

PART II - CODE OF ORDINANCES

Chapter 18 BUILDINGS AND BUILDING REGULATIONS

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Cross reference— Community development, ch. 30; environment, ch. 34; fire prevention and protection, ch. 38; floods, ch. 42; solid waste, ch. 54; streets, sidewalks and other public places, ch. 62; moving of buildings or large equipment, § 62-9; subdivisions and other divisions of land, ch. 66; utilities, ch. 82; vegetation, ch. 86; waterways, ch. 90; zoning, app. A; building to be moved, app. A, § 3.20; nonconforming uses and structures, app. A, § 10.10 et seq.[\(Back\)](#)

ARTICLE I. IN GENERAL

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Secs. 18-1—18-30. Reserved.

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Sec. 18-31. Enforcement by city.

The city enforces the state construction code.

Sec. 18-32. Construction board of appeals.

A construction board of appeals consisting of five persons is created.

State Law reference— Construction board of appeals, MCL 125.1514.

Sec. 18-33. Permit fees.

The fees to be paid to the city for permits under the state construction code shall be as established by the annual fee resolution adopted by the city council.

Secs. 18-34—18-60. Reserved.

FOOTNOTE(S):

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State Law reference— State construction code, MCL 125.1501 et seq. ([Back](#))

ARTICLE III. DANGEROUS STRUCTURES ¹³¹

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Sec. 18-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous building means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

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- (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the city.
- (2) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the state construction code.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the state construction code.
- (5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for criminals or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure that remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the Occupational Code (MCL 339.2501 et seq.). For purposes of this subsection, the term "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:
 - a. A building or structure as to which the owner or agent does both of the following:
 1. Notifies the police department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 2. Maintains the exterior of the building or structure and adjoining grounds in accordance with the state construction code.
 - b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each

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year. An owner who has given the notice prescribed by this subsection (10)b shall notify the police department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, the term "secondary dwelling" means a dwelling, such as a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

(Code 1989, § 9.2)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, MCL 125.539.

Sec. 18-62. Prohibition.

No person shall maintain any dangerous building.

(Code 1989, § 9.2)

State Law reference— Similar provisions, MCL 125.539.

Sec. 18-63. Notice to abate; hearing.

The city council may, after notice to the owner and after holding a public hearing thereon, condemn a dangerous building by giving notice to the owner of the land upon which such structure is located, specifying in what respects the structure is a public nuisance and requiring the owner to alter, repair, tear down or remove the structure within such reasonable time, not exceeding 60 days, as may be necessary to do or have done the work required by the notice. The notice may also provide a reasonable time within which such work shall be commenced.

(Code 1989, § 9.3)

Sec. 18-64. Abatement by city.

If, at the expiration of any time limit in the notice provided for in section 18-63, the owner has not complied with the requirements thereof, the city manager shall carry out the requirements of the notice. The cost of such abatement shall be charged against the premises and the owner thereof.

(Code 1989, § 9.4)

Sec. 18-65. Emergency abatement.

The city manager may abate any public nuisance under this article, if the public safety requires immediate action, without preliminary order of the city council. Thereafter the cost of abating such nuisance shall be charged against the premises and the owner thereof.

(Code 1989, § 9.5)

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Secs. 18-66—18-90. Reserved.

FOOTNOTE(S):

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Cross reference— Environment, ch. 34.[\(Back\)](#)

State Law reference— Dangerous structures, MCL 125.538 et seq.[\(Back\)](#)

ARTICLE IV. SWIMMING POOLS

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[Secs. 18-102—18-199. Reserved.](#)

Sec. 18-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private means not open to the public, not publicly owned, or not otherwise regulated by the state either by statute or by rules or regulations of one of its administrative bodies.

Swimming pool means any artificially constructed non-portable or portable pool capable of being used for swimming or bathing, having a depth of two feet or more at any point.

(Code 1989, § 8.21)

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Cross reference— Definitions generally, § 1-2.

Sec. 18-92. Inspection.

The county health department and the authorized agents of the city shall have the right at any reasonable hour to inspect any swimming pool for the purpose of determining that all provisions of this article are being complied with.

(Code 1989, § 8.31)

Sec. 18-93. Building permit.

A permit shall be applied for and, if approved, be issued by the authorized agents of the city before construction shall begin on any swimming pool. The application for the permit shall be accompanied by three complete and detailed sets of plans and specifications for the swimming pool. Before any permit shall be issued such plans and specifications shall be approved by the authorized agents of the city and the county health department. After completion of construction a final inspection and approval must be given by the authorized agents of the city and the county health department before the pool shall be used for swimming. All applications for a permit shall be accompanied by a permit fee in the amount established by the annual fee resolution adopted by the city council.

(Code 1989, § 8.22)

Sec. 18-94. Distance from lot lines and buildings.

