

**Grand Rapids, Michigan, Code of Ordinances >> - TITLE VIII—NEIGHBORHOOD IMPROVEMENT >> Chapter 135 BUILDING MAINTENANCE CODE >>**

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**Chapter 135 BUILDING MAINTENANCE CODE <sup>[1]</sup>**

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**FOOTNOTE(S):**

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*Editor's note*— Ordinance No. 87-54, § 1, adopted Aug. 11, 1987, added a new Chapter 135, §§ 8.050—8.130, to the Code. At the editor's discretion, said Sections have been redesignated as §§ 8.201—8.254, in order to conform to the numbering system used elsewhere in this title. Subsequently, Ord. No. 92-69, § 1, adopted Oct. 20, 1992, amended Ch. 135 in its entirety to read as herein set out. See Code Comparative Table B. [\(Back\)](#)

*Cross reference*— Combustible and solid waste, Ch. 25; urban renewal areas, Ch. 65; general health regulations, Ch. 71; general building regulations, Ch. 131; Housing Code, Ch. 140; abatement of nuisance, § 9.2; dangerous structures, § 9.11 et seq.; litter, § 9.91 et seq.; noxious weeds and nuisances, § 9.111 et seq.; abandoned refrigerators, § 9.121 et seq.; unoccupied buildings and structures, § 9.129 et seq.; fire prevention, Ch. 159. [\(Back\)](#)

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**ARTICLE 1. IN GENERAL**

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**Sec. 8.201. Findings and Determination of Necessity.**

The City Commission finds that there are many non-residential buildings in the City which are poorly maintained and neglected by their owners. These buildings adversely affect citizens who own or occupy nearby buildings and dwellings by lowering property values and rental values. Many of these poorly maintained and neglected buildings have become so dilapidated that occupancy is no longer economically feasible. This increases the incidence of vandalism and fire. The City Commission finds that the elimination and prevention of these conditions is necessary and is in the best interest of the City and its citizens.

*(Ord. No. 92-69, § 1, 10-20-92)*

**Sec. 8.202. Purpose.**

The purpose of this Chapter is to maintain, preserve and improve the stock of non-residential buildings in the City. To accomplish this, this Chapter sets out minimum standards for the exterior maintenance of all non-residential buildings. In carrying out this purpose, it is the intention of the City Commission to exercise its full powers to protect the public health, safety and welfare, whether the powers so exercised are derived from the Constitution, State law or the City Charter.

*(Ord. No. 92-69, § 1, 10-20-92)*

### **Sec. 8.203. Definitions and Interpretations.**

Certain words and terms used in this Chapter are specifically defined at the end of the Chapter. These words and terms are identified by underlining in the text of the Chapter and, when so underlined, these words and terms shall be given the indicated definitions. All other words and provisions of this Chapter shall be interpreted so as to eliminate or prevent the conditions set out in [Section 8.201](#).

*(Ord. No. 92-69, § 1, 10-20-92)*

### **Sec. 8.204. Applicability.**

The provisions of this Chapter shall apply to any person owning, occupying, managing or controlling any non-residential property in the City as identified by this Chapter.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 1, 9-24-02)*

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## **ARTICLE 2. PROPERTY MAINTENANCE STANDARDS**

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### Sec. 8.205. Property Maintenance Required.

All property, regulated by this Chapter, whether occupied or unoccupied and all property including vacant property and/or formerly occupied property shall meet or exceed the standards of this Article.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 2, 9-24-02)

### Sec. 8.206. Structural Integrity.

Basic structural elements, foundations, foundation walls and supporting columns shall be in good repair.

(Ord. No. 92-69, § 1, 10-20-92)

### Sec. 8.207. Exterior Surfaces.

All exterior finish surfaces shall be weathertight and in good repair and shall not have any holes, cracks or deterioration which allow water or vermin to reach any basic structural element or to enter the interior of any building.

