



# HOUSE BILL No. 4198

February 10, 1993, Introduced by Reps. Gubow, DeMars and Leland and referred to the Committee on Housing and Urban Affairs.

A bill to amend sections 2, 125, 129, and 143 of Act No. 167 of the Public Acts of 1917, entitled as amended "Housing law of Michigan," being sections 125.402, 125.525, 125.529, and 125.543 of the Michigan Compiled Laws; and to add sections 2b and 2c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 125, 129, and 143 of Act No. 167 of  
2 the Public Acts of 1917, being sections 125.402, 125.525,  
3 125.529, and 125.543 of the Michigan Compiled Laws, are amended  
4 and sections 2b and 2c are added to read as follows:

5 Sec. 2. (1) ~~Definitions. Certain words in this act are~~  
6 ~~defined for the purposes thereof as follows: Words used in the~~  
7 ~~present tense include the future; words in the masculine gender~~  
8 ~~include the feminine and neuter; the singular number includes the~~

~~1 plural and the plural the singular, the word "person" includes a~~  
~~2 corporation as well as a natural person.~~ AS USED IN THIS ACT:

3 (A) "ATTIC" MEANS A PORTION OF A BUILDING SITUATED PARTLY OR  
4 WHOLLY IN THE ROOF SPACE.

5 (B) "BASEMENT" MEANS THAT PORTION OF A BUILDING PARTLY BELOW  
6 GRADE BUT LOCATED SO THAT THE VERTICAL DISTANCE FROM GRADE TO THE  
7 FLOOR IS NOT GREATER THAN THE VERTICAL DISTANCE FROM THE GRADE TO  
8 THE CEILING. IF A PORTION OF A BUILDING IS THE EQUIVALENT OF A  
9 BASEMENT, THE PROVISIONS OF THIS ACT RELATIVE TO BASEMENTS APPLY  
10 TO THAT PORTION OF THE BUILDING.

11 (C) "CELLAR" MEANS THAT PORTION OF A BUILDING PARTLY BELOW  
12 GRADE BUT LOCATED SO THAT THE VERTICAL DISTANCE FROM THE GRADE TO  
13 THE FLOOR IS GREATER THAN THE VERTICAL DISTANCE FROM THE GRADE TO  
14 THE CEILING. IF A PORTION OF A BUILDING IS THE EQUIVALENT OF A  
15 CELLAR, THE PROVISIONS OF THIS ACT RELATIVE TO CELLARS APPLY TO  
16 THAT PORTION OF THE BUILDING.

17 (D) "CORNER LOT" MEANS A LOT OF WHICH AT LEAST 2 ADJACENT  
18 SIDES ABUT FOR THEIR FULL LENGTH UPON A STREET.

19 (E) "COURT" MEANS AN OPEN UNOCCUPIED SPACE ON THE SAME LOT  
20 WITH A DWELLING AND BOUNDED ON 2 OR MORE SIDES WITH THE WALLS OF  
21 THE DWELLING. COURT INCLUDES BOTH OF THE FOLLOWING:

22 (i) "INNER COURT" MEANS A COURT NOT EXTENDING TO THE STREET  
23 OR FRONT OR REAR YARD.

24 (ii) "OUTER COURT" MEANS A COURT EXTENDING TO THE STREET OR  
25 FRONT OR REAR YARD.

1 (F) THE "DEPTH" OF A LOT MEANS THE DIMENSION MEASURED FROM  
 2 THE FRONT OF THE LOT TO THE EXTREME REAR LINE OF THE LOT. IN THE  
 3 CASE OF IRREGULAR SHAPED LOTS, THE DEPTH IS THE MEAN DEPTH.

4 (G) ~~(1) Dwelling. A "dwelling" is any~~ "DWELLING" MEANS A  
 5 house, building, structure, tent, shelter, trailer, or vehicle,  
 6 ~~or portion thereof, (~~ except A railroad ~~cars,~~ CAR on tracks  
 7 or ~~rights of way)~~ which A RIGHT-OF-WAY, THAT is occupied in  
 8 whole or in part as the home, residence, living, or sleeping  
 9 place of 1 or more human beings, either permanently or  
 10 transiently. A house trailer or other vehicle, ~~when~~ IF occu-  
 11 pied or used as a dwelling, ~~shall be~~ IS subject to all the pro-  
 12 visions of this act, except that A house ~~trailers~~ TRAILER or  
 13 other ~~vehicles, duly~~ VEHICLE licensed as ~~vehicles,~~ A VEHICLE  
 14 may be occupied or used as a dwelling for reasonable periods ~~or~~  
 15 ~~lengths~~ of time, without being otherwise subject to ~~the provi-~~  
 16 ~~sions of~~ this act for dwellings, when located in a MOBILE HOME  
 17 park LICENSED UNDER THE MOBILE HOME COMMISSION ACT, ACT NO. 96 OF  
 18 THE PUBLIC ACTS OF 1987, BEING SECTIONS 125.2301 TO 125.2349 OF  
 19 THE MICHIGAN COMPILED LAWS. A DWELLING MAY BE CLASSIFIED INTO 1  
 20 OF THE FOLLOWING CLASSES: ~~or place designated or licensed for~~  
 21 ~~the purpose by the corporate community within which they are~~  
 22 ~~located. Provided, That such parking sites are equipped with~~  
 23 ~~adequate safety and sanitary facilities.~~

24 ~~(1a). "Sub standard dwelling" is a dwelling of any class~~  
 25 ~~which is not so equipped as to have each of the following items:~~  
 26 ~~running water, inside toilets; or a dwelling which has either~~  
 27 ~~inadequate cellar drainage, defective plumbing, and inside room~~

1 ~~having no windows therein, improper exits or defective stairways~~  
 2 ~~so as to make such dwelling a fire hazard.~~

3 ~~(2) Classes of dwellings. For the purposes of this act~~  
 4 ~~dwellings are divided into the following classes: (a) "private~~  
 5 ~~dwellings," (b) "2 family dwellings," and (c) "multiple~~  
 6 ~~dwellings."~~

7 (i) ~~(a) A "private~~ "PRIVATE dwelling" is a dwelling occu-  
 8 pied by ~~but~~ NOT MORE THAN 1 family, and ~~so~~ designed and  
 9 arranged ~~as~~ to provide cooking and kitchen accommodations for 1  
 10 family only.

11 (ii) ~~(b) A "2~~ "TWO-family dwelling" is a dwelling occupied  
 12 by ~~but~~ NOT MORE THAN 2 families, and ~~so~~ designed and arranged  
 13 ~~as~~ to provide cooking and kitchen accommodations for 2 families  
 14 only.

