



# HOUSE BILL No. 5954

November 29 1994 Introduced by Rep Hill and referred to the Committee on Housing and Urban Affairs

A bill to amend sections 1 2, 78 125, 126, 129 and 143 of Act No 167 of the Public Acts of 1917, entitled as amended Housing law of Michigan, being sections 125 401, 125 402 125 478, 125 525, 125 526 125 529, 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 1 2, 78, 125, 126, 129, and 143 of Act  
2 No 167 of the Public Acts of 1917, being sections 125 401,  
3 125 402 125 478 125 525 125 526, 125 529, and 125 543 of the  
4 Michigan Compiled Laws, are amended and sections 2b and 2c are  
5 added to read as follows

6 Sec 1 ~~This act shall be known as the housing law of~~  
7 ~~Michigan and all provisions thereof shall apply to every city and~~  
8 ~~organized village in the state which, by the last regular or~~

~~1 special federal census had a population of 100,000 or more, and  
2 to every city or village as its population shall reach 100,000  
3 thereafter and also to that territory immediately adjacent and  
4 contiguous to the boundaries of such a city or village and  
5 extending for a radial distance of 2 1/2 miles beyond their  
6 boundaries in all directions. This act shall also apply to any  
7 city and organized village in this state which, as determined by  
8 the last regular or special federal census, has or shall hereaf-  
9 ter attain a population of 10,000 or more. However the provi-  
10 sions of this act relating to private dwellings and 2 family  
11 dwellings as hereinafter defined shall not apply to any city or  
12 organized village lying outside the 2 1/2 mile radius and having  
13 a population of less than 100,000 unless the legislative body of  
14 the city or village by resolution passed by a majority vote of  
15 the members elect of the legislative body, adopt the provisions  
16 in the case of charter townships and townships the provisions of  
17 this act relating to private dwellings and 2 family dwellings may  
18 be applied to those areas by ordinance of the respective township  
19 board adopting the provisions. This act shall apply to all  
20 dwellings within the classes defined in the following sections,  
21 except that in sections where specific reference is made to 1 or  
22 more specific classes of dwellings, those provisions shall apply  
23 only to those classes to which specific reference is made. All  
24 other provisions which relate to dwellings shall apply to all  
25 classes of dwellings.~~

26       (1) THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE 'HOUSING  
27 LAW OF MICHIGAN'

1 (2) THIS ACT APPLIES TO ALL OF THE FOLLOWING

2 (A) A CITY OR VILLAGE THAT HAS A POPULATION OF 100,000 OR  
3 MORE

4 (B) TERRITORY CONTIGUOUS TO, AND LOCATED WITHIN A DISTANCE  
5 OF 2-1/2 MILES BEYOND THE BOUNDARIES OF A CITY OR VILLAGE  
6 DESCRIBED IN SUBDIVISION (A)

7 (C) EXCEPT FOR PROVISIONS RELATING TO PRIVATE DWELLINGS AND  
8 2-FAMILY DWELLINGS A CITY OR VILLAGE THAT HAS A POPULATION OF  
9 10,000 OR MORE

10 (3) A CITY VILLAGE OR TOWNSHIP THAT IS NOT DESCRIBED IN  
11 SUBSECTION (2) MAY ADOPT THIS ACT, OR THE PORTIONS OF THE ACT  
12 THAT DO NOT APPLY TO THE CITY VILLAGE OR TOWNSHIP, BY MAJORITY  
13 VOTE OF ITS LEGISLATIVE BODY

14 (4) THIS ACT APPLIES TO ALL CLASSES OF DWELLINGS, EXCEPT  
15 THAT IF A SECTION OF THIS ACT REFERS TO 1 OR MORE SPECIFIC  
16 CLASSES OF DWELLINGS THAT SECTION APPLIES ONLY TO THOSE CLASSES  
17 TO WHICH SPECIFIC REFERENCE IS MADE

18 Sec 2 (1) ~~Definitions Certain words in this act are~~  
19 ~~defined for the purposes thereof as follows Words used in the~~  
20 ~~present tense include the future words in the masculine gender~~  
21 ~~include the feminine and neuter the singular number includes the~~  
22 ~~plural and the plural the singular the word "person" includes a~~  
23 ~~corporation as well as a natural person~~ AS USED IN THIS ACT

24 (A) ATTIC MEANS A PORTION OF A BUILDING SITUATED PARTLY OR  
25 WHOLLY IN THE ROOF SPACE

26 (B) BASEMENT MEANS THAT PORTION OF A BUILDING PARTLY BELOW  
27 GRADE BUT LOCATED SO THAT THE VERTICAL DISTANCE FROM GRADE TO THE

1 FLOOR IS NOT GREATER THAN THE VERTICAL DISTANCE FROM THE GRADE TO  
 2 THE CEILING IF A PORTION OF A BUILDING IS THE EQUIVALENT OF A  
 3 BASEMENT THE PROVISIONS OF THIS ACT RELATIVE TO BASEMENTS APPLY  
 4 TO THAT PORTION OF THE BUILDING

5 (C) CELLAR MEANS THAT PORTION OF A BUILDING PARTLY BELOW  
 6 GRADE BUT LOCATED SO THAT THE VERTICAL DISTANCE FROM THE GRADE TO  
 7 THE FLOOR IS GREATER THAN THE VERTICAL DISTANCE FROM THE GRADE TO  
 8 THE CEILING IF A PORTION OF A BUILDING IS THE EQUIVALENT OF A  
 9 CELLAR THE PROVISIONS OF THIS ACT RELATIVE TO CELLARS APPLY TO  
 10 THAT PORTION OF THE BUILDING

11 (D) CORNER LOT MEANS A LOT OF WHICH AT LEAST 2 ADJACENT  
 12 SIDES ABUT FOR THEIR FULL LENGTH UPON A STREET

13 (E) COURT MEANS AN OPEN UNOCCUPIED SPACE ON THE SAME LOT  
 14 WITH A DWELLING AND BOUNDED ON 2 OR MORE SIDES WITH THE WALLS OF  
 15 THE DWELLING COURT INCLUDES BOTH OF THE FOLLOWING