(Ord. No. 92-69, § 1, 10-20-92)

### Sec. 8.208. Protection of Exterior Surfaces.

All exterior surfaces of a building or structure made of iron, wood, steel, masonry or other materials which may deteriorate from exposure to weather shall be protected from the weather by a properly applied weather-resistant paint, stain or other waterproof finish. Primers shall be properly covered with a water-resistant finish coating.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 93-10, § 1, 2-23-93)

### Sec. 8.209. Exterior Windows and Doors.

All exterior windows and doors shall be weather tight and in good repair, intact and functioning as originally intended and designed, or shall be secured against weather by boarding which is painted a color matching that of the adjacent exterior siding. Boarding shall be done in a manner and with materials as specified in this Code. All exterior openings suitable for human or animal entry shall be secured by use of exterior grade plywood, of at least three-eighths (3/8) inch thickness, cut to the size of the opening and secured by use of Phillips headed two (2) inches long screws on all first story or ground accessible points of entry or by use of 16d common nails which are permitted only on entry points being secured above the first story or where not accessible from ground level. Boards shall be placed over all points of entry.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 93-10, § 1, 2-23-93; Ord. No. 2002-56, § 3, 9-24-02)

### Sec. 8.210. Exterior Attachments.

Exterior attachments to basic structural elements, including but not limited to gutters, downspouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs, lighting fixtures, handrails, guardrails and utility connections shall be in good repair.

(Ord. No. 92-69, § 1, 10-20-92)

### **Sec. 8.211. Accessory Improvements.**

All accessory improvements located on a property, including but not limited to walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures shall be in good repair.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 4, 9-24-02)

### **Sec. 8.212. Outdoor Storage.**

Outdoor storage of materials of value shall not be permitted to be located between the street and the building nor closer than three (3) feet to any side or rear lot line. Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings nor be stacked in a manner which may provide harborage for vermin.

(Ord. No. 92-69, § 1, 10-20-92)

### **Sec. 8.213. Trees and Shrubs.**

No tree, shrub or other vegetation shall be allowed to damage a building or block safe vision of a sidewalk, drive or street. No dead tree, trees, or parts thereof shall be permitted on any property regulated by this Chapter.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 5, 9-24-02)

### **Sec. 8.214. Health and Sanitation.**

All exterior areas shall be sanitary and free of trash and garbage.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 6, 9-24-02)

### **Sec. 8.215. Tenant Responsibility for Maintenance.**

A tenant shall be responsible for complying with the standards of this Chapter on that portion of the premises controlled exclusively by the tenant.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 7, 9-24-02)

### **Sec. 8.216. Owner Responsibility for Maintenance.**

The owner of a property shall be responsible for complying with the Standards set forth in this Chapter except as otherwise stated in this Chapter.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 8, 9-24-02)

### **Sec. 8.217. Good Workmanship.**

Additions, replacements, repairs or changes made to buildings, accessory buildings, appurtenances, structures, improvements, or facilities regulated by this Chapter shall be made with good workmanship.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 9, 9-24-02)

### Sec. 8.218. Exterior Security Lighting.

An exterior light fixture in good repair shall be provided adjacent to each entryway and exit located at the front, side or rear of a building having electrical service. Such light fixture shall be lit between the hours of 7:00 p.m. and 7:00 a.m. daily.

(Ord. No. 93-10, § 2, 2-23-93; Ord. No. 2002-56, § 10, 9-24-02)

### Sec. 8.219. Street Address Visible.

Street addresses, as required and regulated by Title IV of the City Code shall also be provided for any building regulated by this Chapter so as to identify the building from an adjacent public alleyway.

(Ord. No. 93-10, § 2, 2-23-93)

### Sec. 8.220. Vacant Property Identification.

An identification sign in good repair and visible from the street shall be affixed to a vacant unoccupied property regulated by this Chapter. Such sign shall provide the name and phone number of the property owner or other responsible person to be contacted regarding maintenance or an emergency.