15 (iii) ~~(c) A "multiple~~ "MULTIPLE dwelling" is a dwelling  
 16 occupied ~~otherwise~~ IN A MANNER OTHER than as a private dwelling  
 17 or 2-family dwelling. ~~(3) Classes of multiple dwellings. All~~  
 18 multiple dwellings ~~are dwellings and~~ for the purpose of this  
 19 act are divided into ~~2~~ 1 OF THE FOLLOWING classes: ~~viz.:~~  
 20 ~~class a and class b.~~

21 (A) "Class a" ~~. Multiple~~ MULTIPLE dwellings ~~of class a~~  
 22 are dwellings ~~which~~ THAT are occupied more or less permanently  
 23 for ~~residence~~ RESIDENTIAL purposes by several families and in  
 24 which the rooms are occupied in apartments, suites or groups, in  
 25 which each combination of rooms is ~~so~~ arranged and designed  
 26 ~~as~~ to provide for cooking accommodations and toilet and kitchen  
 27 sink accommodations within the separate units. This class

1 includes tenement houses, flats, apartment houses, apartment  
2 hotels, bachelor apartments, studio apartments, duplex apart-  
3 ments, kitchenette apartments, and all other dwellings similarly  
4 occupied whether specifically enumerated ~~herein~~ or not.

5 (B) "Class b" ~~Multiple~~ MULTIPLE dwellings ~~of class b~~  
6 are dwellings ~~which~~ THAT AS A RULE are occupied ~~, as a rule~~  
7 transiently, as the more or less temporary abiding place of indi-  
8 viduals who are lodged ~~,~~ with or without meals, and in which as  
9 a rule the rooms are occupied singly and without any attempt to  
10 provide ~~therein or therewith~~ cooking or kitchen accommodations  
11 for the individual occupants. This class includes hotels, lodg-  
12 ing houses, boarding houses, furnished room houses, club houses,  
13 convents, asylums, hospitals, jails and all other dwellings simi-  
14 larly occupied, whether specifically enumerated ~~herein~~ or not.

15 ~~(3a) Rooming house. A "rooming house" under this act shall~~  
16 ~~be construed to mean any dwelling occupied in such a manner that~~  
17 ~~certain rooms, in excess of those used by the members of the~~  
18 ~~immediate family and occupied as a home or family unit, are~~  
19 ~~leased or rented to persons outside of the family, without any~~  
20 ~~attempt to provide therein or therewith, cooking or kitchen~~  
21 ~~accommodations for individuals leasing or renting rooms. In the~~  
22 ~~case of single and 2 family dwellings the number of such bedrooms~~  
23 ~~leased or rented to roomers shall not exceed 3, unless such~~  
24 ~~dwellings be made to comply in all respects with the provisions~~  
25 ~~of this act relating to multiple dwellings.~~

26 ~~(4) Hotel. A "hotel" is a multiple dwelling of class b in~~  
27 ~~which persons are lodged for hire and in which there are more~~

1 ~~than 50 sleeping rooms, a public dining room for the~~  
2 ~~accommodation of at least 50 guests, and a general kitchen.~~

3 ~~(5) Mixed occupancy. In cases of mixed occupancy where a~~  
4 ~~building is occupied in part as a dwelling, the part so occupied~~  
5 ~~shall be deemed a dwelling for the purposes of this act and shall~~  
6 ~~comply with the provisions thereof relative to dwellings.~~

7 ~~(6) Yards. A "rear yard" is an unoccupied space on the same~~  
8 ~~lot with a dwelling, between the extreme rear line of the dwell-~~  
9 ~~ing and the rear lot line and extending from 1 side lot line to~~  
10 ~~the other side lot line. A "side yard" is an unoccupied space on~~  
11 ~~the same lot with a dwelling between the side lot line and the~~  
12 ~~nearest side line of the dwelling and extending from the extreme~~  
13 ~~rear line of the dwelling to the front lot line. A "front yard"~~  
14 ~~is an unoccupied space on the same lot with a dwelling between~~  
15 ~~the extreme front line of the house and the front lot line and~~  
16 ~~extending from 1 side yard to the other side yard.~~

17 ~~(7) Courts. A "court" is an open unoccupied space on the~~  
18 ~~same lot with a dwelling and bounded on 2 or more sides with the~~  
19 ~~walls of the dwelling. A court not extending to the street or~~  
20 ~~front or rear yard is an "inner court". A court extending to the~~  
21 ~~street or front or rear yard is an "outer court"~~

22 ~~(8) Corner and interior lots. A "corner lot" is a lot of~~  
23 ~~which at least 2 adjacent sides abut for their full length upon a~~  
24 ~~street. A lot other than a corner lot is an "interior lot."~~

25 ~~(9) Front, rear and depth of lot. The front of a lot is~~  
26 ~~that boundary line which borders on the street. In case of a~~  
27 ~~corner lot the owner may elect by statement on his plans either~~

~~1 street boundary line as the front. The rear of a lot is the side~~  
~~2 opposite to the front. In the case of a triangular or gore lot~~  
~~3 the rear is the boundary line not bordering on a street. The~~  
~~4 depth of a lot is the dimension measured from the front of the~~  
~~5 lot to the extreme rear line of the lot. In the case of irregu-~~  
~~6 lar shaped lots the mean depth shall be taken.~~

~~7 (10) Public hall. A "public hall" is a hall, corridor or~~  
~~8 passageway not within the exclusive control of a family.~~

~~9 (11) Stair hall. A "stair hall" is a public hall and~~  
~~10 includes the stairs, stair landings and those portions of the~~  
~~11 building through which it is necessary to pass in going between~~  
~~12 the entrance floor and the roof.~~

~~13 (12) Basement, cellar, attic, penthouses.~~

~~14 (a) A "basement" is that portion of a building partly below~~  
~~15 grade but so located that the vertical distance from grade to the~~  
~~16 floor is not greater than the vertical distance from the grade to~~  
~~17 the ceiling. Provided, however, That if the vertical distance~~  
~~18 from the grade to the ceiling is 5 feet or more such basement~~  
~~19 shall be counted as a story.~~

~~20 (b) A "cellar" is that portion of a building partly below~~  
~~21 grade but so located that the vertical distance from the grade to~~  
~~22 the floor is greater than the vertical distance from the grade to~~  
~~23 the ceiling. Provided, however, That if the vertical distance~~  
~~24 from the grade to the ceiling is 5 feet or more such cellar shall~~  
~~25 be counted as a story. A cellar, except as provided above, shall~~  
~~26 not be counted as a story. If any portion of a building is in~~  
~~27 that part the equivalent of a basement or cellar, the provisions~~

~~1 of this act relative to basements and cellars shall apply to such~~  
~~2 portion of the building.~~

~~3 (c) An attic is a portion of a building situated partly or~~  
~~4 wholly in the roof space. An attic which is used only as a por-~~  
~~5 tion of a single or 2 family dwelling shall be not counted as a~~  
~~6 story, unless there are more than 2 rooms suitable for living~~  
~~7 purposes on this floor. For the purpose of this paragraph, rooms~~  
~~8 of 160 square feet or more will be regarded as 2 or more rooms~~  
~~9 based on each 80 square feet being considered 1 room. Any attic~~  
~~10 which is occupied by a separate family shall be counted as a~~  
~~11 story. Any attic used for living purposes in a multiple dwelling~~  
~~12 shall be counted as a story.~~

~~13 (d) Penthouses. Penthouses are those portions of a building~~  
~~14 situated above the roof and housing mechanical equipment, service~~  
~~15 or recreational facilities or used for living purposes. A pent-~~  
~~16 house shall not be counted as a story if it houses only mechani-~~  
~~17 cal equipment or stairways and does not have an area in excess of~~  
~~18 200 square feet, nor shall it be counted as a story, when occu-~~  
~~19 pied otherwise or when it has an area in excess of 200 square~~  
~~20 feet, if it complies with the following requirements.~~