Swimming pools shall not be any nearer than six feet to the side or rear lot lines, or to any house, building or residence, unless the authorized agents of the city shall approve a lesser distance.

(Code 1989, § 8.23)

Sec. 18-95. Electrical wiring.

No exposed electric wires shall be nearer than five feet to the water's edge of a swimming pool, nor shall any exposed and permanently installed electric wire within 25 feet from the water's edge of the pool be less than ten feet above ground, nor shall electric wires of any kind cross or be over the water surface at any point unless approved by the authorized agents of the city. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes.

(Code 1989, § 8.24)

Sec. 18-96. Water supply.

There shall be no cross connections of the municipal water supply with any other source of water supply to a swimming pool. The line from the municipal water supply to the pool shall be protected against backflow of polluted water by means of an air gap and shall discharge at least six inches above the maximum water level of the make-up tank of the pool.

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(Code 1989, § 8.25)

Cross reference— Utilities, ch. 82.

Sec. 18-97. Sewer connection.

The drain line for a swimming pool must be able to drain the pool without flooding adjoining or other properties. It may be connected to the municipal sewer system if the following provisions are complied with:

- (1) The pool drain shall be connected with the storm sewer if one is available.
- (2) Where a storm sewer is not available, the pool drain may be connected to a sanitary sewer or a combination sewer, subject to the approval of the city engineer or his duly authorized representative.

(Code 1989, § 8.26)

Cross reference— Utilities, ch. 82.

Sec. 18-98. Filtering of deck water; removal of debris.

- (a) The construction of a swimming pool shall be made in such a manner that all scum, splash and deck water shall not return to the pool except through a filter system.
- (b) The pool shall be kept free at all times from floating material, sediment and debris either by an automatic surface skimmer, scum gutter or some other means approved by the health department.

(Code 1989, § 8.27)

Sec. 18-99. Filtration system.

The entire recirculating system of a swimming pool shall be capable of filtering and recirculating the entire volume content of the pool during a 12-hour period. The rate of application of pool water on the filters shall not be greater than three gallons per minute per square foot of filter area. The health department may approve other rates of recirculation or rates of application of water on the filters. Recirculating systems must be equipped with either an approved flow meter or a flow control valve equivalent to the Griswold Model 10.

(Code 1989, § 8.28)

Sec. 18-100. Disinfection.

- (a) A provision shall be made for positive germicidal or bacterial control in swimming pools by the use of chlorine, bromine or other such disinfecting agents as may be approved by the health department.
- (b) Such disinfecting agents shall be applied to the pool water at a uniform rate.

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- (c) Provisions shall be made for adjusting the application thereof so as to keep germicidal or bacterial protection of the water in the pool equal to a standard of 0.5 parts per million to 1.0 parts per million chlorine residual.
- (d) Testing devices capable of accurately measuring such residual shall be provided.

(Code 1989, § 8.29)

Sec. 18-101. Fence.

All swimming pools to be constructed, or which have already been constructed, shall be enclosed by a see-through type fence such as chain link, which shall be at least four feet in height and which shall be of a type not readily climbed by children. The gates shall be of a self-closing and latching type with the latch on the inside of the fence, not readily available for children to open from the outside; provided, however, that if the entire premises of the residence are enclosed then this provision may be waived by the authorized agents of the city upon inspection and approval of the residence enclosure.

(Code 1989, § 8.30)

Secs. 18-102—18-199. Reserved.

ARTICLE V. PROPERTY MAINTENANCE

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[Sec. 18-201. Definitions.](#)

[Sec. 18-202. Penalty; additional remedies.](#)

[Sec. 18-203. Maintenance standards.](#)

[Secs. 18-204—18-250. Reserved.](#)

Sec. 18-200. Purpose.

The provisions of this article shall apply to all properties in the city. It is the intent of this article to set minimum standards of maintenance of exterior features of the buildings and of yard maintenance to eliminate blighting influences, attractive nuisances and situations detrimental to the safety and welfare of occupants. All properties shall be maintained in accordance with the general provisions of this article

(Ord. No. 268, 7-21-2014)

Sec. 18-201. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Blighting influence means any real condition of real or personal property or the use of real or personal property which, if allowed to continue, may reasonably be expected to cause the deterioration or devaluation of neighboring properties or provide attractive nuisances or endanger the safety and welfare of the occupants. Such condition or use includes the maintenance of yards, fences, dwellings, accessory buildings or other appurtenances and the location on any property of equipment or facilities.

(Ord. No. 268, 7-21-2014)

Sec. 18-202. Penalty; additional remedies.