(Ord. No. 93-10, § 2, 2-23-93; Ord. No. 2002-56, § 11, 9-24-02)

### Sec. 8.221. Reoccupancy of Vacant Properties.

No building where electrical service or water service has been terminated shall have services restored until a Certificate of Use and Occupancy or a Certificate of Permitted Occupancy has been issued by the City.

(Ord. No. 93-10, § 2, 2-23-93; Ord. No. 2002-56, § 12, 9-24-02)

### Sec. 8.222. Registration of Abandoned Properties.

Owners of abandoned properties shall register such properties as required by this Chapter. Registration requirements will not preclude the City from taking appropriate actions to secure the property or to issue orders to repair or abate or from acting upon imminent hazard(s).

(Ord. No. 2002-56, § 13, 9-24-02)

### Sec. 8.223. Registration Information.

For each abandoned or vacant property, and for any structure which is abandoned, as defined in this Code, the owner(s) shall register with the City and shall provide the following information:

- (1) Legal name of owner(s) and date of birth.
- (2) Address of owner(s), both locally and as otherwise appropriate.
- (3) Name, address, and telephone number of any agent or representative authorized by the owner to handle the affairs of the property, if employed. If such an agent or representative is utilized, he/she must reside within a one-hour driving radius of the City.
- (4) Telephone number(s) of owner for contact purposes.
- (5) Proof of identification of owner.

- (6) Enclosed statement which shall contain the following data:
- a. Estimated length of time property is expected to remain unused,
  - b. Reason for nonuse, and
  - c. Plans for restoration, reuse or removal. This must be accompanied by a timeline or work schedule.
- (7) Such additional information as is required by the City.

(Ord. No. 2002-56, § 14, 9-24-02)

## Secs. 8.224—8.229. Reserved.

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### ARTICLE 3. ENFORCEMENT PROCEDURES

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### Sec. 8.230. Inspections Authorized.

The standards of this Chapter are to be enforced by inspections of buildings, accessory structures and any property subject to any of the terms of this Chapter.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 15, 9-24-02)

### Sec. 8.231. Geographic Applicability.

The provisions of this Chapter shall apply to all non-residential buildings, structures and properties located in the City of Grand Rapids.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 95-19, § 1, 4-11-95; Ord. No. 2002-56, § 16, 9-24-02)

### Sec. 8.232. Enforcement Process.

The City may, but shall not be required to, bring a violation of the standards established in this Chapter to the attention of the property owner or other responsible person by issuing a Notice of

Violation or by any other lawful means. The City may prosecute or take other appropriate action regarding a violation of this Chapter without issuing a Notice of Violation.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 17, 9-24-02)

### Sec. 8.233. Time to Correct Violations.

Any Notice of Violation shall provide a specified time for achieving compliance in relation to the seriousness of the violation. If a Notice of Violation is issued, the following time limits shall be used:

- (1) Not more than twenty-four (24) hours for an emergency.
- (2) Not more than ten (10) days for correcting hazardous conditions.
- (3) Not more than one hundred twenty (120) days for all other violations, except as stated otherwise below.
- (4) The Administrator may approve an extension of time to correct a violation up to the doubling of the time provided in a written Notice when there are documented extenuating circumstances beyond the control of the responsible person or where the responsible person has made a substantial documented effort to correct violations. Granting of an administrative appeal shall be in lieu of an appeal to the Building Maintenance Appeal Board. No appeal to the Board shall be allowed if an administrative extension has been granted.
- (5) No other extensions or further extensions shall be permitted except by order of the Building Maintenance Appeal Board for good cause shown. The Building Maintenance Appeal Board shall be permitted to grant extensions up to but not exceeding three (3) times the length of time provided within the original Notice of Violation. The Board shall not permit more than one (1) extension. The Board shall be permitted to grant extensions when it can be demonstrated to the Board's satisfaction that the time allowed is unreasonable, circumstances have prevented a good faith effort to comply, or substantial work has been completed and additional time is warranted to complete the necessary repairs.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 18, 9-24-02)

### Sec. 8.234. Fees.

The following fees shall be paid by a responsible person to the City. Unpaid fees shall be a personal debt to the City which may be assessed as a lien against the inspected property until paid:

- (1) One hundred seventy five dollars (\$175.00) for issuance of a Notice of Violation.
- (2) One hundred fifty dollars (\$150.00) for an administrative extension of a Notice of Violation.
- (3) One hundred dollars (\$100.00) for issuance of any City Attorney letter warning of impending prosecution action.
- (4) Two hundred dollars (\$200.00) for any reinspection requested by a City Attorney, the Court or an Officer of the Court to determine compliance with a cited violation of this Chapter.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 93-30, § 1, 7-13-93; Ord. No. 2002-56, § 19, 9-24-02)

### Sec. 8.235. Emergency Orders.

If the City determines that a condition exists or is likely to exist which is an emergency, the City shall immediately attempt to verbally inform the responsible person and all occupants of the building

of the nature of the condition. The City shall immediately attempt to give Verbal Notice to the responsible person to correct the condition. Such an order shall be effective immediately. A written Notice of Violation called for by this Chapter shall be prepared and mailed and/or personally served to the responsible person as soon as practicable after the Verbal Notice herein referred to has been attempted. Failure to comply with an emergency order is a violation of this Code. If notice is attempted to be served in good faith but cannot be completed prior to having to take action necessary to abate an emergency condition, such notice shall be posted upon the subject property in a prominent location. Failure to comply with an emergency notice or order is a violation of this Chapter.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 20, 9-24-02)

### **Sec. 8.236. Abatement of Emergency.**

If the responsible person cannot be contacted or fails to correct an emergency condition within the time ordered, the City Manager or a representative of the City Manager may authorize corrective actions to abate the emergency. The cost of abatement shall be billed to the owner as a personal debt which, if unpaid, may be assessed as a lien upon the property involved.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 21, 9-24-02)

### **Sec. 8.237. Authorization to Condemn.**

It shall be unlawful for any person to occupy or any person other than the owner to enter any building or accessory building the City has condemned as unfit for human occupancy or entry for any of the following reasons or conditions:

- (1) An emergency condition is present.
- (2) A hazardous condition cited in a Notice of Violation has not been corrected.
- (3) A Notice of Violation, which contains an order to Repair or Demolish has been issued to the owner.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 22, 9-24-02)

### **Sec. 8.238. Emergency Entry Authorized.**

When an emergency is believed to exist within a property, building or accessory building, the City shall have the right to enter immediately and at any time without a warrant or without requesting permission. Entry must be for the sole purpose of determining that an emergency exists or to abate an emergency condition known to exist.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 23, 9-24-02)

### **Sec. 8.239. Complainant Information.**

Prior to recording a complaint alleging a violation of the provision of this Chapter, the City may record the name, address and telephone number of the complainant, but only if such information is provided.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 24, 9-24-02)

### **Sec. 8.240. Change in Ownership.**

An owner or responsible person of a property who has received a notice regarding a violation of a provision of this Chapter shall notify the City by writing the inspector within ten (10) days of



transferring ownership of the cited property to another person. The notice to the City shall include the name, address and telephone number of the new owner and the effective date of the transfer of ownership. The City shall immediately issue a new Notice of Violation to any new person assuming the ownership or the status of responsible person for any property which has been cited in a Notice of Violation. An owner or responsible person who has failed to comply with a Notice of Violation shall remain responsible for any violations cited in a Notice of Violation and shall not be relieved of the responsibility of having violated any provision of this Chapter by transferring ownership or responsible person status.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 25, 9-24-02)

## Sec. 8.241. Reserved.

*Editor's note—*

Ord. No. 2002-56, § 26, adopted Sept. 24, 2002, repealed § 8.241, which pertained to recurrent violations. See the Code Comparative Table.

## Sec. 8.242. Removal of Posted Sign or Notices.

No person shall remove, damage, deface, interfere with, move or conceal any Notice or sign posted in accordance with the provision of this Chapter without first obtaining permission of the City.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 27, 9-24-02)

## Secs. 8.243—8.254. Reserved.

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### ARTICLE 4. COURT ORDERS, PENALTIES AND FEES

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## Sec. 8.255. Violations Separate.

