

**VILLAGE COUNCIL**  
**VILLAGE OF MACKINAW CITY**  
Cheboygan and Emmet Counties, Michigan

Trustee Robert Glenn supported by Trustee Belinda Mollen, moved the adoption of the following Ordinance:

**ORDINANCE NO. 164**

**AN ORDINANCE TO ADD SECTIONS 47.050 THROUGH 47.067 TO THE  
COMPILED CODE OF THE VILLAGE OF MACKINAW CITY, TO PROVIDE  
FOR THE HOUSING CODE OF MACKINAW CITY**

The Village of Mackinaw City Ordains:

Section 1. Amendment. Part 47.050, Sections 47.050 through 47.067, are added to the Compiled Code of the Village of Mackinaw City to read as follows:

**47.050 Village of Mackinaw City Housing Code**

Sec. 47.050. Definitions.

The following definitions shall apply to this ordinance:

- (a) *Approved* means approved by the Village, county or state official having administrative authority.
- (b) *Building* means a structure or part of a structure.
- (c) *Code enforcement official* means the official charged with the administration and enforcement of this ordinance, or his or her duly authorized representative.
- (d) *Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating.
- (e) *Emergency escape window or door* means an outside window or door, operable from the inside without the use of tools, and providing a clear opening of not less than twenty inches (50.8 cm.) in width, twenty-four inches (sixty-one cm.) in height and 5.7 square feet (.53 sq. m.) in area. The bottom of the opening shall not be more than forty-four inches (112 cm.) off the floor. Such means of escape shall be acceptable if:
  - i. The window is within twenty feet (6.1 m.) of the grade.
  - ii. The window is directly accessible to an approved rescue apparatus.
  - iii. The window or door opens onto an exterior balcony.
- (f) *Habitable room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces and workshops.
- (g) *Lavatory* means a sink or washbasin in a bathroom.
- (h) *Owner* means any person who has equitable or legal title to any premises, dwelling or dwelling unit.
- (i) *Premises* means a platted lot or part a lot, or an unplatted lot, parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any building, accessory structure or other structure.
- (j) *Rental dwelling* means any structure, residential dwelling or unit which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any

other consideration, but which person(s) is not acquiring an ownership interest in the dwelling. This shall include one-family, two-family and multiple family dwellings, employee housing, boarding or rooming houses. It does not include short term rentals, hotels, motels, bed-and-breakfasts or dwellings that are occupied only by members of the owner's immediate family (for purposes of this ordinance, immediate family shall mean the owner's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law).

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

(l) *Tenant* means any person, other than an owner, occupying all or part of a rental dwelling, including an assignee or sublessee.

(m) *Water Closet* means a flush toilet.

Sec. 47.051. Scope.

This ordinance is enacted to protect the public health, safety and welfare for all rental dwellings. Toward that goal, this ordinance establishes the following: minimum standards for the maintenance of rental dwellings and the surrounding premises; responsibilities of owners, tenants and other occupants of such structures; and administration, enforcement and penalties.

Sec. 47.052. Application of State Construction Code.

In the event of a conflict between this ordinance and the State Construction Code, any repair or alteration to a structure, or change of use therein, which may be caused directly or indirectly by the enforcement of this ordinance, shall be done in accordance with the State Construction Code, as amended. It shall be the responsibility of the owner to obtain all necessary permits and/or approvals, from the authority having jurisdiction, and to maintain ongoing compliance with the State Construction Code, as amended.

Sec. 47.053. Duties of Code Enforcement Official.

The code enforcement official shall be responsible for the enforcement of this ordinance.

Sec. 47.054. Appeals.

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

(b) The Village Council may attach, in writing, any condition in connection with the granting of a variance that, in its judgment, is necessary to protect the public health, safety and welfare. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall a variance from the provisions of this ordinance be granted that is more than the minimum necessary to alleviate the exceptional, practical difficulty. The Village Council may not modify, subtract from or add to this ordinance, except as may be incidental in its interpretation and grant of a variance. Decisions of the Village Council shall be final.

(c) An appeal shall be filed with the Village Clerk within 21 days after the date of the decision being appealed. Failure to adhere to this time limit shall constitute a waiver of the right to appeal under this section.

Sec. 47.055. Application of Ordinance to Existing Structures.

