

Chapter 12

HOUSING CODE*

* **Cross References:** Planning commission, § 2-94 et seq.; housing commission, § 2-146 et seq.; zoning board of appeals, § 2-130 et seq.; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 8; streets and sidewalks, Ch. 22; subdivisions, Ch. 23; water, sewers and sewage disposal, Ch. 28.

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ARTICLE I.

IN GENERAL

Sec. 12-1. Short title.

This chapter shall be known as the "Housing Code" of the City of Midland.

Sec. 12-2. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the people of the city by providing for a housing code establishing minimum housing standards, and to eliminate and prevent the development of slum conditions, determine and establish the responsibilities of owners and occupants of residential buildings, and provide for administration, enforcement and penalties.

Sec. 12-3. Copies on file.

Printed copies of the housing code as herein adopted and hereafter amended shall be kept in the office of the city clerk and made available for public use and inspection, and printed copies thereof shall be made available in the office of the city clerk for distribution to the public at all times.

Sec. 12-4. Conflict with ordinances, codes.

Where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city existing on July 10, 1967, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail. Where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the city which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail.

Sec. 12-5. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall be construed as specified in this section.

Basement shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cellar shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit shall mean 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 and eating.

Habitable room shall mean 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, pantries, foyers, or communicating corridors, closets and storage space.

Hotel shall mean any building containing ten (10) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Multiple dwelling shall mean any dwelling containing more than two (2) dwelling units.

Nondwelling structure shall mean any structure except a dwelling.

Nuisances. The following shall be defined as nuisances:

- (a) Any public nuisance known at common law or in equity jurisprudence.
- (b) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures, or any lumber, trash fences, debris, or vegetation which may prove

a hazard for inquisitive minors.

- (c) Whatever is dangerous to human life or is detrimental to health.
- (d) Overcrowding a room with occupants.
- (e) Insufficient ventilation or illumination.
- (f) Inadequate or unsanitary sewerage or plumbing facilities.
- (g) Uncleanliness.
- (h) Whatever renders air, food, or drink unwholesome or detrimental to the health of human habitation.

Owner shall mean every person who is listed on the records in the office of the city assessor as owning a parcel of property on which any dwelling or dwelling unit is located.

Rooming house shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner to three (3) or more persons who are not husband or wife, son or daughter, grandson or granddaughter, mother or father, or sister or brother of the owner or operator.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Standard room partition shall mean a partition extending from the floor to the ceiling, constructed with wood studs at least two (2) inches by four (4) inches (nominal dimensions) and covered on both sides with a suitable material not less than one-fourth (1/4) of an inch thick, except that wood studs two (2) inches by three (3) inches (nominal dimensions) may be used for interior nonbearing partitions.

Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Substandard building. Any building or portion thereof, including any dwelling unit, guest room, or the premises on which the same is located, in which there exists any conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, arising from any of the following: Inadequate sanitation, structural hazards, nuisance, hazardous wiring, hazardous plumbing, hazardous mechanical equipment, faulty weather protection, fire hazard, faulty materials or construction, hazardous or unsanitary premises, inadequate exits, inadequate fire protection, or improper occupancy.

Secs. 12-6--12-15. Reserved.

ARTICLE II.

ADMINISTRATION

Sec. 12-16. Application of chapter.

The provisions of this chapter shall apply to all buildings used or designed or intended to be used for human habitation. Such occupancies and uses in existing buildings may be continued if such use or occupancy was legal at the time of adoption of this chapter; provided that such structures are not substandard and such continued use is not dangerous to life. The decision of the building official therein shall be subject to appeal to the appeal board as provided in this chapter.

Sec. 12-17. Alteration and relocations.

Existing buildings which are altered or enlarged shall be made to conform to this chapter insofar as the new work is concerned, and in accordance with the provisions of the building code as adopted by the city. Existing buildings which are moved or relocated shall be considered new buildings and shall comply with all the requirements of this chapter.

Sec. 12-18. Enforcing officer.

The enforcement officer of this chapter shall be the chief building official, who is hereby authorized and directed to enforce the provisions thereof, and the term building official as used in this chapter shall mean the chief building official or his duly designated and authorized representative.

Cross References: Buildings and building regulations, Ch. 5.

Sec. 12-19. Inspection authorized; access.

The building official is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, lodging units, and premises located within the city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and the general public. For the purpose of making such inspections and to perform any duty imposed upon him by this chapter, the building official is hereby authorized according to law to enter, examine, and survey at all reasonable times all such premises. The owner or occupant of every dwelling unit, or the person in charge thereof shall give the building official free access to such dwelling at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part thereof at all reasonable times for the purpose of making such inspection.

Sec. 12-20. Frequency of inspections.

The building official shall cause a periodic inspection to be made of every multiple dwelling or leased dwelling unit. Such inspection shall include a thorough examination of all parts of such dwelling and the premises connected therewith. The building official is also empowered to make similar inspections of all dwellings as frequently as may be necessary or convenient.

Sec. 12-21. Notice of violation--Generally.

Whenever the building official determines that there exists a violation of any provisions of this chapter,

he shall give notice of such violation to the person responsible therefor and order compliance. Such notice and order shall:

- (a) Be in writing.
- (b) Include a list of violations referring to the sections of the code violated.
- (c) Set a reasonable time, not to exceed ninety (90) days in any event, for the performance of any act it requires.
- (d) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
- (e) Advise the owner or occupant of the procedure for appeal.
- (f) Be served upon the owner or occupant by delivering it to him personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion who shall be informed of the contents thereof, or by mailing a copy thereof by certified mail to his last known address or if the person to be served is unknown, by posting said notice in some conspicuous place on the premises.

