve inches (12") from intersecting walls and not lower than twelve inches (12") below the intersecting ceiling.

EXCEPTION: Wall mounted smoke detectors installed in enclosed stairways as required under 902.3.1(c) need not be installed as set forth in this section.

902.3.1 Dwellings. In dwellings, which are defined as residential building structures which contain not more than two (2) dwelling units, smoke detectors shall be installed in the following locations:

- (a) Sleeping Areas. Smoke detectors shall be installed on the wall or ceiling area immediately adjacent to and providing access to rooms used for sleeping purposes, not further than fifteen feet (15'), measured horizontally, from any door or opening providing such access. Such smoke detectors shall not be separated from the sleeping room(s) by more than one door.

EXCEPTION: In efficiency dwelling units, such smoke detectors shall be centrally located in the main room of the efficiency dwelling unit.

- (b) Open Stairways. Where stairways are open to adjacent halls, rooms or other areas within the uppermost story served by such stairways, smoke detectors shall be installed on the ceiling of the area to which such stairways open, and located within six feet (6'), measured horizontally, from the center of the top tread of the stairs.

- (c) Enclosed Stairways. In stairways which are separated by walls and/or doors from adjacent halls, rooms, or other areas within the uppermost story served by such stairways, smoke detectors shall be installed on the wall or ceiling within the stairway, not higher than the top of the uppermost door or other opening in such stairway, and not lower than twelve inches (12") below the top of such opening. Such detectors shall be located within six feet (6'), measured horizontally, from the center of the top tread of the stairs.

EXCEPTION: Smoke detectors are not required to be installed in exterior stairways which are open to the outdoors.

- (d) Audible Alarm. All such smoke detectors shall

provide an alarm signal audible in all rooms used for sleeping purposed within the dwelling, when all intervening doors are closed. When necessary to meet this requirement, such detectors shall be connected to sounding devices, other detectors, or an approved fire alarm control panel.

902.3.2 Small Apartment Houses. In small apartment houses, which are defined as building structures which contain more than two (2) but less than six (6) dwelling units, smoke detectors shall be installed in the same locations required for dwellings.

(a) In addition, smoke detectors shall be installed on the wall(s) or ceiling(s) of each common corridor, hall, or other common area immediately adjacent to and providing access to the dwelling unit. Such smoke detector shall be located not more than fifteen feet (15'), measured horizontally, from any door or opening providing access. They shall not be separated from the dwelling units by more than one (1) door. Such smoke detectors in common areas shall provide an alarm signal audible within all dwelling units in the apartment house, when all intervening doors are closed. When necessary to meet this requirement, such detectors shall be connected to sounding devices, other detectors, or an approved fire alarm control panel.

902.3.3 Large Apartment Houses. In large apartment houses, which are defined as building structures, which contain six (6) or more dwelling units, smoke detectors shall be located as required for small apartment houses. However, all detectors in common areas shall be connected to an approved fire alarm control panel, supplied by both primary and secondary power sources.

902.3.4 Lodging Houses. In lodging houses, which are defined as residential building structures, which contain not more than five (5) guest rooms, smoke detectors shall be installed in the following locations:

(a) Guest Rooms. Smoke detectors shall be installed in each guest room.

(b) Stairways. Smoke detectors shall be installed near the top of each stairway as required for dwellings.

(c) Common Areas. Smoke detectors shall be installed in each common hall, corridor or other area immediately adjacent to and providing access to the guest room, located not more than fifteen feet (15') measured horizontally, from any door or other opening providing such access. They shall not be separated from the guest rooms by more than one (1) door.

(d) Audible Alarm Signal. All such smoke detectors in common areas shall provide an alarm signal audible within all guest rooms, when all intervening doors are closed. When necessary to meet this requirement, such detectors shall be connected to sounding devices, other detectors, or an approved fire alarm control panel.