- (a) Any person, or anyone acting on behalf of that person, violating any of the provisions of this article shall, upon conviction thereof, be punished in accordance with City of Montague Code Article VIII. Civil Infractions.
- (b) If any owner or other person fails to comply with the provisions of this article and/or maintains their property in such a way as to constitute a blighting influence, the city may bring an action to enjoin the continuance of such violation.
- (c) In addition to other penalties or remedies provided for in this article, the court may order the abatement of the violation, allowing the city to enter upon the premises to effectuate compliance with this article. When the expense of the effectuating such compliance is not provided for, the court may enter an order approving such expenses and providing that there shall be a lien on the real property for payment thereof.

(Ord. No. 268, 7-21-2014)

Sec. 18-203. Maintenance standards.

All properties shall comply with all ordinances regulating building, housing, garbage, trash, refuse, weeds and zoning and with the following specific standards:

- (1) *Fences.* All fences shall be maintained in good repair and shall be erected in compliance with all applicable City Codes and ordinances. Broken or damaged fences shall be repaired with the same style and height of fencing.
- (2) *Painting.* No dwelling shall be painted with unusual designs, including but not limited to designs advertising products, polka dots, stripes, pictures or words. Paint shall be maintained in accordance with reasonable maintenance practices.
- (3) *Window covering; temporary exterior wall covering.* Visquene or other exterior window covering shall be maintained in good condition, free from tears and securely fastened to the building. Visquene may be used as a temporary exterior wall covering where required for protection due to construction, fire, accident or act of God and shall be maintained in good condition, free from tears, and securely fastened to the building. For purposes of this subsection, temporary shall be construed to mean no longer than 30 days.
- (4) *Storage on porches.* Storage of trash, garbage, waste materials and appliances shall be prohibited on unenclosed front porches. Any furniture or furnishings manufactured or intended to be for indoor use and is not constructed to be used outdoors shall not be placed within the yard or on any unenclosed porch or similar area that will allow access for vermin or weather.

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- (5) *Siding.* All siding on any one wall of a structure shall be complete and of the same type. Windows or other openings which are removed shall be covered with like siding materials as those used on that wall, except that ornamental changes in texture and materials may be used.
- (6) *Broken windows or doors on occupied structures.* Broken windows or doors shall be replaced. Broken windows or doors may be temporarily covered under the rules of provisions (3) Window covering; temporary exterior wall covering and (5) Siding. If the windows or doors are to be permanently removed a building permit shall be obtained to assure that the permanent closure does not create a building code violation for a required ingress/egress or for required ventilation.
- (7) *Roofing.* Original roofing and roof repairs shall be made with materials which shall consist of a similar color or complementary colors. Repairs shall not be made with dissimilar materials or contrasting colors. This shall not prohibit the temporary repair of a roof with contrasting material until suitable material is procured. For purposes of this subsection, temporary shall be construed to mean no longer than 30 days.
- (8) *Garage and accessory buildings.* Overhead and service doors on all garages and accessory buildings shall be maintained in good and working order. Doors shall be closed at night.
- (9) *Rubbish in yards.* Yards shall be maintained in a clean orderly fashion and shall not contain any hazardous or non-hazardous non-putrescible solid waste, except ashes, consisting of, but not limited to, combustible and noncombustible waste, including cardboard, metal containers, car parts, wood, glass, trash, rubber, brush, bedding, carpet, crockery, home furnishings, used or demolished building materials, litter of any kind, and discarded items of little or no apparent value.
- (10) *Unoccupied houses.* Unoccupied houses shall comply with the dangerous structure ordinance. All unoccupied houses, except for seasonal cottages, second homes and the like, shall have no items stored in any yard.
- (11) *Garbage.* All garbage, including but not limited to food wastes, including waste accumulation of animal, fruit or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable shall be stored within watertight containers (garbage cans), having a capacity of not less than ten gallons, nor more than 100 gallons with sides tapered to an enlarged opening and equipped with handles and a tightly fitting cover, except that plastic garbage and rubbish bags shall not be stored outside awaiting collection by a refuse service for a period exceeding 12 hours. Garbage cans shall not be stored by the street, except for a 24 hour period preceding regularly scheduled collection. Putrescible wastes shall not be stored in any container for more than seven days.

(Ord. No. 268, 7-21-2014)

Sec. 18-204. Adoption of International Property Maintenance Code.

The City hereby adopts the International Property Maintenance Code, 2015 edition, including all appendices thereto, and updated editions as published by the International Code Council. The International Property Maintenance Code regulates and governs the conditions and maintenance of all property, buildings and structures. Copies of the International Property Maintenance Code are on file in the office of the City Clerk of the City of Montague, and the code is made a part hereof as if fully set forth in this article.

If any conflict exists between any provision in the International Property Maintenance Code and a provision in the Michigan Building Code, the Michigan Building Code shall prevail. If any conflict

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exists between any provision in the International Property Maintenance Code and other sections in this Chapter 18 of the City of Montague Code of Ordinances, the City of Montague Code or Ordinances shall prevail.

Sec. 18-204 added 6-21-17.

Secs. 18-205—18-250. Reserved.