Sec. 12-22. Same--Duplicate notice.

Whenever the owner of a dwelling is notified by the building official of a violation for which he is responsible, a copy of the notice shall also be posted on the premises, delivered, or sent by ordinary mail to the occupants of the dwelling; and whenever an occupant is notified by the building official of a violation for which he is responsible, a copy of the notice shall also be delivered, or sent by ordinary mail to the owner of the dwelling. Failure to send such duplicate notice, however, shall not affect the validity of any proceeding against the owner or occupant.

Sec. 12-23. Removal of substandard buildings.

All buildings or portions thereof which are determined to be substandard as herein defined are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure as specified in the building code of the city.

Cross References: Building code, Ch. 5.

Sec. 12-24. Emergency procedure.

Whenever the building official shall find an emergency existing which requires immediate action to protect the public health or safety, he shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provision of this chapter, such order shall be immediately effective and no person shall knowingly violate the provisions of such order.

Sec. 12-25. Order to vacate.

Where a notice of violation and order to comply has been issued as provided by this chapter, and upon reinspection at the end of the time specified for compliance it is found that the violation or violations have not been corrected, or at any time when required in accordance with the emergency procedure, the building official may order the dwelling or the parts thereof affected by the continued violations to be vacated in accordance with the following procedures:

- (a) The vacation shall be within a reasonable time as determined by the building official, but not to exceed sixty (60) days.
- (b) Vacated buildings shall have all outer doors, windows, or other openings securely boarded so as to prevent entry.
- (c) The building shall be posted "Do Not Enter, Unsafe to Occupy."
- (d) Such buildings shall not be used for human habitation until all violations have been corrected and a written determination obtained from the building official that the dwelling complies with the provisions of this chapter.
- (e) If a dwelling or part thereof is not vacated within the time specified in the vacation order, the building official shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or part thereof, notwithstanding the fact that such disobedience may also be punishable by fine or imprisonment.

Sec. 12-26. Removal of notices.

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by the building official, without his permission.

Sec. 12-27. Housing board of appeals--Created; purpose.

There is hereby created a housing board of appeals in order that the provisions of this chapter and of the Housing Law of Michigan, where applicable, may be properly and reasonably applied and that substantial justice will be done and unnecessary hardship relieved where it would result from the strict application of the provisions hereof and where the intent and spirit of the law and ordinance may be observed and obtained and the public safety secured.

Cross References: Housing commission, § 2-146 et seq.

Sec. 12-28. Same--Membership; appointment; term.

The housing board of appeals shall consist of five (5) members. One (1) member shall be a representative of the city-county health department and shall be appointed by the director of the city-county health department with the approval of the city council. One (1) member shall be the fire chief of the city. The balance of the members are to be appointed by and serve at the will of the city council. The chief building inspector shall be the permanent secretary to the board.

The term of the fire chief shall correspond to his tenure as the fire chief of the city. The term of the remaining members shall be three (3) years, except that the respective terms of two (2) of the members first

appointed shall be for two (2) years and two (2) for three (3) years.

Sec. 12-29. Same--Meetings; quorum; record of proceedings.

The housing board of appeals shall meet at such times as such board may determine by general rule adopted. Such board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the board and the vote of each member upon each question. Three (3) members shall constitute a quorum.

Sec. 12-30. Appeals to board; petition; fee.

Any person affected by any notice, order, decision or ruling of any official, issued in connection with the enforcement of this chapter, may request and shall be granted a hearing on the matter before the housing board of appeals.

The petition requesting a hearing shall be in writing, and shall specify the name, address and telephone number of the petitioner, and a brief statement of the grounds for appeal, and shall be accompanied by an appeal fee as specified in section 21-51. Such petition shall be filed within ten (10) days after the date the notice and order are served. Upon receipt of such a petition, the chief building official shall set a time for a hearing before the board and shall give the petitioner written notice thereof.
(Ord. No. 1321, § 1, 6-26-95)

Sec. 12-31. Variances.

Applications for variances shall be made in accordance with the same procedure as provided for appeals. Variances may be provided and authorized by the housing board of appeals as to any of the terms, provisions, or requirements of this chapter in accordance with the standards as provided in this chapter.

Sec. 12-32. Hearings before board.

Hearings shall be commenced within a reasonable time after a petition has been filed, and the petitioner shall be notified thereof. At such hearings, the petitioner shall be entitled to appear in person or by agent or attorney and to show cause why the matter appealed should be modified or withdrawn or a variance granted. The failure of a petitioner or a representative to appear at a hearing shall constitute an abandonment of the petition.

Sec. 12-33. Decisions of board.

After a hearing the housing board of appeals shall sustain, modify or withdraw any notice and order appealed from depending upon its findings. If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this chapter, the housing board of appeals may permit a variance from the mandatory provisions thereof in such a manner that the public safety shall be secured, substantial justice done and the spirit of the provisions of this chapter upheld. All decisions to permit a variance under this section shall be by a majority vote of the total membership of the board.

Secs. 12-34--12-43. Reserved.

ARTICLE III.

MINIMUM EQUIPMENT AND FACILITIES STANDARDS

Sec. 12-44. Compliance with standards.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the minimum standards for basic equipment and facilities as provided in this article.

Sec. 12-45. Kitchen sink.