902.3.5 Hotels. In hotels, which are defined

as residential building structures which contain six (6) or more guest rooms, smoke detectors shall be located as required for lodging houses. However, all detectors in common areas shall be connected to an approved fire alarm control panel, supplied by both primary and secondary power supply source.

902.4 Smoke Detectors in New Construction. In new structures for which building permits are issued after the effective date of this ordinance, smoke detectors and connected equipment required by this ordinance shall receive their primary power from the structure's wiring. Wiring providing such power shall be permanent and without disconnecting switches other than those required for overcurrent protection. Approved fire alarm control panels may utilize batteries to provide power for their secondary source.

902.5 Smoke Detectors in Existing Buildings. In all other structures, smoke detectors and connected equipment required by this ordinance may receive their power from the structure's wiring. wiring providing such power shall be permanent and without disconnecting switches other than those required for overcurrent protection. Required fire alarm control panels shall receive primary power from the building wiring but may utilize batteries to provide power for a secondary source.

902.6 Approved Smoke Detectors. All smoke detectors shall be of an approved design and construction. Conformance with the Building Code Standard in effect may be accepted as evidence for such approval.

902.7 Installation. It shall be the responsibility of the owner of any structure subject to these requirements of this ordinance, to provide and properly install the smoke detectors and connected equipment required herein.

902.8 Occupancy prohibited. No owner shall knowingly rent, lease or allow to be occupied, any structure, including the common areas thereof which do not contain smoke detectors installed and maintained as required herein. No person shall knowingly occupy any dwelling unit or guest room which does not contain smoke detectors installed and maintained as required herein.

11.550 SECTION 5. CHANGES IN CODE ADOPTED: CHAPTER 10 -SUBSTANDARD BUILDINGS. The Uniform Housing Code adopted in this ordinance is amended to add the following Section:

1001.5.1 Minimum Electrical Specifications. When determined by the Electrical Inspector that the electrical wiring system, in an existing residential dwelling unit, is in such a deteriorated condition that it is hazardous, this subsection of the code requires that the following minimum electrical specifications be newly installed.

(a) Electrical Service must be a minimum of 100 AMP breaker panel with service conductors to match. One main breaker only.

(b) Provide one (1) grounded 20 AMP circuit complete with receptacle for laundry facilities. Such receptacle shall be installed within six (6) feet of the intended location of the laundry appliance(s).

Provide a minimum of two (2) grounded 20 AMP circuits complete with receptacles in kitchen areas. All kitchen receptacles within six (6) feet of the kitchen sink must be protected by ground fault circuit interrupter (GFCI). All counter tops over twelve (12) inches wide must have a minimum of one receptacle at the counter top.

(d) Provide one (1) GFCI protected receptacle within two (2) feet or

adjacent to each basin location, measured horizontally from the lavatory in each bathroom. Any other receptacles in bathroom including any existing as a part of a lighted medicine cabinet or light fixture, shall be protected by GFCI.

(e) All 125-volt, single-phase, 15 or 20-ampere receptacles installed in garages shall be protected by GFCI for personal protection.

Exceptions: (1) Receptacles which are not readily accessible. (2) Receptacles for appliances occupying dedicated space which are cord and plug connected.