This ordinance establishes the minimum requirements for the initial and continued occupancy and use of every rental dwelling. Such structures and premises existing on the effective date of this ordinance shall be brought into full compliance not more than twelve months from such effective date or such earlier or later date as may be ordered by the code enforcement official for good cause involving health and safety.

Sec. 47.056. Exterior Requirements.

(a) Scope and Responsibility. The owner of the rental dwelling shall maintain such structures and exterior premises in compliance with the requirements of this section. A person shall not rent to another for occupancy or use premises which do not comply with this section after notice of a violation has been sent or communicated.

(b) Premises Conditions.

i. Sanitation. All exterior premises shall be maintained in a safe condition and shall not be initially rented for occupancy unless in a sanitary condition as described by Section 47.063.

ii. Grading and drainage. All exterior property shall be graded and maintained so as to prevent the accumulation of stagnant water.

iii. Close lines. No clothes line, wire or other device or object used to hang and dry clothes shall be allowed in the front yard or side yard of any premises.

(c) Structural Conditions.

i. Generally. The exterior of a building shall be structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants, neighbors or the general public, and so as to protect the occupants from the outside environment

ii. Structural members. All supporting structural members of buildings shall be kept structurally sound, free of deterioration and maintained so as to be capable of safely bearing the dead and live loads imposed upon them.

iii. Exterior surfaces. Every foundation, exterior wall, roof and other exterior surface shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and birds.

iv. Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained sound and free from open cracks and breaks.

(d) Exterior walls. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers and other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface.

(e) Roofs. The roof shall be structurally sound, tight and shall not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(f) Chimneys. All chimneys and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements

and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(g) Stairs and porches. Every stair, porch and balcony, and any appurtenance attached thereto, shall be constructed to be safe for use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

(h) Window and door frames. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling or structure.

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

Sec. 47.057. Interior Requirements.

(a) Scope and Responsibility. The owner and the tenant of a rental dwelling shall maintain the interior of a structure and its equipment in a safe, structurally sound and sanitary condition and in compliance with the requirements of this section. Both the owner and the tenant shall be jointly and severally responsible for compliance.

(b) Structural Members. The supporting structural members of every building shall be maintained so as to be structurally sound and shall not show any evidence of deterioration which would render them incapable of carrying the imposed loads.

(c) Interior Conditions.

i. Surfaces. Floors, walls, including windows and doors, ceilings and other interior surfaces shall be maintained in a good, clean and sanitary condition.

ii. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated.

iii. Lead-based paint. Lead-based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of 0.5 percent lead shall be removed or covered with paneling or other suitable covering approved by the code enforcement official.

iv. Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

iv. Decay. Every dwelling unit and common space shall be maintained reasonably free from mold, mildew, standing water and other conditions conducive to decay or deterioration of the structure.

(d) Exit Doors. Every door available as an exit shall be capable of being opened easily from the inside without the use of a key.

(e) Exit Facilities. All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or that are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

Sec. 47.058. Light and Ventilation.

(a) Scope and Responsibility. The owner of the rental dwelling shall provide and maintain light, ventilation and space conditions in compliance with the requirements of this section. A person shall not rent to another for occupancy or use any premises which do not comply with such requirements after notice of a violation has been sent or communicated.

(b) General Requirements.

i. All spaces or rooms shall be provided sufficient light and ventilation so as not to endanger health and safety.

ii. Every habitable room shall have at least one window of an approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room, except in rooms where artificial light may be provided in accordance with the State Construction Code.

Sec. 47.059. Plumbing.

(a) Scope and Responsibility. The owner of a building in which there is a rental dwelling shall provide and maintain plumbing facilities and fixtures in compliance with the requirements of this section. A person shall not rent to another for occupancy or use any structure or portion thereof or premises which do not comply with such requirements after notice of a violation has been sent or communicated.

(b) Required Facilities. Every rental dwelling unit shall have its own plumbing facilities which are in proper operating condition, which can be used in privacy and which are adequate for personal cleanliness and the disposal of human waste. All plumbing facilities shall be supplied and maintained in a sanitary and safe working condition.

(c) Water Closet and Lavatory. Every rental dwelling unit shall contain within its walls a room, separate from habitable rooms, that affords privacy and a water closet supplied with cold running water. The lavatory may be placed in the same room as the water closet or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which such water closet is located. The lavatory shall be supplied with hot and cold running water.