~~21 (1) The building and penthouse shall be of fireproof con-~~  
~~22 struction if the penthouse houses other than mechanical equipment~~  
~~23 or stairways.~~

~~24 (2) The penthouse shall be not over 1 story in height.~~

~~25 (3) The exterior walls of the penthouse shall be set back~~  
~~26 from the exterior walls of the story immediately below by a~~  
~~27 distance not less than 2/3 of the height of the penthouse above~~



~~1 the roof. However, it shall not be necessary to set back the  
2 exterior walls of a penthouse if the dimensions of yards and  
3 courts are sufficient to meet the requirements of this act for a  
4 building if the penthouse is counted as a story.~~

~~5 (4) There shall be access to 2 stairways leading from the  
6 roof to grade where penthouses are used for the purposes other  
7 than to house mechanical equipment.~~

~~8 (5) The combined area of all penthouses on a building shall  
9 not exceed 25 per cent of the gross area of the floor immediately  
10 below.~~

~~11 (13) Height. The "height" of a dwelling is the perpendicu-  
12 lar distance measured in a straight line from grade to the high-  
13 est point of the roof beams in the case of flat roofs, and to the  
14 average of the height of the gable in the case of pitched roofs.~~

~~15 (14) Grade. "Grade", for buildings adjoining 1 street only,  
16 shall be the elevation of the sidewalk at the center of that wall  
17 which adjoins the street, except that in case the average eleva-  
18 tion of the ground (finished surface) adjacent to the exterior  
19 walls of the building is lower than the elevation of the side-  
20 walk, "grade" shall be the average elevation of the ground.~~

~~21 "Grade", for buildings adjoining more than 1 street, shall  
22 be the elevation of the sidewalk at the center of the wall  
23 adjoining the street having the lowest sidewalk elevation.~~

~~24 "Grade", for buildings having no wall adjoining the street,  
25 shall be the average level of the ground (finished surface) adja-  
26 cent to the exterior walls of the building.~~

~~1 All walls approximately parallel to and not more than 5 feet~~  
~~2 from a street line shall be considered as adjoining the street.~~  
~~3 In alleys the surface of the paving shall be considered to be the~~  
~~4 sidewalk elevation. Where the elevation of the sidewalk or alley~~  
~~5 paving has not been established the city engineer shall determine~~  
~~6 such elevation for the purpose of this act.~~

~~7 (15) Occupied spaces. Outside stairways, fire escapes, fire~~  
~~8 towers, porches, platforms, balconies, boiler flues and other~~  
~~9 projections shall be considered as part of the building and not~~  
~~10 as a part of the yards or courts or unoccupied spaces. This pro-~~  
~~11 vision shall not apply to 1 fireplace or 1 chimney projecting not~~  
~~12 more than 12 inches into side yard space and not more than 8 feet~~  
~~13 in length, nor to uninclosed outside porches not exceeding 1~~  
~~14 story in height which do not extend into the front or rear yard a~~  
~~15 greater distance than 12 feet from the front or rear walls of the~~  
~~16 building, nor to 1 such porch which does not extend into the~~  
~~17 sideyard a greater distance than 6 feet from the side wall of the~~  
~~18 building nor exceed 12 feet in its other horizontal dimension, or~~  
~~19 to cornices not exceeding 16 inches in width including the~~  
~~20 gutter.~~

~~21 (16) Fireproof dwelling. A "fireproof dwelling" is one the~~  
~~22 exterior walls of which are constructed of brick, stone, con-~~  
~~23 crete, iron or other hard incombustible material not less than 8~~  
~~24 inches thick, and in which there are no wood beams or lintels and~~  
~~25 in which the floors, roofs, stair halls and public halls are~~  
~~26 built entirely of brick, stone, concrete, iron or other hard~~  
~~27 incombustible material, and in which no woodwork or other~~

~~1 inflammable material is used in any of the partitions, furrings  
2 or ceilings. But this definition shall not be construed as pro-  
3 hibiting elsewhere than in the public halls the use of wooden  
4 flooring on top of the fireproof floors or the use of wooden  
5 sleepers, nor as prohibiting the use of wood, or any other mate-  
6 rial not more combustible or inflammable than wood, for hand-  
7 rails, doors, windows, and decorative treatment on incombustible  
8 surfaces.~~

~~9 All metallic structural members, except lintels unattached  
10 to structural frame work and less than 6 feet in span, shall be  
11 protected with not less than 2 inches of brick, concrete, gypsum,  
12 terra cotta, or any other material that has equivalent properties  
13 to resist the action of flame and heat. Steel in reinforced con-  
14 crete construction shall be protected with a minimum of 3/4 of an  
15 inch of concrete unless additional protection is required by the  
16 enforcing official.~~

~~17 In dwellings not over 8 stories in height, steel joists may  
18 be used for roof and floor construction if protected on the  
19 underside with 3/4 of an inch of gypsum or portland cement plas-  
20 ter on metal lath, thickness of said plaster to be measured from  
21 the back of the metal lath, and protected on top with a slab of  
22 at least 2 inches of concrete in which wood sleepers may be  
23 embedded if there is at least 1 and 1/2 inches of concrete under  
24 the sleepers.~~

~~25 (17) Wooden buildings. "Wooden building" is a building of  
26 which the exterior walls or a portion thereof are of wood. Court  
27 walls are exterior walls.~~

1       ~~(18) Nuisance. The word "nuisance" shall be held to embrace~~  
2 ~~public nuisance as known at common law or in equity jurispru-~~  
3 ~~dence, and whatever is dangerous to human life or detrimental to~~  
4 ~~health, whatever dwelling is overcrowded with occupants or is not~~  
5 ~~provided with adequate ingress and egress to or from the same, or~~  
6 ~~is not sufficiently supported, ventilated, sewerred, drained,~~  
7 ~~cleaned or lighted, in reference to its intended or actual use,~~  
8 ~~and whatever renders the air or human food or drink unwholesome,~~  
9 ~~are also severally, in contemplation of this act, nuisances, and~~  
10 ~~all such nuisances are hereby declared illegal.~~

11       (H) "FIRE DOOR" MEANS A MOVABLE FIRE RESISTIVE BARRIER,  
12 INCLUDING FRAMES AND HARDWARE, THAT IS PLACED ON AN OPENING IN A  
13 MASONRY WALL OR SHAFT ENCLOSURE FOR THE PURPOSE OF PREVENTING THE  
14 PASSAGE OF FIRE THROUGH THE OPENING, AND THAT MEETS ALL OF THE  
15 FOLLOWING REQUIREMENTS:

16       (i) THE DOOR IS CAPABLE OF PASSING A FIRE AND WATER TEST AS  
17 DESCRIBED IN THIS SUBPARAGRAPH. THE FIRE TEST SHALL CONSIST OF A  
18 FLAME APPLIED OVER THE ENTIRE AREA OF A DOOR THAT WILL GRADUALLY  
19 RAISE THE TEMPERATURE OF THE EXPOSED SIDE TO 1400 DEGREES  
20 FAHRENHEIT DURING THE FIRST 20 MINUTES OF THE TEST AND THAT WILL  
21 GRADUALLY RAISE THIS TEMPERATURE TO 1700 DEGREES FAHRENHEIT  
22 DURING THE NEXT 40 MINUTES, CONCLUDING THE FIRE TEST.  
23 IMMEDIATELY AFTER THE FIRE TEST, AND WHILE THE DOOR IS STILL HOT,  
24 THE DOOR SHALL BE SUBJECTED TO THE IMPACT OF A STREAM OF WATER  
25 UNDER A NOZZLE PRESSURE OF 30 POUNDS PER SQUARE INCH THROUGH A  
26 2-1/2 INCH FIRE HOSE WITH A 1-1/8 INCH SMOOTH BORE NOZZLE PLACED  
27 20 FEET FROM THE DOOR AND PLAYED UNIFORMLY OVER THE SURFACE FOR A

1 PERIOD OF AT LEAST 45 SECONDS. TO PASS THIS TEST, A FIRE DOOR  
2 SHALL MAINTAIN ITS SHAPE AND INTEGRITY REASONABLY WELL SO AS TO  
3 BE CAPABLE OF RESISTING THE FURTHER APPLICATION OF FLAME AND  
4 SHALL NOT DEVELOP SERIOUS STRUCTURAL WEAKNESS. THE ENFORCING  
5 OFFICER MAY REQUIRE THAT THE ABILITY OF ALL FIRE DOORS TO PASS  
6 THESE TESTS BE DEMONSTRATED IN A RECOGNIZED TESTING LABORATORY,  
7 OR THAT SATISFACTORY EVIDENCE IN THE FORM OF A LABEL OR CERTIFI-  
8 CATE OF TEST AND INSPECTION BE SUBMITTED SHOWING THAT THE FIRE  
9 DOORS IN QUESTION HAVE SUCCESSFULLY COMPLIED WITH THESE  
10 REQUIREMENTS.

11 (ii) THE DOOR, EXCEPT A DOOR ON A DUMBWAITER OR ELEVATOR, IS  
12 OF THE SWINGING TYPE, IS NOT DOUBLE ACTING, AND IS EQUIPPED WITH  
13 AN APPROVED DEVICE CAPABLE OF COMPLETELY CLOSING THE DOOR UNDER  
14 ALL CONDITIONS.

15 (iii) THE DOOR IS EITHER A TYPE "A" FIRE DOOR OR A TYPE "B"  
16 FIRE DOOR, AS FOLLOWS:

17 (A) A TYPE "A" FIRE DOOR IS SOLID WITHOUT GLASS PANELS OF  
18 ANY KIND. A TYPE "A" FIRE DOOR MAY BE USED WHEREVER A TYPE "B"  
19 FIRE DOOR IS REQUIRED.

20 (B) A TYPE "B" FIRE DOOR IS A DOOR THAT CONTAINS UP TO  
21 720 SQUARE INCHES OF WIRE-GLASS AT LEAST 1/4 INCH IN THICKNESS.

22 (iv) IF THE FIRE DOOR IS AN AUTOMATIC FIRE DOOR, WHICH IS  
23 NORMALLY HELD IN AN OPEN POSITION BY AN APPARATUS, THAT APPARATUS  
24 WILL AUTOMATICALLY ALLOW THE DOOR TO CLOSE WHENEVER THE TEMPERA-  
25 TURE OF THE AIR AT THE TOP OF THE DOOR REACHES 165 DEGREES  
26 FAHRENHEIT.

1 (v) IF THE DOOR IS A SELF-CLOSING FIRE DOOR, IT IS KEPT  
2 CLOSED AT ALL TIMES.

3 (vi) THE DOOR IS EQUIPPED WITH AN EFFECTIVE LOCKING DEVICE  
4 THAT WILL HOLD THE DOOR IN THE CLOSED POSITION BUT THAT CAN BE  
5 UNLOCKED FROM EITHER SIDE OF THE DOOR WITHOUT THE USE OF A KEY.

6 (vii) THE DOOR HAS AN INCOMBUSTIBLE THRESHOLD, AND COMBUSTI-  
7 BLE FLOOR CONSTRUCTION OR COVERING DOES NOT EXTEND THROUGH THE  
8 DOOR OPENING.

9 (viii) FRAMES FOR TYPE "A" FIRE DOORS ARE MADE ENTIRELY OF  
10 METAL AND NO COMBUSTIBLE MATERIAL IS USED IN THEIR CONSTRUCTION  
11 OR INSTALLATION. FRAMES FOR TYPE "B" FIRE DOORS ARE MADE OF  
12 METAL OR OF WOOD COVERED WITH METAL.

13 (ix) SELF-CLOSING EQUIPMENT CONSISTS OF STANDARD DOOR CHECKS  
14 OR OTHER SIMILAR APPROVED DEVICES THAT WILL COMPLETELY CLOSE THE  
15 DOOR WITHOUT SLAMMING.

16 (x) A SELF-CLOSING FIRE DOOR IS LABELED ON BOTH SIDES IN A  
17 CONSPICUOUS MANNER WITH THE FOLLOWING WORDS: "FIRE DOOR, KEEP  
18 CLOSED".

19 (I) "FIREPROOF DWELLING" MEANS A DWELLING THAT MEETS ALL OF  
20 THE FOLLOWING STANDARDS:

21 (i) THE EXTERIOR WALLS OF THE DWELLING ARE CONSTRUCTED OF  
22 BRICK, STONE, CONCRETE, IRON, OR OTHER HARD INCOMBUSTIBLE MATE-  
23 RIAL NOT LESS THAN 8 INCHES THICK; THERE ARE NO WOOD BEAMS OR  
24 LINTELS; THE FLOORS, ROOFS, STAIR HALLS, AND PUBLIC HALLS ARE  
25 BUILT ENTIRELY OF BRICK, STONE, CONCRETE, IRON, OR OTHER HARD  
26 INCOMBUSTIBLE MATERIAL; AND WOODWORK OR OTHER INFLAMMABLE  
27 MATERIAL IS NOT USED IN ANY OF THE PARTITIONS, FURRINGS, OR

1 CEILINGS. THIS DEFINITION DOES NOT PROHIBIT ELSEWHERE THAN IN  
2 THE PUBLIC HALLS THE USE OF WOODEN FLOORING ON TOP OF THE FIRE-  
3 PROOF FLOORS OR THE USE OF WOODEN SLEEPERS, OR THE USE OF WOOD,  
4 OR ANY OTHER MATERIAL NOT MORE COMBUSTIBLE OR INFLAMMABLE THAN  
5 WOOD, FOR HANDRAILS, DOORS, WINDOWS, AND DECORATIVE TREATMENT ON  
6 INCOMBUSTIBLE SURFACES.

7 (ii) ALL METALLIC STRUCTURAL MEMBERS, EXCEPT LINTELS UNAT-  
8 TACHED TO STRUCTURAL FRAME WORK AND LESS THAN 6 FEET IN SPAN, ARE  
9 PROTECTED WITH NOT LESS THAN 2 INCHES OF BRICK, CONCRETE, GYPSUM,  
10 TERRA COTTA, OR ANY OTHER MATERIAL THAT HAS EQUIVALENT PROPERTIES  
11 TO RESIST THE ACTION OF FLAME AND HEAT. STEEL IN REINFORCED CON-  
12 CRETE CONSTRUCTION IS PROTECTED WITH A MINIMUM OF 3/4 OF AN INCH  
13 OF CONCRETE UNLESS ADDITIONAL PROTECTION IS REQUIRED BY THE  
14 ENFORCING OFFICIAL.