16 (1) INNER COURT MEANS A COURT NOT EXTENDING TO THE STREET  
 17 OR FRONT OR REAR YARD

18 (2) OUTER COURT MEANS A COURT EXTENDING TO THE STREET OR  
 19 FRONT OR REAR YARD

20 (F) DEPTH OF A LOT MEANS THE DIMENSION MEASURED FROM THE  
 21 FRONT OF THE LOT TO THE EXTREME REAR LINE OF THE LOT IN THE  
 22 CASE OF IRREGULAR SHAPED LOTS, THE DEPTH IS THE MEAN DEPTH

23 (G) ~~(1) Dwelling~~ A "dwelling" is any DWELLING MEANS A  
 24 house building structure, tent shelter trailer, or vehicle,  
 25 ~~or portion thereof, (~~ except A railroad ~~cars,~~ CAR on tracks  
 26 or ~~rights of way)~~ which A RIGHT-OF-WAY, THAT is occupied in  
 27 whole or in part as the home residence, living, or sleeping

1 place of 1 or more human beings either permanently or  
 2 transiently A house trailer or other vehicle ~~when~~ IF occu-  
 3 pied or used as a dwelling ~~shall be~~ IS subject to all the pro-  
 4 visions of this act except that A house ~~trailers~~ TRAILER or  
 5 other ~~vehicles, duly~~ VEHICLE licensed as ~~vehicles~~ A VEHICLE  
 6 may be occupied or used as a dwelling for reasonable periods ~~or~~  
 7 ~~lengths~~ of time without being otherwise subject to ~~the provi-~~  
 8 ~~sions of~~ this act for dwellings, when located in a MOBILE HOME  
 9 park LICENSED UNDER THE MOBILE HOME COMMISSION ACT, ACT NO 96 OF  
 10 THE PUBLIC ACTS OF 1987 BEING SECTIONS 125 2301 TO 125 2349 OF  
 11 THE MICHIGAN COMPILED LAWS A DWELLING MAY BE CLASSIFIED INTO 1  
 12 OF THE FOLLOWING CLASSES ~~or place designated or licensed for~~  
 13 ~~the purpose by the corporate community within which they are~~  
 14 ~~located~~ ~~Provided That such parking sites are equipped with~~  
 15 ~~adequate safety and sanitary facilities~~

16 ~~(1a) "Sub standard dwelling" is a dwelling of any class~~  
 17 ~~which is not so equipped as to have each of the following items~~  
 18 ~~running water inside toilets or a dwelling which has either~~  
 19 ~~inadequate cellar drainage, defective plumbing, and inside room~~  
 20 ~~having no windows therein, improper exits or defective stairways~~  
 21 ~~so as to make such dwelling a fire hazard~~

22 ~~(2) Classes of dwellings For the purposes of this act~~  
 23 ~~dwellings are divided into the following classes (a) "private~~  
 24 ~~dwellings" (b) "2 family dwellings," and (c) "multiple~~  
 25 ~~dwellings"~~

26 ~~(1) (a) A "private~~ PRIVATE dwelling is a dwelling  
 27 occupied by ~~but~~ NOT MORE THAN 1 family and ~~so~~ designed and

1 arranged ~~as~~ to provide cooking and kitchen accommodations for 1  
2 family only

3 (ii) ~~(b) A "2-~~ TWO-family dwelling is a dwelling occupied  
4 by ~~but~~ NOT MORE THAN 2 families, and ~~so~~ designed and arranged  
5 ~~as~~ to provide cooking and kitchen accommodations for 2 families  
6 only

7 (iii) ~~(c) A "multiple~~ 'MULTIPLE dwelling is a dwelling  
8 occupied ~~otherwise~~ IN A MANNER OTHER than as a private dwelling  
9 or 2-family dwelling ~~(3) Classes of multiple dwellings~~ All  
10 multiple dwellings ~~are dwellings and~~ for the purpose of this  
11 act are divided into ~~2~~ 1 OF THE FOLLOWING classes ~~viz~~  
12 ~~class a and class b~~

13 (A) Class a ~~Multiple~~ MULTIPLE dwellings ~~of class a~~  
14 are dwellings ~~which~~ THAT are occupied more or less permanently  
15 for ~~residence~~ RESIDENTIAL purposes by several families and in  
16 which the rooms are occupied in apartments, suites or groups, in  
17 which each combination of rooms is ~~so~~ arranged and designed  
18 ~~as~~ to provide for cooking accommodations and toilet and kitchen  
19 sink accommodations within the separate units This class  
20 includes tenement houses flats apartment houses apartment  
21 hotels, bachelor apartments studio apartments, duplex apart-  
22 ments, kitchenette apartments and all other dwellings similarly  
23 occupied whether specifically enumerated ~~herein~~ or not

24 (B) "Class b ~~Multiple~~ MULTIPLE dwellings ~~of class b~~  
25 are dwellings ~~which~~ THAT AS A RULE are occupied ~~, as a rule~~  
26 transiently, as the more or less temporary abiding place of  
27 individuals who are lodged ~~with~~ with or without meals and in

1 which as a rule the rooms are occupied singly and without any  
2 attempt to provide ~~therein or therewith~~ cooking or kitchen  
3 accommodations for the individual occupants This class includes  
4 hotels, lodging houses boarding houses furnished room houses,  
5 club houses convents asylums hospitals, jails and all other  
6 dwellings similarly occupied whether specifically enumerated  
7 ~~herein~~ or not

8 ~~(3a) Rooming house A "rooming house" under this act shall~~  
9 ~~be construed to mean any dwelling occupied in such a manner that~~  
10 ~~certain rooms, in excess of those used by the members of the~~  
11 ~~immediate family and occupied as a home or family unit, are~~  
12 ~~leased or rented to persons outside of the family, without any~~  
13 ~~attempt to provide therein or therewith cooking or kitchen~~  
14 ~~accommodations for individuals leasing or renting rooms In the~~  
15 ~~case of single and 2 family dwellings the number of such bedrooms~~  
16 ~~leased or rented to roomers shall not exceed 3 unless such~~  
17 ~~dwellings be made to comply in all respects with the provisions~~  
18 ~~of this act relating to multiple dwellings~~