Every dwelling unit shall contain a kitchen sink in good working conditions.

Sec. 12-46. Water closet and lavatory.

Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet, and a lavatory basin or washbowl in good working condition.

Sec. 12-47. Bathtub or shower.

Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a bathtub or shower in good working condition.

Sec. 12-48. Water heating facilities.

Every kitchen sink, lavatory basin and bathtub or shower required by this chapter shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water heating facilities which are properly installed, are maintained in safe and good working condition, and are 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, and bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120° F.).

Sec. 12-49. Water and sewerage facilities.

All plumbing fixtures required by this chapter shall be properly connected to an approved water system and to an approved sewerage system.

Cross References: Water, sewers and sewage disposal, Ch. 28.

Sec. 12-50. Garbage and rubbish disposal.

Every dwelling unit shall have adequate garbage and rubbish storage containers. The containers shall consist of either watertight cans, not more than twenty (20) gallons in capacity, equipped with adequate handles or bails or approved plastic or paper refuse containers. In lieu of a garbage container, a dwelling unit may be equipped with an incinerator, provided it is properly vented into the chimney of the building and is capable of reducing garbage to ashes without causing an objectionable odor in the neighborhood, or a garbage disposal unit

connected with an integral part of the sewerage system of the building, and capable of reducing all garbage deposited therein to particles no greater than one-half (1/2) inch in any dimension.

Cross References: Garbage, refuse and litter, Ch. 10.

Sec. 12-51. Exitways.

Every dwelling unit shall have access to one unobstructed exitway leading to a public street or alley. Where there are two (2) or more dwelling units located on the second story of a dwelling, or where there are more than two (2) stories in a dwelling, every floor above the first shall have a minimum of two (2) approved means of egress, two (2) of which shall be accessible to all occupants of the floor, and are accessible without passing through another dwelling unit.

EXCEPTION: A second story may be served by a single interior stairway if such stairway is enclosed by one-hour fire-resistive materials, and all doors opening into the stairway shall be self-closing class "B" fire doors or solid wood doors not less than one and three-eighths (1 3/8) inches thick at any point. This exception shall not apply in cases where the second story exceeds one thousand (1,000) square feet of habitable floor area.

Cross References: Fire prevention and protection, Ch. 8.

Secs. 12-52--12-61. Reserved.

ARTICLE IV.

MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING

Sec. 12-62. Compliance with standards.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the minimum standards for light, ventilation, and heating set forth in this article.

Sec. 12-63. Windows.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room shall be ten (10) per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than three (3) feet from the window and shall extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) per cent of the total floor area of such room.

Sec. 12-64. Ventilation.

Every habitable room shall have at least one window or skylight which can be easily opened. The total openable window area shall be equal to at least forty-five (45) per cent of the minimum window area size or minimum skylight area size as required in section 12-63. An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such system shall provide not less than four (4) air

changes per hour.

Sec. 12-65. Ventilation in bathrooms.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as provided in this article, except that no window or skylight shall be required in bathrooms or water closet compartments which are equipped with a mechanical ventilating system to the outside air which is capable of completely changing the air in the room every five (5) minutes.

Sec. 12-66. Electrical service.

Every habitable room shall contain at least two (2) or more convenience outlets. Outlets shall be arranged so that no usable wall is more than six (6) feet from an outlet where structural obstacles do not make this impracticable. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one ceiling or wall type light fixture. At least one ceiling and/or wall type lighting fixture in each room must be switched by one or more wall switches, located at or near a door entering the room. Every outlet and fixture shall be properly installed and shall be maintained in good and safe working condition.

In all multiple dwellings, all subpanels and switching for full-time lighting shall be located in areas not accessible to the public.

Sec. 12-67. Lighting in public halls.

Every public hall and stairway in every multiple dwelling serving five (5) or more dwelling units, and in every rooming house or hotel serving ten (10) or more rooming units, shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and serving less than the above number of dwelling or rooming units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

Sec. 12-68. Window screens.

Every window used for ventilation shall also be supplied with screen. Screens shall be in place by June 1 of each year and shall not be removed before October 1. Screens will not be required on windows in rooms above the fourth story. All screens shall not be less than number sixteen (16) wire mesh.

Sec. 12-69. Screens on basement windows.

Every basement or cellar window used for ventilation shall also be supplied with a screen or such other device as will effectively prevent the entrance of rodents.

Sec. 12-70. Heating facilities.

Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms in every dwelling unit located therein to a temperature of at least seventy degrees Fahrenheit (70° F.), at a distance of three (3) feet above floor level when the outside temperature is zero degrees Fahrenheit (0° F.). Portable heating equipment

employing a flame and heating equipment using gasoline or kerosene as fuel are prohibited.

Secs. 12-71--12-80. Reserved.

ARTICLE V.

MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

Sec. 12-81. Compliance with article.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the minimum standards for space, use, and location set forth in this article.

Sec. 12-82. Minimum floor area--Generally.

Every dwelling unit shall contain at least one hundred twenty-five (125) square feet of floor space for the first occupant thereof, and at least seventy-five (75) additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area.

Sec. 12-83. Same--Sleeping rooms.

Every room used for sleeping purposes shall have not less than ninety (90) square feet of superficial floor area. Where more than two (2) persons occupy a room used for sleeping purposes, the required superficial floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

Sec. 12-84. Same--Single-family owner-occupied dwelling excepted.