Each violation of any provision of this Chapter may be charged as separate violation of this Code. Each violation shall be denominated as a separate count on the complaint or appearance ticket and on any warrant issued pursuant thereto. Each count shall be submitted separately to the Court or jury for its determination as to the defendant's guilt. Upon conviction, the Court shall sentence the defendant separately on each count.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 28, 9-24-02)

### **Sec. 8.256. Penalties and Sentencing.**

Upon conviction for violation of any provision of this Chapter, the Court shall sentence the defendant to pay a fine of up to five hundred dollars (\$500.00) or up to ninety (90) days in jail or both such fine and such imprisonment for each count as provided for in the Charter of the City of Grand Rapids and as provided for by state law. The Court shall exercise its authority to sentence the defendant to a term of probation and to prescribe the conditions therefore and its power to suspend all or part of any fine or term of imprisonment, so as to bring about compliance with the terms of this Chapter and to prevent further violations.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 29, 9-24-02)*

### **Sec. 8.257. Fines and Jail Sentences.**

Fines and jail sentences shall reflect the seriousness of each offense as well as the history of the person convicted. Fines and jail sentences shall not be less than the following amounts for each separate offense:

- (1) At least one hundred fifty dollars (\$150.00) and/or fifteen (15) days in jail for each failure to comply with an emergency order or correct a hazardous condition.
- (2) At least fifty dollars (\$50.00) and/or five (5) days in jail for each failure to comply with any other provision of this Chapter or any order or Notice issued in accordance with the provisions of this Chapter.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 30, 9-24-02)*

### **Sec. 8.258. City Costs.**

Upon conviction for violation of any provision of this Chapter, the Court shall order the defendant to reimburse the City for all of the costs of enforcement of this Chapter attributable to the violations for which the Defendant was convicted, including but not limited to the costs of inspection, prosecution and administration. If such condition is not imposed, the City may file a civil action against the defendant and may, upon proof of the defendant's conviction, recover all of the costs referred to above.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 31, 9-24-02)*

### **Sec. 8.259. Reserved.**

*Editor's note—*

Ord. No. 95-19, § 2, adopted April 11, 1995, repealed § 8.259 which pertained to fees. See the Code Comparative Table.

### **Sec. 8.260. Fines Doubled.**

In cases of recurrent violations as set forth in herein, the minimum fines set forth in this Article shall be doubled.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 32, 9-24-02)*

### **Secs. 8.261—8.264. Reserved.**

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**ARTICLE 5. BUILDING MAINTENANCE APPEAL BOARD**

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**Sec. 8.265. Creation and Purpose.**

A Building Maintenance Appeal Board is created for the purpose of hearing and deciding appeals concerning the application or interpretation of the provisions of the Standards of this Chapter as provided herein.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 32A, 9-24-02)*

**Sec. 8.266. Appeal Authorized.**

Except as otherwise provided in this Chapter, any person issued a notice by the City in the course of enforcement of the provisions of this Chapter may appeal the decision or interpretation made by the City. All appeals shall be filed, heard and decided in accordance with the provisions of this Article.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 33, 9-24-02)*

**Sec. 8.267. Time Period for Filing an Appeal.**

An appeal must be filed within twenty (20) days of the date of any order or notice being appealed. However, if an order requires the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period. The Appeal Board shall not have the power to extend the time limits provided for in this Section.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 34, 9-24-02)*

**Sec. 8.268. Effect of Appeal on Correction Time Limits.**

A responsible person who has been ordered to correct a violation within a specified period of time shall not be held accountable for any time which elapses between the time of filing an appeal and the time a decision is made by the Appeal Board.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 35, 9-24-02)