15 (iii) IN DWELLINGS NOT OVER 8 STORIES IN HEIGHT, IF STEEL  
16 JOISTS ARE USED FOR ROOF AND FLOOR CONSTRUCTION, THEY ARE PRO-  
17 TECTED ON THE UNDERSIDE WITH 3/4 OF AN INCH OF GYPSUM OR PORTLAND  
18 CEMENT PLASTER ON METAL LATH, THE THICKNESS OF THE PLASTER TO BE  
19 MEASURED FROM THE BACK OF THE METAL LATH, AND PROTECTED ON TOP  
20 WITH A SLAB OF AT LEAST 2 INCHES OF CONCRETE IN WHICH WOOD SLEEP-  
21 ERS MAY BE EMBEDDED IF THERE IS AT LEAST 1 AND 1/2 INCHES OF CON-  
22 CRETE UNDER THE SLEEPERS.

23 (J) "FRONT" OF A LOT MEANS THAT BOUNDARY LINE THAT BORDERS  
24 ON THE STREET. IN CASE OF A CORNER LOT, EITHER STREET BOUNDARY  
25 LINE MAY BE THE FRONT ACCORDING TO THE OWNER'S ELECTION AS SHOWN  
26 ON THE PLANS FOR THE LOT.

1 (K) "GRADE" MEANS THE ELEVATION SET FORTH IN SUBPARAGRAPHS  
2 (i) TO (iii). FOR PURPOSES OF THIS SUBDIVISION, ALL WALLS  
3 APPROXIMATELY PARALLEL TO AND NOT MORE THAN 5 FEET FROM A STREET  
4 LINE SHALL BE CONSIDERED AS ADJOINING THE STREET. IN ALLEYS THE  
5 SURFACE OF THE PAVING SHALL BE CONSIDERED TO BE THE SIDEWALK  
6 ELEVATION. IF THE ELEVATION OF THE SIDEWALK OR ALLEY PAVING HAS  
7 NOT BEEN ESTABLISHED, THE CITY ENGINEER SHALL DETERMINE THE ELE-  
8 VATION FOR THE PURPOSE OF THIS ACT. GRADE MEANS THE FOLLOWING:

9 (i) FOR BUILDINGS ADJOINING 1 STREET ONLY, THE ELEVATION OF  
10 THE SIDEWALK AT THE CENTER OF THAT WALL WHICH ADJOINS THE  
11 STREET. IF THE AVERAGE ELEVATION OF THE FINISHED SURFACE OF THE  
12 GROUND ADJACENT TO THE EXTERIOR WALLS OF THE BUILDING IS LOWER  
13 THAN THE ELEVATION OF THE SIDEWALK, GRADE IS THE AVERAGE ELEVA-  
14 TION OF THE GROUND.

15 (ii) FOR BUILDINGS ADJOINING MORE THAN 1 STREET, THE ELEVA-  
16 TION OF THE SIDEWALK AT THE CENTER OF THE WALL ADJOINING THE  
17 STREET HAVING THE LOWEST SIDEWALK ELEVATION.

18 (iii) FOR BUILDINGS THAT DO NOT HAVE A WALL ADJOINING THE  
19 STREET, THE AVERAGE LEVEL OF THE FINISHED SURFACE OF THE GROUND  
20 ADJACENT TO THE EXTERIOR WALLS OF THE BUILDING.

21 (L) "HEIGHT" OF A DWELLING MEANS THE PERPENDICULAR DISTANCE  
22 MEASURED IN A STRAIGHT LINE FROM GRADE TO THE HIGHEST POINT OF  
23 THE ROOF BEAMS IN THE CASE OF FLAT ROOFS, AND TO THE AVERAGE OF  
24 THE HEIGHT OF THE GABLE IN THE CASE OF PITCHED ROOFS.

25 (M) "HOTEL" MEANS A CLASS B MULTIPLE DWELLING IN WHICH PER-  
26 SONS ARE CHARGED FOR LODGING AND IN WHICH THERE ARE MORE THAN 50



1 SLEEPING ROOMS, A PUBLIC DINING ROOM FOR THE ACCOMMODATION OF AT  
2 LEAST 50 GUESTS, AND A GENERAL KITCHEN.

3 (N) "INTERIOR LOT" MEANS A LOT OTHER THAN A CORNER LOT.

4 (O) "MIXED OCCUPANCY" MEANS THAT A BUILDING IS OCCUPIED IN  
5 PART AS A DWELLING AND IN PART USED FOR ANOTHER PURPOSE. THE  
6 PART OCCUPIED AS A DWELLING IS CONSIDERED A DWELLING FOR THE PUR-  
7 POSES OF THIS ACT AND SHALL COMPLY WITH PROVISIONS RELATIVE TO  
8 DWELLINGS.

9 (P) "NUISANCE" MEANS 1 OR MORE OF THE FOLLOWING:

10 (i) PUBLIC NUISANCE AS KNOWN AT COMMON LAW OR IN EQUITY  
11 JURISPRUDENCE.

12 (ii) A DWELLING OR A CONDITION IN A DWELLING THAT IS DANGER-  
13 OUS TO HUMAN LIFE OR DETRIMENTAL TO HEALTH.

14 (iii) A DWELLING THAT IS OVERCROWDED WITH OCCUPANTS OR IS  
15 NOT PROVIDED WITH ADEQUATE INGRESS AND EGRESS, OR IS NOT SUFFI-  
16 CIENTLY SUPPORTED, VENTILATED, SEWERED, DRAINED, CLEANED, OR  
17 LIGHTED, IN REFERENCE TO ITS INTENDED OR ACTUAL USE.

18 (iv) A DWELLING OR A CONDITION IN A DWELLING THAT RENDERS  
19 THE AIR OR HUMAN FOOD OR DRINK UNWHOLESOME.

20 (Q) "OCCUPIED SPACES" MEANS SPACES THAT ARE CONSIDERED PART  
21 OF THE BUILDING AND NOT PART OF THE YARD OR COURT. OCCUPIED  
22 SPACES INCLUDE OUTSIDE STAIRWAYS, FIRE ESCAPES, FIRE TOWERS,  
23 PORCHES, PLATFORMS, BALCONIES, BOILER FLUES, AND OTHER  
24 PROJECTIONS. THIS SUBDIVISION DOES NOT APPLY TO 1 FIREPLACE OR 1  
25 CHIMNEY PROJECTING NOT MORE THAN 12 INCHES INTO SIDE YARD SPACE  
26 AND NOT MORE THAN 8 FEET IN LENGTH; TO AN UNENCLOSED OUTSIDE  
27 PORCH NOT MORE THAN 1 STORY IN HEIGHT THAT DOES NOT EXTEND INTO

1 THE FRONT OR REAR YARD MORE THAN 12 FEET FROM THE FRONT OR REAR  
2 WALLS OF THE BUILDING OR INTO THE SIDE YARD MORE THAN 6 FEET FROM  
3 THE SIDE WALL OF THE BUILDING OR EXCEED 12 FEET IN ITS OTHER HOR-  
4 IZONTAL DIMENSION; OR TO A CORNICE NOT MORE THAN 16 INCHES IN  
5 WIDTH INCLUDING THE GUTTER.