The city council finds that healthful and sanitary conditions in relation to space generally prevail in single-family owner-occupied dwellings. Therefore, the provisions of sections 12-82 and 12-83 shall not apply to single-family owner-occupied dwellings. For the purpose of this section, a "single-family owner-occupied dwelling" shall mean a dwelling containing no more than one dwelling unit in which the owner thereof resides. A family as herein used shall mean an individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

Sec. 12-85. Room arrangement.

No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or water closet compartment.

Sec. 12-86. Minimum ceiling height.

At least one-half (1/2) of the floor area of every habitable room, bathroom, water closet compartment, and hallway shall have a ceiling height of not less than seven (7) feet. The floor area of that part of any habitable room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

Sec. 12-87. Cellar space not habitable.

No cellar space shall be used as a habitable room or dwelling unit. However, this section shall not prohibit a recreation room in a cellar as long as it is not used for sleeping purposes. Such room cannot be used in computing the total floor area of the dwelling for the purpose of determining the maximum permissible occupancy thereof.

Sec. 12-88. Basement dwelling units.

No basement space shall be used as a dwelling or rooming unit unless:

- (a) The floor and walls are impervious to leakage of under-ground and surface run-off water.
- (b) The total window area in each room is equal to at least ten (10) per cent of the floor area of the room as measured between stops, and is entirely above the grade of the ground adjoining such window area.
- (c) The total openable window area in each room is equal to forty-five (45) per cent of the minimum window area, except where there is supplied a mechanical ventilation system to the outside air capable of completely changing the air in the room every fifteen (15) minutes.
- (d) The ceiling height throughout the unit is at least seven (7) feet.
- (e) It is separated from heating equipment, incinerators, or other equally hazardous equipment by a standard partition.
- (f) Access can be gained to the unit without going through a furnace room.
- (g) Two (2) independent means of egress are provided from every basement containing more than one dwelling unit or one rooming unit.

Secs. 12-89--12-98. Reserved.

ARTICLE VI.

MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE

Sec. 12-99. Compliance with article.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling

unit, for the purpose of living therein, which does not comply with the minimum standards for safe and sanitary maintenance of dwellings and dwelling units set forth in this article.

Sec. 12-100. Foundation, walls, roof.

The foundation, exterior walls and roof shall be kept in sound condition and repair as follows:

- (a) The foundation elements shall adequately support the dwelling at all points.
- (b) Every exterior wall, including the skirting around the base of the dwelling shall be free of holes, breaks, loose or rotting boards or timber.
- (c) The roof shall be tight and have no defects which will admit water.

Sec. 12-101. Walls, floors, partitions.

The interior walls, floors and ceilings shall be kept in sound condition and good repair as follows:

- (a) The floor shall be free of holes, wide cracks, loose, warped or rotting boards.
- (b) Interior walls and ceilings shall be free from holes and wide cracks.
- (c) Room partitions shall be of standard construction.
- (d) Every toilet room and bathroom floor surface shall be reasonably impervious to water and shall be capable of being maintained easily.

Sec. 12-102. Protection of exterior wood surfaces.

All exterior wood surfaces shall be reasonably protected from the elements and against decay, by paint or other approved protective coating applied in a workmanlike manner.

Sec. 12-103. Exterior openings.

Every window, exterior door and basement hatchway shall be weathertight, watertight, rodentproof, fully supplied with window panes without cracks or holes, and each sash, door or hatch shall fit tightly within its frame.

Sec. 12-104. Stairs, porches.

Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition, good repair and in conformance with the following conditions:

- (a) Every flight of stairs and every porch floor shall be free of holes, grooves and cracks which are large enough to constitute possible accident hazard.

- (b) No flight of stairs shall have more than one inch of settlement from its intended position or shall be separated from its supporting structures.
- (c) No flight of stairs or porch shall have rotting, loose or deteriorating supports.
- (d) Every stair tread shall be strong enough to bear a live load of at least one hundred (100) pounds per square foot without danger of breaking.
- (e) All stairways more than three (3) risers high shall be equipped with handrails not less than thirty (30) inches nor more than thirty-four (34) inches high, measured vertically from the nose of the tread to the top of the rail. Stairways more than forty-four (44) inches wide shall be equipped with two (2) handrails, one on each side. On exterior unenclosed stairways where only one handrail is required, it shall be placed on the outside edge of the stairway.

Sec. 12-105. Supplied facilities.

Every supplied plumbing fixture, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function properly and shall be maintained in satisfactory working condition.

Sec. 12-106. Facilities not to be shut off.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are being made.

Sec. 12-107. Floor surfaces.

Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be water resistant and so as to permit the floor to be easily kept in a clean and sanitary condition.

Sec. 12-108. Chimneys and supplied smoke pipes.

Every chimney and every supplied smoke or vent pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.

Sec. 12-109. Nondwelling structures and fences.

Every nondwelling structure and fence shall be kept in a reasonably good state of maintenance and repair or shall be removed.

Sec. 12-110. Cleanliness of public areas.

All public areas, yards and premises shall be kept in a reasonably clean and sanitary condition.
Cross References: Garbage, refuse and litter, Ch. 10.

Secs. 12-111--12-119. Reserved.

ARTICLE VII.

RENTAL UNITS*

* **Cross References:** Inspection of multiple dwellings, roominghouses; condemnation and demolition of unfit dwellings, § 12-152 et seq.

Sec. 12-120. Minimum basic requirements.