### Sec. 8.269. Procedure for Filing an Appeal.

Any person wishing to make an appeal must fill out a Claim of Appeal form setting forth the order or ruling being appealed. The appellant must file the form with the City at a place to be designated by the Board and which shall be noted on the Claim of Appeal form. The City will send a notice to the appellant regarding the date the appeal will be heard by the Appeal Board. Notice of the hearing date will be by regular mail sent to the address stated on the Claim of Appeal. Any person requesting a Claim of Appeal form shall be notified of the Standards for Appeal Board Decisions.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 36, 9-24-02)

### Sec. 8.270. Appeal Fee.

An appeal fee established by resolution of the City Commission shall be submitted with any Claim of Appeal. The Appeal Board may also authorize the return of a fee to an appellant if the Board determines that an error by the City caused an unnecessary appeal to be submitted.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 37, 9-24-02)

### Sec. 8.271. Procedures Prior to Hearing.

Prior to an appeal hearing, the following procedures shall take place:

- (1) The City shall forward copies of the Claim of Appeal and a copy of the notice or order being appealed to members of the Housing Appeal Board.
- (2) The Housing Appeal Board may arrange for a Committee composed of a member or members of the Housing Appeal Board to make an investigation of the premises which are the subject of the appeal in those cases where an on-site viewing of the premises would aid the Board in making its decision.
- (3) or,
- (4) The Housing Board of Appeals may arrange for staff or others to prepare a video tape or photographic presentation of the property subject to appeal. This presentation shall include, as elements, the exterior view of the dwelling, from all sides, the exterior view of adjoining properties, specific illustration of the issue(s) of the appeal, and interior illustration as needed to make a determination.
- (5) The City shall notify the owner and all occupants of the premises that is the subject of the appeal. The City shall also notify, to the extent possible, all taxpayers of record of properties which are within two hundred (200) feet of the premises being appealed and either face on the same street as the premises or are located in the same block behind the premises.
- (6) Failure of the owner or other responsible person to arrange access to any portion of the property where a cited violation is located and which is not clearly visible from a public street or alley shall constitute grounds for denial of an appeal.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 38, 9-24-02)

### **Sec. 8.272. Hearings on Appeals.**

All hearings on appeals shall take place at a regular or special meeting of the Appeal Board. The City shall have a minimum of fifteen (15) days after a Claim of Appeal is filed to issue the required notices. The appeal shall be heard at the first regularly scheduled meeting of the Board following the fifteen-day period for which the hearing is scheduled, provided that a quorum is present. When a quorum is not present, the President or other presiding member of the Board shall reschedule the meeting, and the appeal shall be heard at the rescheduled meeting. A hearing may be held at a special meeting by a majority vote of the Board.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 39, 9-24-02)*

### **Sec. 8.273. Hearing Procedures.**

At any hearing of the Appeal Board, the following procedures shall be followed:

- (1) Testimony of the appellant, the City and any witnesses shall be heard. A summary or minutes shall be recorded in a manner determined by the City.
- (2) The appellant, or authorized agent of the appellant, and the City inspector or a Supervisor of the inspector who issued the Notice shall be present.
- (3) At least five (5) members of the Appeal Board shall be present at a hearing and shall constitute a quorum.
- (4) Summary minutes shall be prepared to show all motions and actions of the Board.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 40, 9-24-02)*

### **Sec. 8.274. Decision by the Appeal Board.**

After all evidence and testimony has been presented, the Appeal Board shall affirm, modify or reverse the notice being appealed. Any decision of the Appeal Board modifying or reversing a notice by the City shall require the concurring vote of five (5) members. If any appeal is adjourned more than one (1) time, it shall be deemed to be an affirmance of the ruling or order issued.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 41, 9-24-02)*

### **Sec. 8.275. Standards for Appeal Board Decisions.**

A decision by the Appeal Board shall include the reasons for the decision in the language of the decision. Any decision of the Board not complying with this Section shall be void. Any decision to reverse or modify any order or ruling of the City shall:

- (1) Include any necessary special conditions to carry out the intent of the provisions being appealed, and
- (2) Determine that the decision is necessary to avoid causing undue hardship to the appellant which is not caused to others to whom the same provision is applied, or
- (3) Determine that the order or ruling was an incorrect interpretation of a Standard of this Chapter, or
- (4) Determine that an alternative proposed by an appellant meets the minimum standards for building maintenance as expressed in this Chapter.