19 ~~(4) Hotel A "hotel" is a multiple dwelling of class b in~~  
20 ~~which persons are lodged for hire and in which there are more~~  
21 ~~than 50 sleeping rooms a public dining room for the accommo-~~  
22 ~~dation of at least 50 guests and a general kitchen~~

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

1        ~~(6) Yards — A "rear yard" is an unoccupied space on the same~~  
 2 ~~lot with a dwelling, between the extreme rear line of the~~  
 3 ~~dwelling and the rear lot line and extending from 1 side lot line~~  
 4 ~~to the other side lot line — A "side yard" is an unoccupied space~~  
 5 ~~on the same lot with a dwelling between the side lot line and the~~  
 6 ~~nearest side line of the dwelling and extending from the extreme~~  
 7 ~~rear line of the dwelling to the front lot line — A "front yard"~~  
 8 ~~is an unoccupied space on the same lot with a dwelling between~~  
 9 ~~the extreme front line of the house and the front lot line and~~  
 10 ~~extending from 1 side yard to the other side yard —~~

11        ~~(7) Courts — A "court" is an open unoccupied space on the~~  
 12 ~~same lot with a dwelling and bounded on 2 or more sides with the~~  
 13 ~~walls of the dwelling — A court not extending to the street or~~  
 14 ~~front or rear yard is an "inner court" — A court extending to the~~  
 15 ~~street or front or rear yard is an "outer court"~~

16        ~~(8) Corner and interior lots — A "corner lot" is a lot of~~  
 17 ~~which at least 2 adjacent sides abut for their full length upon a~~  
 18 ~~street — A lot other than a corner lot is an "interior lot"~~

19        ~~(9) Front, rear and depth of lot — The front of a lot is~~  
 20 ~~that boundary line which borders on the street — In case of a~~  
 21 ~~corner lot the owner may elect by statement on his plans either~~  
 22 ~~street boundary line as the front — The rear of a lot is the side~~  
 23 ~~opposite to the front — In the case of a triangular or gore lot~~  
 24 ~~the rear is the boundary line not bordering on a street — The~~  
 25 ~~depth of a lot is the dimension measured from the front of the~~  
 26 ~~lot to the extreme rear line of the lot — In the case of~~  
 27 ~~irregular shaped lots the mean depth shall be taken —~~



1        ~~(10) Public hall — A "public hall" is a hall, corridor or~~  
2 ~~passageway not within the exclusive control of 1 family~~

3        ~~(11) Stair hall — A "stair hall" is a public hall and~~  
4 ~~includes the stairs stair landings and those portions of the~~  
5 ~~building through which it is necessary to pass in going between~~  
6 ~~the entrance floor and the roof~~

7        ~~(12) Basement, cellar, attic, penthouses~~

8        ~~(a) A "basement" is that portion of a building partly below~~  
9 ~~grade but so located that the vertical distance from grade to the~~  
10 ~~floor is not greater than the vertical distance from the grade to~~  
11 ~~the ceiling — Provided, however, That if the vertical distance~~  
12 ~~from the grade to the ceiling is 5 feet or more such basement~~  
13 ~~shall be counted as a story~~

14        ~~(b) A "cellar" is that portion of a building partly below~~  
15 ~~grade but so located that the vertical distance from the grade to~~  
16 ~~the floor is 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 cellar shall~~  
19 ~~be counted as a story — A cellar, except as provided above, shall~~  
20 ~~not be counted as a story — If any portion of a building is in~~  
21 ~~that part the equivalent of a basement or cellar, the provisions~~  
22 ~~of this act relative to basements and cellars shall apply to such~~  
23 ~~portion of the building~~

24        ~~(c) An attic is a portion of a building situated partly or~~  
25 ~~wholly in the roof space — An attic which is used only as a por-~~  
26 ~~tion of a single or 2 family dwelling shall be not counted as a~~  
27 ~~story, unless there are more than 2 rooms suitable for living~~

~~1 purposes on this floor For the purpose of this paragraph, rooms~~  
~~2 of 160 square feet or more will be regarded as 2 or more rooms~~  
~~3 based on each 80 square feet being considered 1 room Any attic~~  
~~4 which is occupied by a separate family shall be counted as a~~  
~~5 story Any attic used for living purposes in a multiple dwelling~~  
~~6 shall be counted as a story~~

~~7 (d) Penthouses Penthouses are those portions of a building~~  
~~8 situated above the roof and housing mechanical equipment, service~~  
~~9 or recreational facilities or used for living purposes A pent-~~  
~~10 house shall not be counted as a story if it houses only mechan-~~  
~~11 cal equipment or stairways and does not have an area in excess of~~  
~~12 200 square feet nor shall it be counted as a story, when occu-~~  
~~13 pied otherwise or when it has an area in excess of 200 square~~  
~~14 feet, if it complies with the following requirements~~

~~15 (1) The building and penthouse shall be of fireproof con-~~  
~~16 struction if the penthouse houses other than mechanical equipment~~  
~~17 or stairways~~

~~18 (2) The penthouse shall be not over 1 story in height~~

~~19 (3) The exterior walls of the penthouse shall be set back~~  
~~20 from the exterior walls of the story immediately below by a dis-~~  
~~21 tance not less than 2/3 of the height of the penthouse above the~~  
~~22 roof However, it shall not be necessary to set back the exte-~~  
~~23 rior walls of a penthouse if the dimensions of yards and courts~~  
~~24 are sufficient to meet the requirements of this act for a build-~~  
~~25 ing if the penthouse is counted as a story~~

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

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

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

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

17       ~~"Grade", for buildings adjoining more than 1 street, shall~~  
18 ~~be the elevation of the sidewalk at the center of the wall~~  
19 ~~adjoining the street having the lowest sidewalk elevation~~

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

23       ~~All walls approximately parallel to and not more than 5 feet~~  
24 ~~from a street line shall be considered as adjoining the street~~  
25 ~~In alleys the surface of the paving shall be considered to be the~~  
26 ~~sidewalk elevation Where the elevation of the sidewalk or alley~~

~~1 paving has not been established the city engineer shall determine  
2 such elevation for the purpose of this act~~