- (f) In basements, where an unfinished basement exists, all receptacles shall be protected by GFCI and at least one (1) receptacle must be installed in an unfinished basement. Receptacles serving the laundry appliances are not required to be GFCI protected. A receptacle serving a sump pump is not required to be protected by GFCI, but must be a single receptacle.
- (g) There shall be a minimum of two (2) receptacles, located outside, serving ground level. One (1) receptacle is to be located on the front of the home, and the second receptacle located at the rear of the home, both receptacles shall be protected by GFCI for personnel. All outside receptacles shall be GFCI protected.
- (h) Every bedroom shall be provided with the minimum amount of wall receptacles.
- (i) Living rooms, family rooms, and dining rooms shall have wall receptacles installed on each wall space.
- (j) Provide a wall switch controlled light fixture (or receptacle) in each habitable room, bathroom, hallway, stairway, outdoor entrance, attached garage, bedrooms and kitchen.
- (k) Provide one (1) pull-chain fluorescent fixture in each attic or under floor space, utility room and basement where such spaces are used or can be used for storage or where such spaces are designed to contain equipment requiring servicing at or near equipment to be services.
- (1) Provide separate circuits, complete with properly installed conductors, disconnecting means and overcurrent, protection (where required), to service furnace, garbage disposal unit (where one exists), electric range, clothes dryer and water heater, where such exist.
- (m) All portions of the existing electrical system remaining shall be tested and any defective, missing, or improperly installed components, including conductors, receptacles, switches, coverplates, boxes, fixtures or parts of fixtures, shall be repaired or replaced to assure safety proper function and code compliance.
- (n) All grounding type receptacles shall be effectively grounded.
- (o) Install approved smoke detectors per this code.
- (p) All installation of electrical wiring must be done in accordance with the Electrical Code Ordinance in effect.

11.560 SECTION 6. CHANGES IN CODE ADOPTED: CHAPTER 11 - NOTICE AND ORDERS OF THE BUILDING OFFICIALS. The Uniform Housing Code in this

ordinance is amended as follows:

Section 1102 - RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file with the township clerk a certificate describing the property and certifying (i) that the building is a substandard building, and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as 5 substandard building on the property described in the certificate, the building official shall file a new certificate with the township clerk certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

11.570 SECTION 7. CHANGES IN CODE ADOPTED: CHAPTER 13 - PROCEDURES FOR CONDUCT OF HEARING APPEALS. The Uniform Housing Code in this ordinance is amended as follows:

SECTION 1301 - GENERAL

- 1301.1 Hearing Officer. The Hearing Officer shall be designated by the township supervisor to conduct the hearing.
- 1301.2 Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Hearing Officer.
- 1301.3 Reporting. The proceedings at the hearing shall also be reported by a phonographic recorder if requested by any party thereto. A transcript of the proceedings shall be available to any party upon request and upon payment by the requesting party of the fee prescribed therefor. Such fees may be established by the township manager, but shall in no event be greater than the cost involved.
- 1301.4 Continuances. The Hearing Officer may grant continuances for good cause shown so long as the matter remains before the Hearing Officer.
- 1301.5 Oath-Certification. In any proceedings under this chapter, the Hearing Officer has the power to administer oaths and affirmations and to certify to official acts.
- 1301.6 Reasonable Dispatch. The Hearing Officer shall proceed with reasonable dispatch to conclude any matter before him/her. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 1302 - FORM OF NOTICE OF HEARING.

The notice to appellant shall be substantially in the following form, but may include other information:

Your are hereby notified that a hearing will be held before the Hearing Officer at _____ of _____ day of _____ 19_____, at the hour upon the notice and order served upon you at the hearing. You may be represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the Hearing Officer.

SECTION 1303 - SUBPOENAS.

- 1303.1 Filing of Affidavit. The Hearing Officer may obtain the issuance and service of a subpoena for the attendance of

witnesses or the production of other evidence at a hearing upon the request of a written demand received by party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

1303.2 Penalties. Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

SECTION 1304 - CONDUCT OF HEARING

1304.1 Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

1304.2 Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

1304.3 Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

1304.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions of competent jurisdictions in this state.

1304.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

1304.6 Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence;
6. To be represented by anyone who is lawfully permitted to do so.

1304.7

OFFICIAL NOTICE

1304.7.1 What may be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may

be judicially noticed by the courts of this state or of official records of the Hearing Officer or departments and ordinances of the township or rules and regulations of the Hearing Officer.

1304.7.2
Parties to be
Noticed.
Parties
present at the
hearing shall
be informed of
the matters to
be noticed,
and these
matters shall
be noted in
the record
referred to
therein, or
appended
thereto.