6 (R) "PENTHOUSE" MEANS A PART OF A BUILDING SITUATED ABOVE  
7 THE ROOF AND HOUSING MECHANICAL EQUIPMENT, SERVICE OR RECREA-  
8 TIONAL FACILITIES, OR USED FOR LIVING PURPOSES.

9 (S) "PUBLIC HALL" MEANS A HALL, CORRIDOR, OR PASSAGEWAY NOT  
10 WITHIN THE EXCLUSIVE CONTROL OF 1 FAMILY.

11 (T) THE "REAR" OF A LOT MEANS THE SIDE OPPOSITE TO THE  
12 FRONT. IN THE CASE OF A TRIANGULAR OR GORE LOT THE REAR IS THE  
13 BOUNDARY LINE NOT BORDERING ON A STREET.

14 (U) "RENTAL DWELLING" MEANS A LEASED OR RENTED PRIVATE  
15 DWELLING OR 2-FAMILY DWELLING WITHIN THE CORPORATE LIMITS OF A  
16 CITY OR VILLAGE THAT HAS ADOPTED AN ORDINANCE REQUIRING THE  
17 LICENSING, INSPECTING, AND REGULATING OF LEASED OR RENTED PRIVATE  
18 DWELLINGS AND 2-FAMILY DWELLINGS.

19 (V) "ROOMING HOUSE" MEANS A DWELLING IN WHICH CERTAIN ROOMS,  
20 IN EXCESS OF THOSE USED BY THE MEMBERS OF THE IMMEDIATE FAMILY  
21 AND OCCUPIED AS A HOME OR FAMILY UNIT, ARE LEASED OR RENTED TO  
22 PERSONS OUTSIDE OF THE FAMILY, WITHOUT ANY ATTEMPT TO PROVIDE  
23 COOKING OR KITCHEN ACCOMMODATIONS FOR INDIVIDUALS LEASING OR  
24 RENTING ROOMS. IN THE CASE OF PRIVATE AND 2-FAMILY DWELLINGS, IF  
25 THE NUMBER OF BEDROOMS LEASED OR RENTED TO ROOMERS EXCEEDS 3, THE  
26 DWELLING IS CLASSIFIED AS A MULTIPLE DWELLING INSTEAD OF A  
27 ROOMING HOUSE.

1 (W) "STAIR HALL" MEANS A PUBLIC HALL AND INCLUDES THE  
2 STAIRS, STAIR LANDINGS, AND THOSE PORTIONS OF THE BUILDING  
3 THROUGH WHICH A PERSON MUST PASS IN GOING BETWEEN THE ENTRANCE  
4 FLOOR AND THE ROOF.

5 (X) "SUBSTANDARD DWELLING" MEANS A DWELLING OF ANY CLASS  
6 THAT DOES NOT HAVE RUNNING WATER OR INSIDE TOILETS; OR A DWELLING  
7 THAT HAS INADEQUATE CELLAR DRAINAGE, DEFECTIVE PLUMBING, AN  
8 INSIDE ROOM HAVING NO WINDOWS, IMPROPER EXITS, OR STAIRWAYS THAT  
9 MAKE THE DWELLING A FIRE HAZARD.

10 (Y) "WOODEN BUILDING" MEANS A BUILDING IN WHICH SOME OR ALL  
11 OF THE EXTERIOR WALLS ARE WOOD. FOR PURPOSES OF THIS SUBDIVI-  
12 SION, COURT WALLS ARE EXTERIOR WALLS.

13 (Z) "YARD" MEANS ALL OF THE FOLLOWING:

14 (i) A "REAR YARD" IS AN UNOCCUPIED SPACE ON THE SAME LOT  
15 WITH A DWELLING, BETWEEN THE EXTREME REAR LINE OF THE DWELLING  
16 AND THE REAR LOT LINE AND EXTENDING FROM 1 SIDE LOT LINE TO THE  
17 OTHER SIDE LOT LINE.

18 (ii) A "SIDE YARD" IS AN UNOCCUPIED SPACE ON THE SAME LOT  
19 WITH A DWELLING BETWEEN THE SIDE LOT LINE AND THE NEAREST SIDE  
20 LINE OF THE DWELLING AND EXTENDING FROM THE EXTREME REAR LINE OF  
21 THE DWELLING TO THE FRONT LOT LINE.

22 (iii) A "FRONT YARD" IS AN UNOCCUPIED SPACE ON THE SAME LOT  
23 WITH A DWELLING BETWEEN THE EXTREME FRONT LINE OF THE HOUSE AND  
24 THE FRONT LOT LINE AND EXTENDING FROM 1 SIDE YARD TO THE OTHER  
25 SIDE YARD.

26 (2) ~~(19) Construction of certain words.~~ IN ADDITION TO THE  
27 RULES OF STATUTORY CONSTRUCTION CONTAINED IN CHAPTER 1 OF THE

1 REVISED STATUTES OF 1846, BEING SECTIONS 8.1 TO 8.8 OF THE  
2 MICHIGAN COMPILED LAWS, THE FOLLOWING RULES OF CONSTRUCTION APPLY  
3 TO THIS ACT:

4 (A) The word "shall" is always mandatory and not directory,  
5 and denotes that the dwelling shall be maintained in all respects  
6 according to the mandate as long as it continues to be a  
7 dwelling.

8 (B) Wherever the words "charter," "ordinances,"  
9 "regulations," "superintendent of buildings," "health  
10 department," "the board of health," "health officer—," or "such  
11 other appropriate public official as the mayor may designate,"  
12 "commissioner of public safety," "commissioner of public health,"  
13 "department charged with the enforcement of this act,"  
14 "corporation counsel," "mayor," "city treasury," or "fire limits"  
15 occur in this act, they shall be construed as if followed by the  
16 words "of the city or village in which the dwelling is  
17 situated."

18 (C) Wherever the words "health department,"  
19 "health officer—," or "such other appropriate public official as  
20 the mayor may designate," ~~or~~ "duly authorized assistant," ~~or~~  
21 "board of health," "commissioner of public safety," or  
22 "commissioner of public health" are employed in this act, ~~such~~  
23 THE words shall be ~~deemed and~~ construed to mean the official or  
24 officials in any city or village to whom is committed the charge  
25 of safeguarding the public health.

26 (D) The terms "superintendent of buildings," "building  
27 department," and "inspector of buildings" ~~shall embrace~~ MEAN

1 the department and the executive head ~~thereof~~ OF THE DEPARTMENT  
2 specially charged with the execution of laws and ordinances  
3 relating to the construction of buildings.

4 (E) Wherever the terms "superintendent of buildings,"  
5 "health officer~~—~~," or "such other appropriate public official as  
6 the mayor may designate" are used in this act, they shall be con-  
7 strued to mean the enforcement officials designated in  
8 section ~~+++~~ 123.

9 (F) Wherever the words "occupied" or "used" are employed in  
10 this act, ~~such words~~ THEY shall be construed as if followed by  
11 the words "or is intended, arranged, designed, built, altered,  
12 converted to, rented, leased, let or hired out, to be occupied or  
13 used."