~~3 (15) Occupied spaces Outside stairways, fire escapes, fire  
4 towers porches, platforms, balconies, boiler flues and other  
5 projections shall be considered as part of the building and not  
6 as a part of the yards or courts or unoccupied spaces This pro-  
7 vision shall not apply to 1 fireplace or 1 chimney projecting not  
8 more than 12 inches into side yard space and not more than 8 feet  
9 in length, nor to uninclosed outside porches not exceeding 1  
10 story in height which do not extend into the front or rear yard a  
11 greater distance than 12 feet from the front or rear walls of the  
12 building, nor to 1 such porch which does not extend into the  
13 sideyard a greater distance than 6 feet from the side wall of the  
14 building nor exceed 12 feet in its other horizontal dimension or  
15 to cornices not exceeding 16 inches in width including the  
16 gutter~~

~~17 (16) Fireproof dwelling A "fireproof dwelling" is one the  
18 exterior walls of which are constructed of brick stone con-  
19 crete iron or other hard incombustible material not less than 8  
20 inches thick and in which there are no wood beams or lintels and  
21 in which the floors, roofs stair halls and public halls are  
22 built entirely of brick, stone, concrete, iron or other hard  
23 incombustible material, and in which no woodwork or other inflam-  
24 mable material is used in any of the partitions, furrings or  
25 ceilings But this definition shall not be construed as prohib-  
26 iting elsewhere than in the public halls the use of wooden  
27 flooring on top of the fireproof floors or the use of wooden~~

~~1 sleepers nor as prohibiting the use of wood, or any other  
2 material not more combustible or inflammable than wood, for hand  
3 rails, doors, windows, and decorative treatment on incombustible  
4 surfaces~~

~~5 All metallic structural members, except lintels unattached  
6 to structural frame work and less than 6 feet in span, shall be  
7 protected with not less than 2 inches of brick, concrete, gypsum,  
8 terra cotta, or any other material that has equivalent properties  
9 to resist the action of flame and heat Steel in reinforced con-  
10 crete construction shall be protected with a minimum of 3/4 of an  
11 inch of concrete unless additional protection is required by the  
12 enforcing official~~

~~13 In dwellings not over 8 stories in height, steel joists may  
14 be used for roof and floor construction if protected on the  
15 underside with 3/4 of an inch of gypsum or portland cement plas-  
16 ter on metal lath thickness of said plaster to be measured from  
17 the back of the metal lath and protected on top with a slab of  
18 at least 2 inches of concrete in which wood sleepers may be  
19 embedded if there is at least 1 and 1/2 inches of concrete under  
20 the sleepers~~

~~21 (17) Wooden buildings "Wooden building" is a building of  
22 which the exterior walls or a portion thereof are of wood Court  
23 walls are exterior walls~~

~~24 (18) Nuisance The word "nuisance" shall be held to embrace  
25 public nuisance as known at common law or in equity jurispru-  
26 dence and whatever is dangerous to human life or detrimental to  
27 health whatever dwelling is overcrowded with occupants or is not~~

~~1 provided with adequate ingress and egress to or from the same, or~~  
~~2 is not sufficiently supported, ventilated, sewered, drained~~  
~~3 cleaned or lighted, in reference to its intended or actual use~~  
~~4 and whatever renders the air or human food or drink unwholesome,~~  
~~5 are also severally, in contemplation of this act nuisances and~~  
~~6 all such nuisances are hereby declared illegal~~

7 (H) "FIRE DOOR MEANS A MOVABLE FIRE RESISTIVE BARRIER  
8 INCLUDING FRAMES AND HARDWARE THAT IS PLACED ON AN OPENING IN A  
9 MASONRY WALL OR SHAFT ENCLOSURE FOR THE PURPOSE OF PREVENTING THE  
10 PASSAGE OF FIRE THROUGH THE OPENING AND THAT MEETS ALL OF THE  
11 FOLLOWING REQUIREMENTS

12 (1) THE DOOR IS CAPABLE OF PASSING A FIRE AND WATER TEST AS  
13 DESCRIBED IN THIS SUBPARAGRAPH THE FIRE TEST SHALL CONSIST OF A  
14 FLAME APPLIED OVER THE ENTIRE AREA OF A DOOR THAT WILL GRADUALLY  
15 RAISE THE TEMPERATURE OF THE EXPOSED SIDE TO 1400 DEGREES  
16 FAHRENHEIT DURING THE FIRST 20 MINUTES OF THE TEST AND THAT WILL  
17 GRADUALLY RAISE THIS TEMPERATURE TO 1700 DEGREES FAHRENHEIT  
18 DURING THE NEXT 40 MINUTES, CONCLUDING THE FIRE TEST  
19 IMMEDIATELY AFTER THE FIRE TEST AND WHILE THE DOOR IS STILL HOT,  
20 THE DOOR SHALL BE SUBJECTED TO THE IMPACT OF A STREAM OF WATER  
21 UNDER A NOZZLE PRESSURE OF 30 POUNDS PER SQUARE INCH THROUGH A  
22 2-1/2 INCH FIRE HOSE WITH A 1-1/8 INCH SMOOTH BORE NOZZLE PLACED  
23 20 FEET FROM THE DOOR AND PLAYED UNIFORMLY OVER THE SURFACE FOR A  
24 PERIOD OF AT LEAST 45 SECONDS TO PASS THIS TEST, A FIRE DOOR  
25 SHALL MAINTAIN ITS SHAPE AND INTEGRITY REASONABLY WELL SO AS TO  
26 BE CAPABLE OF RESISTING THE FURTHER APPLICATION OF FLAME AND  
27 SHALL NOT DEVELOP SERIOUS STRUCTURAL WEAKNESS THE ENFORCING

1 OFFICER MAY REQUIRE THAT THE ABILITY OF ALL FIRE DOORS TO PASS  
2 THESE TESTS BE DEMONSTRATED IN A RECOGNIZED TESTING LABORATORY,  
3 OR THAT SATISFACTORY EVIDENCE IN THE FORM OF A LABEL OR CERTIFI-  
4 CATE OF TEST AND INSPECTION BE SUBMITTED SHOWING THAT THE FIRE  
5 DOORS IN QUESTION HAVE SUCCESSFULLY COMPLIED WITH THESE  
6 REQUIREMENTS