*(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 42, 9-24-02)*

### **Sec. 8.276. Appeals Prohibited.**

An emergency order shall not be appealed because, of imminent danger calling for immediate action. A ruling, decision, opinion or action of the City Attorney cannot be appealed to the Appeal Board.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 43, 9-24-02)

### **Sec. 8.277. Interests Conflicts.**

No member of the Appeal Board shall speak or vote on any appeal in which the member has any direct personal or financial interest nor shall any member participate in any matter where participation is prohibited by the City Charter or State Law.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 44, 9-24-02)

### **Sec. 8.278. Summary of Rulings.**

The Appeal Board shall report a summary of its findings and rulings to the City Commission annually. The report shall include a summary of recurrent appeals or recurrent problems, along with resultant recommendations for modifications to this Chapter.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 45, 9-24-02)

### **Sec. 8.279. Appeal Board Designated.**

The Housing Appeal Board of the City of Grand Rapids, as constituted by [Chapter 140](#) of the City Code, shall serve as the Building Maintenance Appeal Board.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 46, 9-24-02)

### **Sec. 8.280. Compliance with Appeal Board Decisions.**

It shall be a violation of this Code for a responsible person to fail to comply with special conditions which are a part of an Appeal Board decision modifying or reversing an order or ruling of the City.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 47, 9-24-02)

### **Secs. 8.281—8.284. Reserved.**

**Grand Rapids, Michigan, Code of Ordinances >> - TITLE VIII—NEIGHBORHOOD IMPROVEMENT >> Chapter 135 - BUILDING MAINTENANCE CODE >> ARTICLE 6. DEFINITIONS >>**

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#### **ARTICLE 6. DEFINITIONS**

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[Sec. 8.285. Definitions.](#)

[Sec. 8.286. General Term Usage.](#)

[Sec. 8.287. Definitions.](#)

[Secs. 8.288—8.300. Reserved.](#)

## Sec. 8.285. Definitions.

All words and phrases used in this Chapter shall be given their common and normal meaning unless defined in this Chapter. The words and phrases defined hereinafter shall be given the meaning indicated in the interpretation and enforcement of this Chapter.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 48, 9-24-02)

## Sec. 8.286. General Term Usage.

Unless the context clearly indicates otherwise, when words are used in this Chapter, the following rules of construction shall apply:

- (1) The singular includes and shall apply to the plural, and the plural applies to and includes the singular.
- (2) The masculine gender shall include the feminine and neuter, and the feminine and neuter shall include the masculine.
- (3) Where the text uses the negative of a defined word, the negative of the definition shall be applied.
- (4) The definition of a verb or a noun shall be used in an appropriate fashion where the adverbial or adjectival form of the word is used.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 49, 9-24-02)

## Sec. 8.287. Definitions.

The following words and terms shall mean:

- (1) Abandon shall mean the failure to continue the exercise of care, custody and control of property owned by a person, including the nonpayment of real property taxes.
- (2) Abandoned non-residential structure - For the purposes of this Article, an abandoned non-residential structure shall mean any building or property with a structure which has been used or was intended for use as a non-residential unit, in whole or part, which has become and which meets at least one (1) of the following categories:
  - a. Is open to entry;
  - b. Is fire damaged to an extent which prohibits safe occupancy;
  - c. Is open to trespass;
  - d. Is the site of loitering or vagrancy;
  - e. Has criminal activity in vicinity;
  - f. Demonstrates a lack of property maintenance and upkeep as evidenced by one (1) or more violations of this Code;
  - g. Is under notice for being in violation of City ordinances;
  - h. Is boarded for at least thirty (30) days;
  - i. Has taxes in arrears for a period of time exceeding three hundred sixty-five (365) days;
  - j. Has utilities disconnected or not in use;
  - k. Is under condemnation notice or legal order to vacate;
  - l. Is structurally unsound;
  - m. Is a potential hazard or danger to persons.
- (3) Administrator means the City Supervisor charged with the responsibility for

administering the provisions of this Chapter, or the superiors of the Supervisor.