1304.7.3
Opportunity to
Refute.
Parties
present at the
hearing shall
be given a
reasonable
opportunity,
on request, to
refute the
officially
noticed
matters by
evidence or by
written or oral
presentation
of authority,
the manner of
such
refutation to
be determined
by the Hearing
Officer.

1304.7.4
Inspection of
the Premises.
The Hearing
Officer may
inspect any
building or
premises
involved in the
appeal during
the course of
the hearing,
provided that
(i) notice of

such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Hearing Officer shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Hearing Officer.

SECTION
1305 -
METHOD
AND FORM
OF
DECISION.

1305.1 Hearing Officer's Findings. The Hearing Officer shall render his/her decision within a reasonable period of time (not to exceed 45 days from the date the hearing is closed). Such report shall contain a brief summary of the evidence considered and state the Hearing Officer's findings, conclusions and recommendations.

1305.2 Hearing Officer's Decision. The decision shall be in writing and shall contain findings of fact, a

determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to each party personally or by First Class Mail.

11.580 SECTION 8. PENALTIES.

Any person or other entity who violates any of the provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule including Sections 2A, 2B and 2C:

Violation #	County	Local	Judgement Fee	Plaintiff Cost	TOTAL
1 st Violation within a 3 year period	\$50.00	\$25.00	\$9.00	\$11.00	\$95.00
2 nd Violation within a 3 year period	\$83.00	\$41.67	\$9.00	\$11.00	\$145.00
3 rd or Subsequent Violation within a 3 year period	* See below	* See below	\$9.00	\$11.00	* See below
Housing & Construction Code Violations					
1 st Violation within a 3 year period	\$50.00	\$25.00	\$9.00	\$11.00	\$95.00
2 nd Violation within a 3 year period	\$83.00	\$41.67	\$9.00	\$11.00	\$145.00
3 rd or Subsequent Violation within a 3 year period	* See below	* See below	\$9.00	\$11.00	0 * See below

* The Court shall exercise its discretion in setting the appropriate fine, and shall take into consideration, among other relevant factors, the ongoing, flagrant and/or abusive nature of the violation and the potential for harm to the Township's efforts to eliminate blight in light of the repeated nature of the offense. (Amended Ord. 03-07, July 9, 2003)

2A. Each day a violation of this Ordinance continues to exist after the date of the citation shall subject the violation to an additional fine amount of \$5.00 per day. (Amended Ord. 03-07, July 9, 2003)

2B. Additionally, the violator shall be ordered to pay restitution to the Township, which may

include all direct and indirect expenses which the Township has incurred in connection with the violation enforcement action for each such citation. In no case, however, shall restitution of less than \$9.00 or more than \$500.00 be ordered each such citation. (Amended Ord. 03-07, July 9, 2003)

2C. A violator of the Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. (Amended Ord. 03-07, July 9, 2003)

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SECTION 9. CONFLICTING ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith, including any housing codes or housing code ordinances previously adopted by the township are hereby repealed and shall be of no further force or effect on the effective date of this ordinance.

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SECTION 10. SAVINGS CLAUSE. Any actions validly taken before the effective date of this ordinance shall not be invalidated by this ordinance and the construction may be completed in compliance with said ordinance, and in compliance with any previous township housing code under which the action was taken any proceedings pending including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance or township housing code being repealed hereby shall not be affected by this ordinance and may be continued pursuant to said previous ordinance.

11.610 SECTION 11. SEVERABILITY. This ordinance and its various parts, sentences and clauses are hereby declared to be severable, and if any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the same shall not affect the validity of this ordinance as a whole.

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SECTION 12. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and publication thereof.

First Reading: July 5, 1995
Publication: July 19, 1995
& Adoption: September 5, 1995
Publication: September 13, 1995
Amended: September 9, 2003 (Ord. 03-07)