(d) Bathtub or Shower. Every rental dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower supplied with hot and cold running water.

(e) Kitchen Sink. Every rental dwelling unit shall contain a kitchen sink apart from the lavatory required under this section, and such sink shall be supplied with hot and cold running water.

(f) Water heating facilities. Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, laundry facility or other similar unit at a temperature of not less than 110 degrees Fahrenheit (43.33 degrees Centigrade).

(h) Sewage System. Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with applicable Village ordinance and the State Construction Code.

Sec. 47.060. Mechanical Requirements.

(a) Scope and Responsibility. The owner of a building in which there is a rental dwelling shall provide and maintain such mechanical facilities and equipment in compliance with the requirements of this section. A person shall not rent to another for occupancy any premises which do not comply with the requirements of this section after notice of a violation has been sent or communicated.

(b) Heating Facilities. Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees Fahrenheit (18.33 degrees Centigrade) at a point three feet (0.91 m.) above the floor and three feet (0.91 m.) from any exterior wall.

(c) Cooking and Heating Equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and shall be kept functioning properly so as to be free from fire, health and accident hazards.

(d) Portable Cooking Equipment. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.

(e) Installations. All mechanical equipment shall be properly installed and safely maintained in good working condition and shall be capable of performing the function for which it was designed and intended.

(f) Flues. All fuel-burning equipment shall be connected to an approved chimney, flue or vent, and all required clearances to combustible materials shall be maintained. All chimneys shall be free of excessive creosote buildup.

(g) Fireplaces. A fireplace or other construction or device intended for a use similar to a fireplace shall be stable, structurally safe and connected to an approved chimney.

Sec. 47.061. Electrical Requirements.

(a) Scope and Responsibility. The owner of a building in which there is a rental dwelling shall provide and maintain electrical facilities and equipment in compliance with the requirements of this section. A person shall not rent to another for occupancy any premises which do not comply with the requirements of this section after notice of a violation has been sent or communicated.

(b) Outlets. Every room, except a closet, shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture. In a kitchen, three separate and remote wall-type electric convenience outlets or two such convenience outlets and one ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be at least one electric outlet

(c) Installations. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws.

(d) Elevators, Escalators and Dumbwaiters. Accessible elevators, dumbwaiters and escalators shall be maintained to safely sustain the loads to which they are subject, to operate properly and to be free of physical and fire hazards.

Sec. 47.062. Fire Safety.

(a) Scope and Responsibility. The owner of a rental dwelling shall provide and the tenant shall maintain fire safety facilities and equipment in compliance with the requirements of this section, other ordinances and State law. No person shall rent to another for occupancy any premises which do not comply with the requirements of this section after notice of a violation has been sent or communicated.

(b) Egress. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open area at grade.

(c) Direct Exit. Every dwelling unit or room shall have access directly to the outside or to a public corridor.

(d) Locked Doors. All doors in the required means of egress shall be readily openable from the inside without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.

(e) Fire Escapes. All required fire escapes shall be provided and maintained in working condition and shall be structurally sound.

(f) Emergency Escapes.

i. Windows or doors. Every sleeping room shall have a safe means of emergency escape to the outside consisting of an emergency escape window or door.

ii. Maintenance. Emergency escape windows and doors shall be maintained operational and available to occupants of sleeping rooms in residential uses.

iii. Security. Bars, grilles, grates or similar devices shall not be installed in a required emergency escape window except when such devices are equipped with approved release mechanisms which are openable from the inside without the use of a key, special knowledge or excessive force.

(g) Accumulation and Storage.

i. Waste materials. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

ii. Flammable and explosive matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential rental premises except in reasonable quantities consistent with normal usage.

iii. Flammable liquids. A rental dwelling shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees Fahrenheit (43.33 degrees Centigrade) or lower, except as provided for in the State Construction Code.

iv. Generally. Floors, walls, ceilings and other elements and components, when provided to meet a fire-resistant rating, shall not be altered so that the respective fire-resistant rating of the enclosure, separation or construction is diminished.

(h) Fire Protection Systems.

i. Generally. All fire protection systems and equipment shall be maintained in proper operating condition at all times.