7 (11) THE DOOR EXCEPT A DOOR ON A DUMBWAITER OR ELEVATOR, IS  
8 OF THE SWINGING TYPE IS NOT DOUBLE ACTING AND IS EQUIPPED WITH  
9 AN APPROVED DEVICE CAPABLE OF COMPLETELY CLOSING THE DOOR UNDER  
10 ALL CONDITIONS

11 (111) THE DOOR IS EITHER A TYPE A FIRE DOOR OR A TYPE B"  
12 FIRE DOOR AS FOLLOWS

13 (A) A TYPE 'A' FIRE DOOR IS SOLID WITHOUT GLASS PANELS OF  
14 ANY KIND A TYPE A FIRE DOOR MAY BE USED WHEREVER A TYPE "B"  
15 FIRE DOOR IS REQUIRED

16 (B) A TYPE "B" FIRE DOOR IS A DOOR THAT CONTAINS UP TO  
17 720 SQUARE INCHES OF WIRE-GLASS AT LEAST 1/4 INCH IN THICKNESS

18 (11) IF THE FIRE DOOR IS AN AUTOMATIC FIRE DOOR WHICH IS  
19 NORMALLY HELD IN AN OPEN POSITION BY AN APPARATUS THAT APPARATUS  
20 WILL AUTOMATICALLY ALLOW THE DOOR TO CLOSE WHENEVER THE TEMPERA-  
21 TURE OF THE AIR AT THE TOP OF THE DOOR REACHES 165 DEGREES  
22 FAHRENHEIT

23 (11) IF THE DOOR IS A SELF-CLOSING FIRE DOOR, IT IS KEPT  
24 CLOSED AT ALL TIMES

25 (11) THE DOOR IS EQUIPPED WITH AN EFFECTIVE LOCKING DEVICE  
26 THAT WILL HOLD THE DOOR IN THE CLOSED POSITION BUT THAT CAN BE  
27 UNLOCKED FROM EITHER SIDE OF THE DOOR WITHOUT THE USE OF A KEY

1       (vii) THE DOOR HAS AN INCOMBUSTIBLE THRESHOLD AND  
2 COMBUSTIBLE FLOOR CONSTRUCTION OR COVERING DOES NOT EXTEND  
3 THROUGH THE DOOR OPENING

4       (viii) FRAMES FOR TYPE A FIRE DOORS ARE MADE ENTIRELY OF  
5 METAL AND NO COMBUSTIBLE MATERIAL IS USED IN THEIR CONSTRUCTION  
6 OR INSTALLATION FRAMES FOR TYPE B" FIRE DOORS ARE MADE OF  
7 METAL OR OF WOOD COVERED WITH METAL

8       (ix) SELF-CLOSING EQUIPMENT CONSISTS OF STANDARD DOOR CHECKS  
9 OR OTHER SIMILAR APPROVED DEVICES THAT WILL COMPLETELY CLOSE THE  
10 DOOR WITHOUT SLAMMING

11       (x) A SELF-CLOSING FIRE DOOR IS LABELED ON BOTH SIDES IN A  
12 CONSPICUOUS MANNER WITH THE FOLLOWING WORDS FIRE DOOR KEEP  
13 CLOSED

14       (i) FIREPROOF DWELLING MEANS A DWELLING THAT MEETS ALL OF  
15 THE FOLLOWING STANDARDS

16       (1) THE EXTERIOR WALLS OF THE DWELLING ARE CONSTRUCTED OF  
17 BRICK, STONE, CONCRETE, IRON, OR OTHER HARD INCOMBUSTIBLE MATE-  
18 RIAL NOT LESS THAN 8 INCHES THICK THERE ARE NO WOOD BEAMS OR  
19 LINTELS THE FLOORS ROOFS STAIR HALLS AND PUBLIC HALLS ARE  
20 BUILT ENTIRELY OF BRICK STONE CONCRETE IRON, OR OTHER HARD  
21 INCOMBUSTIBLE MATERIAL AND WOODWORK OR OTHER FLAMMABLE MATERIAL  
22 IS NOT USED IN ANY OF THE PARTITIONS FURRINGS OR CEILINGS  
23 THIS DEFINITION DOES NOT PROHIBIT ELSEWHERE THAN IN THE PUBLIC  
24 HALLS THE USE OF WOODEN FLOORING ON TOP OF THE FIREPROOF FLOORS  
25 OR THE USE OF WOODEN SLEEPERS OR THE USE OF WOOD, OR ANY OTHER  
26 MATERIAL NOT MORE COMBUSTIBLE OR INFLAMMABLE THAN WOOD FOR



1 HANDRAILS DOORS WINDOWS AND DECORATIVE TREATMENT ON

2 INCOMBUSTIBLE SURFACES

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

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

19 (J) FRONT OF A LOT MEANS THAT BOUNDARY LINE THAT BORDERS  
20 ON THE STREET IN CASE OF A CORNER LOT EITHER STREET BOUNDARY  
21 LINE MAY BE THE FRONT ACCORDING TO THE OWNER S ELECTION AS SHOWN  
22 ON THE PLANS FOR THE LOT

23 (K) FRONT YARD MEANS AN UNOCCUPIED SPACE ON THE SAME LOT  
24 WITH A DWELLING BETWEEN THE EXTREME FRONT LINE OF THE HOUSE AND  
25 THE FRONT LOT LINE AND EXTENDING FROM 1 SIDE YARD TO THE OTHER  
26 SIDE YARD

1        (l) GRADE MEANS THE ELEVATION SET FORTH IN SUBPARAGRAPHS  
2 (1) 10 (111) 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        (1) 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        (11) 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        (111) 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        (M) 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        (N) 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 (O) INTERIOR LOT MEANS A LOT OTHER THAN A CORNER LOT

4 (P) 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 (Q) NUISANCE MEANS 1 OR MORE OF THE FOLLOWING

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

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

14 (111) 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 (111) A DWELLING OR A CONDITION IN A DWELLING THAT RENDERS  
19 THE AIR OR HUMAN FOOD OR DRINK UNWHOLESOME