14 (G) Wherever the words "dwelling," "2-family dwelling,"  
15 "multiple dwelling," "building," "house," "premises," or "lot"  
16 are used in this act, they shall be construed as if followed by  
17 the words "or any part thereof."

18 (H) Wherever the words "city water" are used in this act,  
19 they shall be construed as meaning any public supply of water  
20 through street mains; and wherever the words "public sewer" are  
21 used in this act, they shall be construed as meaning any part of  
22 a system of sewers that is used by the public, whether or not  
23 ~~such~~ THAT part was constructed at the public expense.

24 (I) Wherever the word "street" is used in this act, it shall  
25 be construed as including any public alley 16 feet or more in  
26 width.

1 (J) "Approved fireproof material" means as set forth by  
 2 ordinances, or if not so determined, as approved by the enforcing  
 3 officer.

4 (K) ~~Where~~ IF a particular material, device, or type of  
 5 construction is specified ~~herein, there may be substituted~~  
 6 ~~therefor~~ IN THIS ACT, A PERSON MAY SUBSTITUTE any other materi-  
 7 al, device, or type of construction ~~of a~~ THAT HAS strength,  
 8 durability, AND performance and fire resistive qualities ~~—~~  
 9 equivalent to the particular material, device, or type of con-  
 10 struction specified ~~herein~~ IN THIS ACT, or sufficient for the  
 11 intended use, and approved ~~as such~~ by the enforcing officer.  
 12 Perforated gypsum lath 3/8 of an inch thick, with 1/2 inch of  
 13 gypsum plaster, may be substituted wherever metal lath and gypsum  
 14 or cement plaster is required in this act.

15 ~~(20) Fire doors. A fire door is a movable fire resistive~~  
 16 ~~barrier placed on an opening in a masonry wall or shaft enclosure~~  
 17 ~~for the purpose of preventing the passage of fire through the~~  
 18 ~~opening. All fire doors, as installed and including frames and~~  
 19 ~~hardware shall be capable of passing a fire and water test as~~  
 20 ~~herein specified. The fire test shall consist of a flame applied~~  
 21 ~~over entire area of door which will gradually raise the tempera-~~  
 22 ~~ture of the exposed side to 1400 degrees Fahrenheit during the~~  
 23 ~~first 20 minutes of test and which will gradually raise this tem-~~  
 24 ~~perature to 1700 degrees Fahrenheit during the next 40 minutes,~~  
 25 ~~concluding the fire test. Immediately thereafter and while the~~  
 26 ~~door is still hot, it shall be subjected to the impact of a~~  
 27 ~~stream of water under a nozzle pressure of 30 pounds per square~~

~~1 inch through a 2 and 1/2 inch fire hose with a 1 and 1/8 inch  
2 smooth bore nozzle placed 20 feet from the door and played uni-  
3 formly over surface of same for a period of at least 45 seconds.  
4 To pass this test, a fire door shall maintain its shape and  
5 integrity reasonably well so as to be capable of resisting the  
6 further application of flame and shall not develop serious struc-  
7 tural weakness. The enforcing officer may require that the abil-  
8 ity of all fire doors to pass these tests be demonstrated in a  
9 recognized testing laboratory, or that satisfactory evidence in  
10 the form of a label or certificate of test and inspection be sub-  
11 mitted showing that the fire doors in question have successfully  
12 complied with these requirements.~~

~~13 All fire doors, except those on dumbwaiters and elevators,  
14 shall be of the swinging type and shall not be double acting and  
15 shall be equipped with an approved device capable of completely  
16 and effectually closing the door under all conditions.~~

~~17 Type "a" fire doors shall be solid without glass panels of  
18 any kind. Type "a" fire doors may be used wherever type "b" fire  
19 doors are required herein.~~

~~20 Type "b" fire doors may contain not over 720 square inches  
21 of wire glass at least 1/4 inch in thickness.~~

~~22 Automatic fire doors, as specified herein, may be normally  
23 held in an open position by an apparatus which will automatically  
24 allow the door to close whenever the temperature of the air at  
25 the top of the door reaches 165 degrees Fahrenheit. Self closing  
26 fire doors, as specified herein, shall be normally kept closed at  
27 all times.~~

1       ~~All fire doors shall be equipped with an effective locking~~  
2 ~~device which will hold the door in the closed position but which~~  
3 ~~can be unlocked from either side of the door without the use of a~~  
4 ~~key.~~

5       ~~All fire doors shall be provided with an incombustible~~  
6 ~~threshold and combustible floor construction or covering shall~~  
7 ~~not extend through the door opening.~~

8       ~~Frames for type "a" fire doors shall be made entirely of~~  
9 ~~metal and no combustible material shall be used in their con-~~  
10 ~~struction or installation.~~

11       ~~Frames for type "b" fire doors may be made of metal or of~~  
12 ~~wood covered with metal.~~

13       ~~Self closing equipment shall consist of standard door checks~~  
14 ~~or other similar approved devices which will effectually close~~  
15 ~~the door without slamming.~~

16       ~~Self closing fire door shall be labeled on both sides in a~~  
17 ~~conspicuous manner with the following words: "fire door, keep~~  
18 ~~closed".~~

19       SEC. 2B. FOR PURPOSES OF DETERMINING THE NUMBER OF STORIES  
20 IN A BUILDING, ALL OF THE FOLLOWING APPLY:

21       (A) EXCEPT AS PROVIDED OTHERWISE IN THIS SECTION, AN ATTIC  
22 THAT IS USED ONLY AS A PORTION OF A PRIVATE OR 2-FAMILY DWELLING  
23 IS NOT COUNTED AS A STORY UNLESS THERE ARE MORE THAN 2 ROOMS  
24 SUITABLE FOR LIVING PURPOSES IN THE ATTIC. FOR THE PURPOSES OF  
25 THIS SUBDIVISION, ROOMS OF 160 SQUARE FEET OR MORE ARE COUNTED AS  
26 2 OR MORE ROOMS, EACH 80 SQUARE FEET BEING CONSIDERED 1 ROOM.



1 (B) AN ATTIC THAT IS OCCUPIED BY A SEPARATE FAMILY IS  
2 COUNTED AS A STORY.

3 (C) AN ATTIC USED FOR LIVING PURPOSES IN A MULTIPLE DWELLING  
4 IS COUNTED AS A STORY.

5 (D) A BASEMENT IS COUNTED AS A STORY ONLY IF THE VERTICAL  
6 DISTANCE FROM THE GRADE TO THE CEILING IS 5 FEET OR MORE.

7 (E) A CELLAR IS COUNTED AS A STORY ONLY IF THE VERTICAL DIS-  
8 TANCE FROM THE GRADE TO THE CEILING IS 5 FEET OR MORE.

9 (F) A PENTHOUSE IS NOT COUNTED AS A STORY IF IT HOUSES ONLY  
10 MECHANICAL EQUIPMENT OR STAIRWAYS AND DOES NOT HAVE AN AREA IN  
11 EXCESS OF 200 SQUARE FEET.

12 (G) A PENTHOUSE USED FOR LIVING OR RECREATIONAL PURPOSES OR  
13 HAVING AN AREA IN EXCESS OF 200 SQUARE FEET IS NOT COUNTED AS A  
14 STORY IF ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

15 (i) IF THE PENTHOUSE HOUSES MORE THAN MECHANICAL EQUIPMENT  
16 OR STAIRWAYS, THE BUILDING AND PENTHOUSE ARE OF FIREPROOF  
17 CONSTRUCTION.