- (4) Basic Structural Elements means the parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including, but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.
- (5) Building means any structure upon a property, presently or formerly used or intended to be used in whole or in part for the purpose of commerce, trade, manufacture, business, government, worship, education, office, medical, storage or any other purpose.
- (6) Certified Mail means that class or type of mail designated by the U.S. Postal Service as "certified mail" and also includes the class or type of mail designated as "registered mail" and "registered mail, return receipt requested".
- (7) City means the municipal corporation that is the City of Grand Rapids and includes all authorized agents of the City of Grand Rapids, when acting within the scope of their authority.
- (8) Court means a court of competent jurisdiction.
- (9) Deteriorate means to decay, decompose or degenerate.
- (10) Deterioration or deteriorated means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, vermin ingestion, infestation or destruction.
- (11) Emergency means a condition which is a violation of this Chapter and which constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.
- (12) Garbage means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.
- (13) Good Repair means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.
- (14) Good Workmanship means completing a task of addition, change, construction, repair or replacement to industry standards, using like materials, so that the result is free of defects, operates as intended and creates no unsafe conditions.
- (15) Hazardous means a condition which is a violation of this Chapter and which the Administrator has determined to be likely to result in the death, injury or illness of a human or in severe damage to real or personal property.
- (16) Insects includes, but is not limited to, termites, roaches, ants, bees, wasps, hornets, yellow-jackets and other similar destructive or dangerous bugs and flying life forms.
- (17) Inspector means any employee of the City whose responsibilities include enforcement of the provisions of this Chapter.
- (18) Intended means:
  - (a) The purpose, operation and/or arrangement for which something has been designed or built, or
  - (b) The purpose, operation and/or arrangement for which something is currently, safely and legally being used.
- (19) Non-residential means any structure or portion of a structure occupied or intended to be



occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one (1) or more human beings, either permanently or transiently.

- (20) Owner or ownership means any person holding legal or equitable title to a property or to real improvements upon a property, solely, jointly, by the entirety, in common, or as land contract vendee. Owner shall also mean any person who in fact has been empowered to act on behalf of, or as the agent of the owner. Owner shall also mean a person who has or exercises care, custody, dominion or control over any property. Owner shall not include any person who is a tenant.
- (21) Person means a human individual, an association of individuals, a public, private or not-for-profit corporation, a firm or partnership.
- (22) Property means any lot or parcel of land inclusive of any building or improvements located thereon.
- (23) Regular Mail means that class of mail designed by the U.S. Postal Service as "first class" mail. Regular Mail shall also include post cards and postal cards.
- (24) Responsible Person means an owner or a person or persons designated in this Chapter as being responsible for meeting the standards of this Chapter.
- (25) Safe means a condition which is not likely to do harm to humans or to real or personal property.
- (26) Sanitary means free of grease, excrement, dirt, food residue, garbage, rust or similar matter which can harbor bacteria unsafe to humans or animals, or which produces strong odors or which provides food for, or is an available source of food for, animals or insects.
- (27) Signature means the handwritten name of a person or a facsimile thereof.
- (28) Structure means anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, except a currently operable licensed vehicle.
- (29) Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to plaster, paper, wrappings, plant cuttings, household furnishings, building materials, packing and clothing, appliances, equipment, machinery or parts thereof.
- (30) Unsafe means a condition which is reasonably likely to do harm to humans or property if not corrected or stopped.
- (31) Verbal Notice means notice of the existence of an emergency given directly or by telephone to a responsible person.
- (32) Vermin means rodents, birds and insects which are destructive of real or personal property or injurious to health.

(Ord. No. 92-69, § 1, 10-20-92; Ord. No. 2002-56, § 50, 9-24-02)

## **Secs. 8.288—8.300. Reserved.**