No dwelling or dwelling unit shall be rented, leased or otherwise offered or provided for occupancy unless such unit shall comply with the minimum standards for basic equipment and facilities as specified in this chapter, the minimum standards for light, ventilation, and heating as specified in this chapter, the minimum space, use, and location requirements as specified in this chapter and the minimum standards for safe and sanitary maintenance of dwellings and dwelling units as specified in this chapter.

Sec. 12-121. Responsibilities of owners.

Every owner shall:

- (a) Not rent, lease or otherwise offer or provide for occupancy any dwelling or dwelling unit not meeting the minimum basic requirements as provided in section 12-120, except where a variance has been authorized pursuant to section 12-31.
- (b) Shall be responsible for maintaining each dwelling or dwelling unit so as to meet the minimum basic requirements as provided in section 12-120; and if the owner is prevented from so doing by the actions of the tenant or lessee, it shall be the obligation of the owner to terminate the tenancy or the lease and evict the tenant.
- (c) Be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises of a dwelling containing more than two (2) dwelling units.
- (d) Hang and remove all screens which have to be put in place from the outside on those dwelling units located above the first story, and on all windows of roominghouses or hotels.
- (e) Not occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, fit for human occupancy and complies with all the applicable provisions of this chapter.
- (f) Exterminate any insects, rodents or other pests in a dwelling or dwelling unit if the infestation is caused by his failure to maintain the dwelling or dwelling unit in a reasonably rodentproof and insectproof condition.

- (g) Furnish and provide adequate rubbish and garbage disposal facilities as required by this chapter.
Cross References: Garbage, refuse and litter, Ch. 10.

Sec. 12-122. Responsibilities of occupants.

Every occupant shall:

- (a) Not rent, lease or otherwise occupy any dwelling unit not meeting the minimum basic requirements as provided in section 12-120, except where a variance has been authorized as provided in section 12-31.
- (b) Cooperate with and assist the owner so as to permit the owner to keep and maintain the dwelling or dwelling unit so as to meet the minimum basic requirements as provided in section 12-120, and if the occupant shall act so as to prevent such maintenance, such action shall be sufficient cause for the summary eviction of such tenant or lessee by the owner and the cancellation of his lease.
- (c) Keep in a clean and sanitary condition that part of the premises which he occupies and controls.
- (d) Dispose of all rubbish and garbage in a clean and sanitary manner by placing it in rubbish or garbage facilities and providing for its removal.
- (e) Hang and remove all screens required for his dwelling unit by this chapter, except where the owner is expressly made responsible therefor.
- (f) Keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (g) Exterminate any insects, rodents or other pests infesting his dwelling unit unless the owner is required to exterminate them as provided in section 12-121 of this chapter.
- (h) Sublet any portion of a dwelling unit which he occupies or controls in such a manner that such subletting violates or causes to be violated any of the provisions of this chapter.
- (i) Comply with the provisions of this chapter after due and proper notice from the building official. The failure to do so on the part of an occupant of a dwelling unit shall be deemed sufficient cause for the summary eviction of such tenant or lessee by the owner and the cancellation of his lease.

Secs. 12-123--12-132. Reserved.

ARTICLE VIII.

MINIMUM STANDARDS FOR ROOMING HOUSES AND HOTELS

Sec. 12-133. Generally.

Every rooming house and hotel shall comply with the minimum standards for dwellings and dwelling units set forth in this chapter in the following articles:

- (a) Article IV on minimum standards for light, ventilation and heat;
- (b) Article V on minimum standards for space, use and location;
- (c) Article VI on minimum standards for safe and sanitary maintenance;
- (d) Article VII on responsibilities of owners and occupants.

Sec. 12-134. Basic equipment.

Every rooming house and hotel shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each eight (8) persons or fraction thereof within the rooming house or hotel, including members of the family of the owner or operator if they share the use of the facilities. The lavatory basin and bathtub or shower shall be connected to a hot water system as specified in section 12-48. In a rooming house or hotel in which both sexes are accommodated a minimum of two (2) flush water closets and lavatory basins located in separate rooms which are conspicuously marked shall be required. In a rooming house or hotel in which rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of water closets. All the facilities required under this section shall be connected to an approved water and sewer system and shall be installed within one year from July 10, 1967.

Sec. 12-135. Location of toilets, baths.

Every flush closet, flush urinal, lavatory basin and bathtub or shower required by this chapter shall be located within the rooming house or hotel in a room or rooms which have all of the following characteristics:

- (a) Afford privacy and are separate from the habitable rooms.
- (b) Are accessible from a common hall and without going outside the rooming house or hotel.
- (c) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

Sec. 12-136. Shades, drapes, etc.

Every window or every room used for sleeping shall be supplied with shades, draw drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the room.

Sec. 12-137. Bedding, bed linen, towels.

Where bedding, bed linen or towels are supplied, the owner shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

Sec. 12-138. Means of egress.

Rooming houses and hotels, occupied or containing accommodations for ten (10) or more persons on the second story, or which are more than two (2) stories in height, shall conform to the egress requirements for multiple dwellings contained in section 12-51.

Sec. 12-139. Sanitary maintenance by owner.

The owner of every rooming house or hotel shall keep all walls, floors and ceilings in a clean, safe and sanitary condition.

Sec. 12-140. Guest register.

The proprietor of every rooming house or hotel shall keep at all times in a convenient place a book or register wherein every person applying for accommodations must sign his name and place of residence before such accommodations are furnished. Such book or register shall be available for inspection by the chief inspector at all times.

Sec. 12-141. Garbage and rubbish containers.

The owner of every rooming house and hotel where garbage or rubbish is produced shall provide adequate containers therefor as specified in section 12-50.