20 (R) 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 (S) 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 (T) PUBLIC HALL MEANS A HALL CORRIDOR OR PASSAGEWAY NOT  
10 WITHIN THE EXCLUSIVE CONTROL OF 1 FAMILY

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

14 (V) REAR YARD MEANS 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 (W) RENTAL DWELLING MEANS A PRIVATE DWELLING A 2-FAMILY  
19 DWELLING, OR A MULTIPLE DWELLING ALL OR PART OF WHICH IS RENTED  
20 OR LEASED OR IS OFFERED FOR RENT OR LEASE

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

1 DWELLING IS CLASSIFIED AS A MULTIPLE DWELLING INSTEAD OF A  
2 ROOMING HOUSE

3 (Y) SIDE YARD MEANS AN UNOCCUPIED SPACE ON THE SAME LOT  
4 WITH A DWELLING BETWEEN THE SIDE LOT LINE AND THE NEAREST SIDE  
5 LINE OF THE DWELLING AND EXTENDING FROM THE EXTREME REAR LINE OF  
6 THE DWELLING TO THE FRONT LOT LINE

7 (Z) STAIR HALL' MEANS A PUBLIC HALL AND INCLUDES THE  
8 STAIRS STAIR LANDINGS, AND THOSE PORTIONS OF THE BUILDING  
9 THROUGH WHICH A PERSON MUST PASS IN GOING BETWEEN THE ENTRANCE  
10 FLOOR AND THE ROOF

11 (AA) SUBSTANDARD DWELLING MEANS A DWELLING OF ANY CLASS  
12 THAT DOES NOT HAVE RUNNING WATER OR INSIDE TOILETS OR A DWELLING  
13 THAT HAS INADEQUATE CELLAR DRAINAGE, DEFECTIVE PLUMBING AN  
14 INSIDE ROOM HAVING NO WINDOWS, IMPROPER EXITS, OR STAIRWAYS THAT  
15 MAKE THE DWELLING A FIRE HAZARD

16 (BB) 'WOODEN BUILDING' MEANS A BUILDING IN WHICH SOME OR ALL  
17 OF THE EXTERIOR WALLS ARE WOOD FOR PURPOSES OF THIS SUBDIVI-  
18 SION, COURT WALLS ARE EXTERIOR WALLS

19 (2) ~~(19) Construction of certain words~~ IN ADDITION TO THE  
20 RULES OF STATUTORY CONSTRUCTION CONTAINED IN CHAPTER 1 OF THE  
21 REVISED STATUTES OF 1846 BEING SECTIONS 8 1 TO 8 8 OF THE  
22 MICHIGAN COMPILED LAWS THE FOLLOWING RULES OF CONSTRUCTION APPLY  
23 TO THIS ACT

24 (A) The word shall is always mandatory and not directory,  
25 and denotes that the dwelling shall be maintained in all respects  
26 according to the mandate as long as it continues to be a  
27 dwelling

1 (B) Wherever the words charter ordinances  
 2 regulations superintendent of buildings, ' health  
 3 department the board of health 'health officer— or such  
 4 other appropriate public official as the mayor may designate,"  
 5 commissioner of public safety commissioner of public health  
 6 department charged with the enforcement of this act  
 7 corporation counsel 'mayor," "city treasury ' or fire limits '  
 8 occur in this act, they shall be construed as if followed by the  
 9 words "of the city or village in which the dwelling is  
 10 situated

11 (C) Wherever the words 'health department  
 12 health officer— or such other appropriate public official as  
 13 the mayor may designate ~~or~~ duly authorized assistant, ~~or~~  
 14 "board of health commissioner of public safety, or  
 15 "commissioner of public health' are employed in this act, ~~such~~  
 16 THE words shall be ~~deemed and~~ construed to mean the official or  
 17 officials in any city or village to whom is committed the charge  
 18 of safeguarding the public health

19 (D) The terms 'superintendent of buildings building  
 20 department and inspector of buildings ~~shall embrace~~ MEAN  
 21 the department and the executive head ~~thereof~~ OF THE DEPARTMENT  
 22 specially charged with the execution of laws and ordinances  
 23 relating to the construction of buildings

24 (E) Wherever the terms superintendent of buildings  
 25 health officer— or such other appropriate public official as  
 26 the mayor may designate are used in this act they shall be

1 construed to mean the enforcement officials designated in  
2 section ~~111~~ 123

3 (F) Wherever the words occupied or used are employed in  
4 this act, ~~such words~~ THEY shall be construed as if followed by  
5 the words "or is intended arranged designed, built altered,  
6 converted to rented, leased, let or hired out, to be occupied or  
7 used

8 (G) Wherever the words dwelling 2-family dwelling,  
9 "multiple dwelling RENTAL DWELLING building 'house,"  
10 'premises, or lot' are used in this act they shall be con-  
11 strued as if followed by the words or any part thereof

12 (H) Wherever the words city water are used in this act,  
13 they shall be construed as meaning any public supply of water  
14 through street mains and wherever the words public sewer are  
15 used in this act they shall be construed as meaning any part of  
16 a system of sewers that is used by the public whether or not  
17 ~~such~~ THAT part was constructed at the public expense

18 (I) Wherever the word street is used in this act it shall  
19 be construed as including any public alley 16 feet or more in  
20 width

21 (J) Approved fireproof material means as set forth by  
22 ordinances or if not so determined as approved by the enforcing  
23 officer

24 (K) ~~Where~~ IF a particular material device, or type of  
25 construction is specified ~~herein, there may be substituted~~  
26 ~~therefor~~ IN THIS ACT A PERSON MAY SUBSTITUTE any other  
27 material device or type of construction ~~of a~~ THAT HAS

1 strength durability AND performance and fire resistive  
2 qualities ~~—~~ equivalent to the particular material, device, or  
3 type of construction specified ~~herein~~ IN THIS ACT or suffi-  
4 cient for the intended use, and approved ~~as such~~ by the enforc-  
5 ing officer Perforated gypsum lath 3/8 of an inch thick, with  
6 1/2 inch of gypsum plaster, may be substituted wherever metal  
7 lath and gypsum or cement plaster is required in this act