18 (ii) THE PENTHOUSE IS NOT OVER 1 STORY IN HEIGHT.

19 (iii) THE EXTERIOR WALLS OF THE PENTHOUSE ARE SET BACK FROM  
20 THE EXTERIOR WALLS OF THE STORY IMMEDIATELY BELOW BY A DISTANCE  
21 NOT LESS THAN 2/3 OF THE HEIGHT OF THE PENTHOUSE ABOVE THE ROOF.  
22 IT IS NOT NECESSARY FOR THE EXTERIOR WALLS OF A PENTHOUSE TO BE  
23 SET BACK IF THE DIMENSIONS OF YARDS AND COURTS ARE SUFFICIENT TO  
24 MEET THE REQUIREMENTS OF THIS ACT FOR A BUILDING IF THE PENTHOUSE  
25 IS COUNTED AS A STORY.

1 (iv) IF THE PENTHOUSE IS USED FOR A PURPOSE OTHER THAN TO  
2 HOUSE MECHANICAL EQUIPMENT, THERE IS ACCESS TO 2 STAIRWAYS  
3 LEADING FROM THE ROOF TO GRADE.

4 (v) THE COMBINED AREA OF ALL PENTHOUSES ON A BUILDING DOES  
5 NOT EXCEED 25% OF THE GROSS AREA OF THE FLOOR IMMEDIATELY BELOW.

6 SEC. 2C. A PERSON SHALL NOT MAINTAIN A DWELLING UNDER CON-  
7 DITIONS THAT MAKE THE DWELLING A NUISANCE.

8 Sec. 125. (1) A registry of owners and premises shall be  
9 maintained by the enforcing agency.

10 (2) The owners of a multiple dwelling, ~~or~~ rooming house,  
11 OR RENTAL DWELLING containing units ~~which~~ THAT will be offered  
12 ~~to let, or to hire,~~ FOR RENT OR LEASE for more than 6 months of  
13 a calendar year ~~—~~ shall register their names and places of res-  
14 idence or usual places of business and the location of the  
15 premises regulated by this act with the enforcing agency. The  
16 owners shall register within 60 days following the day on which  
17 any part of the premises is offered for occupancy. ~~Owners of~~  
18 ~~multiple dwellings or rooming houses containing units which are~~  
19 ~~occupied or offered for occupancy at the time this act becomes~~  
20 ~~effective shall register within 90 days after the effective date~~  
21 ~~of this article.~~

22 (3) OWNERS OF RENTAL DWELLINGS CONTAINING UNITS THAT ARE  
23 OCCUPIED OR OFFERED FOR OCCUPANCY ON THE EFFECTIVE DATE OF THE  
24 AMENDATORY ACT THAT ADDED THE DEFINITION OF RENTAL DWELLING TO  
25 THIS ACT SHALL REGISTER WITHIN 90 DAYS AFTER THE EFFECTIVE DATE  
26 OF THAT AMENDATORY ACT.

1 (4) ~~(3)~~ If the premises are managed or operated by an  
 2 agent, the agent's name and place of business shall be placed  
 3 with the name of the owner in the registry.

4 Sec. 129. (1) Units in multiple dwellings, ~~or~~ rooming  
 5 houses, OR RENTAL DWELLINGS shall not be occupied unless a cer-  
 6 tificate of compliance has been issued by the enforcing agency.  
 7 The certificates shall be issued only upon an inspection of the  
 8 premises by the enforcing agency, except as provided in  
 9 section 131. The certificate shall be issued within 15 days  
 10 after written application ~~therefor~~ if the dwelling at the date  
 11 of the application is entitled ~~thereto~~ TO THE CERTIFICATE.

12 (2) A violation of this act shall not prevent the issuance  
 13 of a certificate, but the enforcing agency shall not issue a cer-  
 14 tificate when the existing conditions constitute a hazard to the  
 15 health or safety of those who may occupy the premises.

16 (3) Inspections shall be made prior to first occupancy of  
 17 multiple dwellings, ~~and~~ rooming houses AND RENTAL DWELLINGS. ~~—~~  
 18 ~~if the construction or alteration is completed and first occu-~~  
 19 ~~pancy will occur after the effective date of this article. Where~~  
 20 ~~first occupancy will occur before the effective date of this~~  
 21 ~~article, inspection shall be made within 1 year after the effec-~~  
 22 ~~tive date of this article.~~ INSPECTIONS OF RENTAL DWELLINGS OCCU-  
 23 PIED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
 24 THE DEFINITION OF RENTAL DWELLING TO THIS ACT SHALL BE INSPECTED  
 25 WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THAT AMENDATORY ACT.

26 Upon a finding that there is no condition that would constitute a  
 27 hazard to the health and safety of the occupants, and that the

1 premises are otherwise fit for occupancy, the certificate shall  
2 be issued. If the finding is of a condition that would consti-  
3 tute a hazard to health or safety, no certificate shall be  
4 issued, and an order to comply with the act shall be issued imme-  
5 diately and served upon the owner in accordance with section  
6 132. On reinspection and proof of compliance, the order shall be  
7 rescinded and a certificate issued.

8       Sec. 143. (1) ~~Nothing herein contained shall require any~~  
9 A city, village, or township ~~to adopt Act No. 167 of the Public~~  
10 ~~Acts of 1917, as amended, being the housing law of Michigan~~ THAT  
11 IS NOT SUBJECT TO THIS ACT OR A PART OF THIS ACT IS NOT REQUIRED  
12 TO ADOPT THIS ACT OR A PART OF THIS ACT.

13       (2) A CITY, VILLAGE, OR TOWNSHIP TO WHICH THE PROVISIONS OF  
14 THIS ACT RELATING TO PRIVATE DWELLINGS OR 2-FAMILY DWELLINGS  
15 APPLY OR THAT HAS ADOPTED THOSE PROVISIONS MAY ADOPT AN ORDINANCE  
16 REQUIRING THE INSPECTION, LICENSING, AND REGULATION OF RENTAL  
17 DWELLINGS. THE ORDINANCE MAY DO 1 OR MORE OF THE FOLLOWING:

18       (A) IF A RENTAL DWELLING IS IN VIOLATION OF THE ORDINANCE,  
19 REQUIRE THE PAYMENT OF RENT TO AN ESCROW ACCOUNT UNDER  
20 SECTION 130.

21       (B) REQUIRE A COURT THAT HAS JURISDICTION OVER AN ACTION  
22 BROUGHT UNDER THE ORDINANCE TO ISSUE ORDERS AND MAKE DETERMINA-  
23 TIONS CONSISTENT WITH SECTION 134(5).

24       (C) AUTHORIZE THE COURT TO APPOINT A RECEIVER UNDER  
25 SECTION 135 FOR A RENTAL DWELLING IN VIOLATION OF THE ORDINANCE.

1       Section 2. This amendatory act shall not take effect unless  
2 Senate Bill No. \_\_\_\_\_ or House Bill No. 4199 (request  
3 no. 01652'93) of the 87th Legislature is enacted into law.