Secs. 12-142--12-151. Reserved.

ARTICLE IX.

INSPECTION OF DWELLINGS, DWELLING UNITS OR HABITABLE ROOMS; CONDEMNATION AND DEMOLITION OF UNFIT DWELLINGS*

* **Editors Note:** Ord. No. 752, §§ 1--13, adopted March 30, 1970, amended the provisions from which Ch. 20 is derived by adding thereto §§ 1002.1--1002.13, codified herein as Art. IX, §§ 12-152--12-164, at the discretion of the editors. Said Ord. No. 752 is set out as enacted, including catchlines; however the editors have changed "ordinance" to "article" where appropriate and, as indicated above, the various sections of the ordinance have been renumbered to conform with the numbering system used in this Code. Prior to the adoption of Ord. No. 793, § 1, adopted May 15, 1972, the title of Art. IX was "Inspection of Multiple Dwellings or Rooming Houses; Condemnation and Demolition of Unfit Dwellings".

Sec. 12-152. Certain dwellings, dwelling units or habitable rooms--Time of registration; official.

(a) A registry of owners and premises shall be maintained by the building official.

(b) The owners of dwellings, dwelling units or habitable rooms which will be offered to let or to hire for more than six (6) months of a calendar year, shall register their names and places of residence or usual places of business and the location of the premises regulated by this article with the building official. The owners shall register prior to the day on which any part of the premises is offered for occupancy.

(c) If the premises are managed or operated by an agent, the agent's name and place of business shall be placed with the name of the owner in the registry.
(Ord. No. 752, § 1, 3-30-70; Ord. No. 793, § 1, 5-15-72; Ord. No. 1007, § 1, 10-19-81)

Sec. 12-153. Same--Biennial inspection; manner of inspection; entrance by permission; emergency entrance; fee.

(a) The building official shall inspect, on a periodic basis, dwellings, dwelling units and habitable rooms regulated by this article. In no event shall the period between inspections be longer than two (2) years.

(b) An inspection shall be conducted in the manner best calculated to secure compliance with the article and appropriate to the needs of the City of Midland. Inspections may be on one of the following bases:

- (1) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously, or within a short period of time;
- (2) A complaint basis, such that complaints of violations will be inspected within a reasonable time;
or
- (3) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

(c) An inspector, or team of inspectors, may request permission to enter all premises regulated by this article at reasonable hours to undertake an inspection. Upon an emergency the inspector or team of inspectors shall have the right to enter at any time.

(d) The certification fee set forth in section 21-51 of this Code, to be paid by an applicant upon issuance of a certificate as provided in section 12-158 shall include the initial inspection and one reinspection made by the building official. A reinspection fee, equal to the fee paid by the applicant for the issuance of a certificate, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This provision is not to be interpreted as requiring reinspection fees the first time a dwelling unit is rejected for failure to comply with the requirements of the housing code, but as controlling the practice of calling for inspections before the corrections are made and the unit is ready for inspection or reinspection. The certificate provided herein shall expire two (2) years from the date of issuance and a new certificate shall be required and shall be issued after inspection of the premises by the building inspector and payment of a fee as set forth in section 21-51.

When the expired certificate is not renewed within the calendar month of its expiration date, the certification shall become delinquent and the owner shall be assessed a delinquency fee in addition to and equal to the fee for certification.

When the owner or agent fails to renew the certification within thirty (30) days after it becomes delinquent, an additional fee as prescribed in section 21-51 shall be assessed.

When the owner or agent fails to renew the certification within sixty (60) days after it becomes delinquent, as additional fee as prescribed in section 21-51 shall be assessed.

If the owner or agent fails to comply and is delinquent for more than sixty (60) days, an additional fee as prescribed in section 21-51 shall be assessed and the building official shall bring an action to enforce the provisions of this section, as provided for in section 12-161.

In the event that a certificate is suspended by the building official, as provided in section 12-159 of this article, the owner shall be required to pay a fee, as provided for in section 21-51 before the certificate is reinstated. In the event of the issuance of a temporary certificate, as provided in section 12-158, a fee as provided for in section 21-51, shall be paid by the owner prior to such issuance. (Ord. No. 752, § 2, 3-30-70; Ord. No. 793, § 1, 5-15-72; Ord. No. 1009, § 2, 10-19-81; Ord. No. 1218, § 1, 6-17-91)

Sec. 12-154. Nonemergency, warrant, contents.

(a) In a nonemergency situation where the owner or occupant demands a warrant for inspection of the premises, the building official shall obtain a warrant from a court of competent jurisdiction. The city attorney shall prepare the warrant, stating the address of the building to be inspected, the nature of the inspection, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, area or recurrent violation basis) established in this article. The warrant shall also state that it is issued pursuant to this article. (Ordinance No. 752) and Act 286 of 1968.

(b) In the event of an emergency no warrant shall be required. (Ord. No. 752, § 3, 3-30-70)

Sec. 12-155. Record of inspections; checklist of violations.

(a) The building official shall keep a record of all inspections.

(b) The building official shall make available to the general public a checklist of commonly recurring violations for use in examining premises offered for occupancy. (Ord. No. 752, § 4, 3-30-70)

Sec. 12-156. Issuance of certificate of compliance; violation not to prevent issuance; health or safety hazard, nonissuance.

(a) Dwellings, dwelling units, or habitable rooms regulated by this article shall not be occupied unless a certificate of compliance has been issued by the building official. The certificate shall be issued only upon an inspection of the premises by the building official, except as provided in section 12-158. The certificate shall be issued within fifteen (15) days after written application therefor if the dwelling at the date of the application is entitled thereto.