8 ~~(20) Fire doors A fire door is a movable fire resistive~~  
9 ~~barrier placed on an opening in a masonry wall or shaft enclosure~~  
10 ~~for the purpose of preventing the passage of fire through the~~  
11 ~~opening All fire doors as installed and including frames and~~  
12 ~~hardware shall be capable of passing a fire and water test as~~  
13 ~~herein specified The fire test shall consist of a flame applied~~  
14 ~~over entire area of door which will gradually raise the tempera-~~  
15 ~~ture of the exposed side to 1400 degrees Fahrenheit during the~~  
16 ~~first 20 minutes of test and which will gradually raise this tem-~~  
17 ~~perature to 1700 degrees Fahrenheit during the next 40 minutes,~~  
18 ~~concluding the fire test Immediately thereafter and while the~~  
19 ~~door is still hot it shall be subjected to the impact of a~~  
20 ~~stream of water under a nozzle pressure of 30 pounds per square~~  
21 ~~inch through a 2 and 1/2 inch fire hose with a 1 and 1/8 inch~~  
22 ~~smooth bore nozzle placed 20 feet from the door and played uni-~~  
23 ~~formly over surface of same for a period of at least 45 seconds~~  
24 ~~To pass this test, a fire door shall maintain its shape and~~  
25 ~~integrity reasonably well so as to be capable of resisting the~~  
26 ~~further application of flame and shall not develop serious~~  
27 ~~structural weakness The enforcing officer may require that the~~



~~1 ability of all fire doors to pass these tests be demonstrated in  
2 a recognized testing laboratory, or that satisfactory evidence in  
3 the form of a label or certificate of test and inspection be sub-  
4 mitted showing that the fire doors in question have successfully  
5 complied with these requirements~~

~~6 All fire doors, except those on dumbwaiters and elevators,  
7 shall be of the swinging type and shall not be double acting and  
8 shall be equipped with an approved device capable of completely  
9 and effectually closing the door under all conditions~~

~~10 Type "a" fire doors shall be solid without glass panels of  
11 any kind Type "a" fire doors may be used wherever type "b" fire  
12 doors are required herein~~

~~13 Type "b" fire doors may contain not over 720 square inches  
14 of wire glass at least 1/4 inch in thickness~~

~~15 Automatic fire doors, as specified herein, may be normally  
16 held in an open position by an apparatus which will automatically  
17 allow the door to close whenever the temperature of the air at  
18 the top of the door reaches 165 degrees Fahrenheit Self closing  
19 fire doors as specified herein, shall be normally kept closed at  
20 all times~~

~~21 All fire doors shall be equipped with an effective locking  
22 device which will hold the door in the closed position but which  
23 can be unlocked from either side of the door without the use of a  
24 key~~

~~25 All fire doors shall be provided with an incombustible  
26 threshold and combustible floor construction or covering shall  
27 not extend through the door opening~~

1       ~~Frames for type "a" fire doors shall be made entirely of~~  
2 ~~metal and no combustible material shall be used in their con-~~  
3 ~~struction or installation~~

4       ~~Frames for type "b" fire doors may be made of metal or of~~  
5 ~~wood covered with metal~~

6       ~~Self closing equipment shall consist of standard door checks~~  
7 ~~or other similar approved devices which will effectually close~~  
8 ~~the door without slamming~~

9       ~~Self closing fire door shall be labeled on both sides in a~~  
10 ~~conspicuous manner with the following words "fire door, keep~~  
11 ~~closed"~~

12       SEC 2B   FOR PURPOSES OF DETERMINING THE NUMBER OF STORIES  
13 IN A BUILDING ALL OF THE FOLLOWING APPLY

14       (A) EXCEPT AS PROVIDED OTHERWISE IN THIS SECTION AN ATTIC  
15 THAT IS USED ONLY AS A PORTION OF A PRIVATE OR 2-FAMILY DWELLING  
16 IS NOT COUNTED AS A STORY UNLESS THERE ARE MORE THAN 2 ROOMS  
17 SUITABLE FOR LIVING PURPOSES IN THE ATTIC   FOR THE PURPOSES OF  
18 THIS SUBDIVISION ROOMS OF 160 SQUARE FEET OR MORE ARE COUNTED AS  
19 2 OR MORE ROOMS EACH 80 SQUARE FEET BEING CONSIDERED 1 ROOM

20       (B) AN ATTIC THAT IS OCCUPIED BY A SEPARATE FAMILY IS  
21 COUNTED AS A STORY

22       (C) AN ATTIC USED FOR LIVING PURPOSES IN A MULTIPLE DWELLING  
23 IS COUNTED AS A STORY

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

26       (E) A CELLAR IS COUNTED AS A STORY ONLY IF THE VERTICAL  
27 DISTANCE FROM THE GRADE TO THE CEILING IS 5 FEET OR MORE

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

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

7 (1) IF THE PENTHOUSE HOUSES MORE THAN MECHANICAL EQUIPMENT  
 8 OR STAIRWAYS THE BUILDING AND PENTHOUSE ARE OF FIREPROOF  
 9 CONSTRUCTION

10 (11) THE PENTHOUSE IS NOT OVER 1 STORY IN HEIGHT

11 (111) THE EXTERIOR WALLS OF THE PENTHOUSE ARE SET BACK FROM  
 12 THE EXTERIOR WALLS OF THE STORY IMMEDIATELY BELOW BY A DISTANCE  
 13 NOT LESS THAN 2/3 OF THE HEIGHT OF THE PENTHOUSE ABOVE THE ROOF  
 14 IT IS NOT NECESSARY FOR THE EXTERIOR WALLS OF A PENTHOUSE TO BE  
 15 SET BACK IF THE DIMENSIONS OF YARDS AND COURTS ARE SUFFICIENT TO  
 16 MEET THE REQUIREMENTS OF THIS ACT FOR A BUILDING IF THE PENTHOUSE  
 17 IS COUNTED AS A STORY

18 (12) IF THE PENTHOUSE IS USED FOR A PURPOSE OTHER THAN TO  
 19 HOUSE MECHANICAL EQUIPMENT THERE IS ACCESS TO 2 STAIRWAYS LEAD-  
 20 ING FROM THE ROOF TO GRADE