- ii. Fire alarms. Fire alarms and detecting systems shall be maintained and shall be suitable for their respective purposes.
- iii. Fire extinguishers. Every rental dwelling shall contain at least one portable fire extinguisher. Portable fire extinguishers shall be visible, accessible and maintained in an efficient and safe operating condition.
- iv. Smoke detectors. Smoke detectors shall be provided as required by Village ordinances and applicable state laws.

Sec. 47.063. Sanitation.

- (a) Cleanliness. Every tenant shall keep that part of the structure or premises which that tenant occupies, controls or uses in a clean and sanitary condition and in accordance with the requirements of this section. Every owner of rental premises shall maintain, in a clean and sanitary condition and in accordance with this section, the shared or public areas of the dwelling and premises thereof, and the rented portion if the occupant fails to do so.
- (b) Disposal of Rubbish and Garbage. Every tenant shall dispose of rubbish and garbage in a clean and sanitary manner by placing it in a suitable covered container, or if such is not available, by removing all such matter.
- (c) Garbage and Rubbish Storage Facilities. The owner shall supply suitable containers and covers for the storage of rubbish. The tenant shall be responsible for the removal of garbage and rubbish.
- (d) Extermination. If necessary, the owner of any structure shall be responsible for the extermination of insects, rats or other pests within the structure prior to renting the structure. The tenant of a single-family dwelling unit shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises occurring during the occupancy.
- (e) Insect and Rat Control. The exterior of the property shall not be infested by insects, rats, vermin or other pests. Whenever infestation exists, extermination shall be the immediate responsibility of the owner.

Sec. 47.064. Conflict of Laws.

If any of the provisions of this ordinance are inconsistent with the provisions of any other statute, State administrative regulation, county ordinance or regulation, or ordinance of the Village presently existing or enacted in the future, the more restrictive requirement shall apply.

Sec. 47.065. Enforcement.

- (a) Notices. The code enforcement official shall issue all necessary notices and orders to ensure compliance with this ordinance.
- (b) Inspections. The code enforcement official is authorized to inspect upon the consent of the person in charge of the area to be inspected or upon the issuance of an administrative search warrant.
- (c) Obstruction of Inspections. No owner, tenant, occupant or other person in charge of a structure or premises subject to this ordinance shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to any part of a structure or premises where an inspection authorized by this ordinance is sought. The code enforcement official may seek an order to cease and desist with such interference from a court of competent jurisdiction.
- (d) Citations. The code enforcement official is hereby authorized to issue and serve citations with respect to any violation of this ordinance.

(e) Order to Vacate. In the event of an emergency situation causing danger to persons or property as determined by the code enforcement official, the code enforcement official may order that the property be vacated after determining that a provision of this chapter has been violated and that an emergency exists.

(f) Alternate Responsibility. Notwithstanding other provisions of this ordinance assigning responsibility, a person who is an occupant, tenant or owner and who repeatedly causes violations of this ordinance is also responsible and subject to the penalties herein provided.

Sec. 47.066. Penalty.

(a) Any violation of this ordinance shall be a municipal civil infraction punishable by a fine in an amount set from time to time by resolution of the Village Council. Each violation shall be separate for purposes of penalties, and in the case of a continuing violation, each day shall be deemed a separate violation.

(b) In addition to the penalties provided in subsection (a) above, any owner, tenant or occupant may be cited for other acts or omissions that violate this code of ordinances or state law.

Sec. 47.067. Exemption.

Multiple family residential dwelling units participating in the United States Department of Housing and Urban Development's Section 8, Section 236, Housing program shall be exempt from the requirements of this ordinance if inspected by state or federal authorities pursuant to such program. The owner of such dwelling shall be required to provide proof of current participation in this federal program to the code enforcement official to be exempt from the requirements of this ordinance.

Sec. 2. Effective Date. This ordinance shall take effect 20 days after its adoption or upon publication, whichever occurs later.

Yeas: Pres. R. Heilman, Trustees R. Glenn, T. Chastain, P. Michalak, B. Mollen, S. Newman and M. Rodgrizues

Nays:

Abstain:

Absent:

Ordinance declared adopted.

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Robert Heilman, Village President  
September 07, 2017

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Lana Jaggi, Clerk  
September 07, 2017

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on \_\_\_\_\_, 2017, with notice provided as required by law.

\_\_\_\_\_, 2017

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Lana Jaggi, Clerk