(b) A violation of this article shall not prevent the issuance of a certificate, but the building official shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(c) Inspections shall be made prior to first occupancy of dwellings, dwelling units, and habitable

rooms regulated by this article, if the construction or alteration is completed and first occupancy will occur after the effective date of this article. Where first occupancy will occur before the effective date of this article, inspection shall be made within one (1) year after the effective date of this article. Upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and that the premises are otherwise fit for occupancy, the certificate shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with the article shall be issued immediately and served upon the owner in accordance with section 12-159. On reinspection and proof of compliance, the order shall be rescinded and a certificate issued.

(Ord. No. 752, § 5, 3-30-70; Ord. No. 793, § 1, 5-15-72)

Sec. 12-157. Withholding certificate pending compliance, continued vacancy of unoccupied premises; vacation of occupied premises until compliance, conditions of issuance; suspension of certificate and vacation; suspended rentals, conditions; revival of rental obligation; disposition of rentals for period of suspension; termination prior to repairs; actions for rent and possession under certain conditions.

(a) When a certificate is withheld pending compliance, no premises which have not been occupied for dwelling or rooming purposes shall be so occupied, and those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until reinspection and proof of compliance in the discretion of the building official.

(b) A certificate of compliance shall be issued on condition that the premises remain safe, healthful and in fit condition for occupancy. If upon reinspection the building official determines that conditions exist which constitute a hazard to health or safety, the certificate shall be immediately suspended as to affected areas, and the areas may be vacated as provided in subsection (a).

(c) The duty to pay rent in accordance with the terms of any lease or agreement or under the provisions of any statute or ordinance shall be suspended and the suspended rentals shall be paid into an escrow account as provided in subsection (d), during that period when the premises have not been issued a certificate of compliance, or when such certificate, once issued, has been suspended. This subsection does not apply until the owner has had a reasonable time after notice of violations to make application for a temporary certificate, as provided in section 12-158. Nor does this subsection apply where the owner establishes that the conditions which constitute a hazard to health or safety were caused by the occupant or occupants. The rent, once suspended shall again become due in accordance with the terms of the lease or agreement or statute from and after the time of reinstatement of the certificate, or where a temporary certificate has been issued, as provided in section 12-158.

(d) Rents due for the period during which rent is suspended shall be paid into an escrow account established by the building official to be paid thereafter to the landlord or for correcting the violation. The building official shall return any unexpended part of sums paid under this section, attributable to the unexpired portion of the rental period, where the occupant terminates his tenancy or right to occupy prior to the undertaking to repair.

(e) When the certificate of compliance has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

(Ord. No. 752, § 6, 3-30-70)

Sec. 12-158. Application for certificate of compliance; inspection and issuance procedures; conditions for issuance of temporary certificates; time for application; application by occupant in default of owner; fee.

(a) An owner shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this article and with procedures established by the building official. The building official may authorize the issuance of temporary certificates without inspection for those premises in which there are no violations of record as of the effective date of this article, and shall issue such temporary certificates upon application in cases where inspections are not conducted within a reasonable time. Temporary certificates shall also be issued for premises with violations of record whether existing before or after the effective date of this article, when the owner can show proof of having undertaken to correct such conditions, or when the city has been authorized to make repairs, or when a receiver has been appointed, or when an owner rehabilitation plan has been accepted by the court.

(b) An application for a certificate shall be made when the owners, or any of them, enroll in the registry of owners and premises. If the owner fails to register, any occupant of unregistered or uncertified premises may make application.

(c) A fee as specified in section 21-51 shall be paid by the applicant at the time the certificate is issued. A certificate shall include only one (1) dwelling, dwelling unit or habitable room. Said fee and inspection required pursuant to this article shall be waived for any premises that has not been occupied subsequent to the issuance of a certificate of occupancy by the building official.

(d) Nonprofit housing owners may include all dwelling units within a single project under one (1) certificate, with the amount of the fee to be the actual cost to the city for the inspection-certification process as determined by the chief building inspector.

(Ord. No. 752, § 7, 3-30-70; Ord. No. 821, § 1, 7-30-73; Ord. No. 1040, § 1, 3-21-83; Ord. No. 1321, § 1, 6-26-95; Ord. No. 1435, § 1, 1-25-99)

Sec. 12-159. Recording of violation in registry; notice; contents; correction of violations; inspection.

(a) If, upon inspection, the premises or any part thereof are found to be in violation of any provision of this article, the violation shall be recorded by the building official in the registry of owners and premises.

(b) The owner, and in the discretion of the building official, the occupant, shall be notified in writing of the existence of the violation. The notice shall state the date of the inspection, the nature of the violation and the time within which the correction shall be completed.

(c) A violation which is determined by the inspector to constitute a hazard to the health or safety of the occupants, under circumstances where the premises cannot be vacated shall be ordered corrected within the shortest reasonable time and notice of having begun compliance shall be given the building official by the owner within three (3) days. All other violations shall be corrected within a reasonable time.

(d) The building official shall reinspect after such reasonable time for the purpose of ascertaining whether the violations have been corrected.

(Ord. No. 752, § 8, 3-30-70)

Sec. 12-160. Compliance by owner and occupant.

(a) The owner of premises regulated by this article shall comply with all applicable provisions of the article.

(b) The occupant of premises regulated by this article shall comply with provisions of the article specifically applicable to him.