21 (13) THE COMBINED AREA OF ALL PENTHOUSES ON A BUILDING DOES  
 22 NOT EXCEED 25% OF THE GROSS AREA OF THE FLOOR IMMEDIATELY BELOW

23 SEC 2C A PERSON SHALL NOT MAINTAIN A DWELLING UNDER CON-  
 24 DITIONS THAT MAKE THE DWELLING A NUISANCE

25 Sec 78 ~~Receptacles for ashes, garbage and rubbish~~ The  
 26 owner of every ~~multiple~~ RENTAL dwelling, and in the case of  
 27 private and 2-family dwellings, the occupant or occupants,

1 ~~thereof~~ shall provide for ~~said~~ THE dwelling keep clean and  
 2 in place proper covered receptacles of non-absorbent material  
 3 for holding garbage refuse ashes rubbish, and other waste  
 4 matter Garbage chutes are prohibited

5       Sec   125   (1) A registry of owners and premises shall be  
 6 maintained by the enforcing agency

7       (2) The owners of a ~~multiple~~ RENTAL dwelling or rooming  
 8 house containing units ~~which~~ THAT will be offered ~~to let,~~ FOR  
 9 RENT or ~~to hire,~~ LEASE for more than 6 months of a calendar  
 10 year ~~—~~ shall register their names and places of residence or  
 11 usual places of business and the location of the premises regu-  
 12 lated by this act with the enforcing agency The owners shall  
 13 register within 60 days following the day on which any part of  
 14 the premises is offered for occupancy Owners of multiple dwell-  
 15 ings or rooming houses containing units ~~which~~ THAT are occupied  
 16 or offered for occupancy at the time this act becomes effective  
 17 shall register within 90 days after the effective date of this  
 18 article OWNERS OF RENTAL DWELLINGS THAT ARE OCCUPIED OR OFFERED  
 19 FOR OCCUPANCY ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
 20 ADDED THE DEFINITION OF RENTAL DWELLING TO THIS ACT SHALL REGIS-  
 21 TER WITHIN 90 DAYS AFTER THAT DATE

22       (3) If the premises are managed or operated by an agent, the  
 23 agent s name and place of busiress shall be placed with the name  
 24 of the owner in the registry

25       Sec   126   (1) The enforcing agency shall inspect on a  
 26 periodic basis, ~~multiple~~ RENTAL dwellings and rooming houses  
 27 regulated by this act In no event shall the period between

1 inspections be longer than 2 years All other dwellings  
2 regulated by this act may be inspected at reasonable intervals

3 (2) An inspection shall be conducted in the manner best cal-  
4 culated to secure compliance with the act and appropriate to the  
5 needs of the community Inspections may be on 1 of the following  
6 bases

7 (a) An area basis, ~~such that~~ IN WHICH all the regulated  
8 premises in a predetermined geographical area ~~will be~~ ARE  
9 inspected simultaneously or within a short period of time

10 (b) A complaint basis ~~such that~~ IN WHICH complaints of  
11 violations ~~will be~~ ARE inspected within a reasonable time

12 (c) A recurrent violation basis, ~~such that~~ IN WHICH those  
13 premises ~~which~~ THAT are found to have a high incidence of  
14 recurrent or uncorrected violations ~~will be~~ ARE inspected more  
15 frequently

16 (3) An inspection shall be carried out by the enforcing  
17 agency, or by the enforcing agency and such representatives of  
18 other agencies as may form a team to undertake an inspection  
19 under this and other applicable acts

20 (4) An inspector or team of inspectors may request permis-  
21 sion to enter all premises regulated by this act at reasonable  
22 hours to undertake an inspection Upon an emergency as defined  
23 under rules promulgated by the enforcing agency, the inspector or  
24 team of inspectors shall have the right to enter at any time

25 (5) The enforcing agency may establish and charge a reason-  
26 able fee for inspections conducted under this act

1       Sec    129    (1) Units in ~~multiple~~ RENTAL dwellings or  
 2 rooming houses shall not be occupied unless a certificate of  
 3 compliance has been issued by the enforcing agency    The certifi-  
 4 cates shall be issued only upon an inspection of the premises by  
 5 the enforcing agency   except as provided in section 131    The  
 6 certificate shall be issued within 15 days after written applica-  
 7 tion ~~therefor~~ if the dwelling at the date of the application is  
 8 entitled ~~thereto~~ TO A CERTIFICATE

9       (2) A violation of this act shall not prevent the issuance  
 10 of a certificate   but the enforcing agency shall not issue a cer-  
 11 tificate ~~when~~ IF the existing conditions constitute a hazard to  
 12 the health or safety of those who may occupy the premises

13       (3) Inspections shall be made prior to first occupancy of  
 14 ~~multiple~~ RENTAL dwellings and rooming houses   if the construc-  
 15 tion or alteration is completed and first occupancy will occur  
 16 after the effective date of this article OR, IN THE CASE OF  
 17 RENTAL DWELLINGS OTHER THAN MULTIPLE DWELLINGS, AFTER THE EFFEC-  
 18 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THE DEFINITION OF  
 19 RENTAL DWELLING TO THIS ACT   Where first occupancy ~~will occur~~  
 20 OCCURRED before ~~the effective~~ THAT date ~~of this article,~~  
 21 inspection shall be made within 1 year after ~~the effective~~ THAT  
 22 date ~~of this article~~ Upon a finding that there is no condi-  
 23 tion that would constitute a hazard to the health and safety of  
 24 the occupants   and that the premises are otherwise fit for occu-  
 25 pancy, the certificate shall be issued   If the finding is of a  
 26 condition that would constitute a hazard to health or safety, no  
 27 certificate shall be issued, and an order to comply with the act

1 shall be issued immediately and served upon the owner in  
2 accordance with section 132 On reinspection and proof of com-  
3 pliance the order shall be rescinded and a certificate issued  
4 Sec 143 ~~Nothing herein contained shall require any~~ A  
5 city, village, or township to ~~adopt Act No 167 of the Public~~  
6 ~~Acts of 1917, as amended, being the housing law of Michigan~~  
7 WHICH THIS ACT DOES NOT APPLY PURSUANT TO SECTION 1(2) IS NOT  
8 REQUIRED TO ADOPT THIS ACT