(Ord. No. 752, § 9, 3-30-70)

Sec. 12-161. Actions.

(a) *Action by building official on noncompliance.* If the owner or occupant fails to comply with the order contained in the notice of violation, the building official may bring an action to enforce the provisions of this article and to abate or enjoin the violation.

(b) *Action by owner or occupant; substitution or joinder.* An owner or occupant of the premises upon which any violation exists may bring an action to enforce the provisions of this article in his own name. Upon application by the building official, or upon motion of the party filing the complaint, the building official may be substituted for, or joined with, the complainant in the discretion of the court.

(c) *Injunctive or other relief.* When the violation is uncorrected and creates an imminent danger to the health and safety of the occupants of the premises, the building official shall file a motion for a preliminary injunction or other temporary relief appropriate to remove such danger during the pendency of the action.

(d) *Service of process.* Owners and lienholders of record found by the complainant upon the exercise of reasonable diligence shall be served with a copy of the complaint and a summons.

(e) *Orders and determinations of court; injunctions; necessary repairs; repair or removal by building official; conditions for assessment of repair cost to occupant and to owner.* The court, having obtained jurisdiction, shall make such orders and determinations as are consistent with the objectives of this article. The court may enjoin the maintenance of any unsafe, unhealthy or unsanitary condition, or any violations of this article, and may order the defendant to make repairs or corrections necessary to abate the conditions. The court may authorize the building official to make repairs or to remove the structure. When an occupant is not the cause of any unsafe, unhealthy or unsanitary condition, or any violation of this article and is the complainant, the court may authorize the occupant to correct the violation and deduct the cost thereof from the rent upon such terms as the court determines to be just. Whenever the court shall find that said occupant is the cause of any unsafe, unhealthy or unsanitary condition, or any violation of this article, then the court may authorize the owner to correct the violation and assess the cost thereof against the occupant or his security deposit.

(f) *Conditions for removal of building.* No building shall be removed unless the cost of repair of the building will be greater than the state equalized value of the building.

(g) *Order approving costs of repair or removal; lien and priority; foreclosure; filing of order.* When the expenses of repair or removal are not otherwise provided for, the court may enter an order approving the

expenses and providing that there shall be a lien on the real property for the payment thereof. The order may establish the priority of the lien and may provide that it shall be a lien senior to all other liens, except taxes and assessments; except that a mortgage of record having a recording date prior to all other liens of record shall retain its first priority if, at the time of recording of such mortgage or at any time subsequent thereto, a certificate of compliance as provided for in this article is in effect on the subject property. The order may also specify the time and manner for foreclosure of the lien if not satisfied. A true copy of the order shall be filed in the office of the register of deeds for the county where the real property is located within ten (10) days after entry thereof in order to perfect the lien granted in the order.

(Ord. No. 752, § 10, 3-30-70)

Sec. 12-162. Receiver; bond and termination; purpose; duties; powers; expenses; contents and filing of court order.

(a) When a suit has been brought to enforce this article against the owner the court may appoint a receiver of the premises.

(b) When the court finds that there are adequate grounds for the appointment of a receiver, it shall appoint the city or a proper local agency or officer, or any competent person, as receiver. In the discretion of the court no bond need be required. The receivership shall terminate at the discretion of the court.

(c) The purpose of a receivership shall be to repair, renovate and rehabilitate the premises as needed to make the building comply with the provisions of this article and where ordered by the court, to remove a building. The receiver shall promptly comply with the charge upon him in his official capacity and restore the premises to a safe, decent and sanitary condition, or remove the building.

(d) Subject to the control of the court the receiver shall have full and complete powers necessary to make the building comply with the provisions of this article. He may collect rents, and other revenue, hold them against the claim of prior assignees of such rents, and other revenue, and apply them to the expenses of making the building comply with the provisions of this article. He may manage and let rental units, issue receivership certificates, contract for all construction and rehabilitation as needed to make the building comply with the provisions of this article and exercise other powers the court deems proper to the effective administration of the receivership.

(e) When expenses of the receivership are not otherwise provided for, the court may enter an order approving the expenses and providing that there shall be a lien on the real property for the payment thereof. The provisions of subsection (g) of section 12-161 as to the contents and filing of an order are applicable to the order herein provided for.

(Ord. No. 752, § 11, 3-30-70)

Sec. 12-163. Conditions for action by occupant against owner for damages; injunctive and other relief; concurrent and consistent remedies.

(a) When the owner of a dwelling regulated by this article permits unsafe, unsanitary or unhealthful conditions to exist unabated in any portion of the dwelling, whether a portion designated for the exclusive use and occupation of residents or a part of the common areas, where such condition exists in violation of this article, any occupant, after notice to the owner and a failure thereafter to make the necessary corrections, shall

have an action against the owner for such damages he has actually suffered as a consequence of the condition. When the condition is a continuing interference with the use and occupation of the premises, the occupant shall also have injunctive and other relief appropriate to the abatement of the condition.

(b) Remedies under this section shall be in addition to such other relief as may be obtained by seeking enforcement of the section authorizing suits by the building official. The remedies shall be concurrent. When several remedies are available hereunder, the court may order any relief not inconsistent with the objectives of the article and calculated to achieve compliance with it.
(Ord. No. 752, § 12, 3-30-70)

Sec. 12-164. Rights not limited by enumeration.

The enumeration of rights of action under this article shall not limit or derogate rights of action at common law.
(Ord. No. 752, § 13, 3-30-70)