

CITY OF WHITEHALL
CITY COUNCIL WORK SESSION
405 E. COLBY STREET, WHITEHALL, MI
GARDEN ROOM
January 8, 2019
5:00 p.m.

AGENDA

1. Meeting Called to Order

2. Discussion Items
 - Rental Inspections (staff)

3. Informational Items
 - Recreational Marihuana

4. Public Comment *

5. Meeting Adjourned

City of Whitehall, 405 E. Colby Street, Whitehall, MI 49461; 231-894-4048

* PUBLIC COMMENT: Citizens wishing to speak on any subject matter or with regard to items on the agenda should use this opportunity. As a courtesy to the council, come to the podium, state your name, and direct your comments to the board. Please limit comments to three minutes.

**Whitehall City Council
Work Session Information Report
January 2019**

Rental Inspections (staff)

The registration ordinance will be effective January 9. Staff will mail notices and forms to all known rental unit owners. We still need to decide the extent of the inspections. Three options have been discussed - basic safety, HUD standards, and the International Property Maintenance Code.

Recreational Marihuana (informational)

The process for a final resolution on recreational marijuana retail establishments will begin with a brief survey in this month's City newsletter. It will simply ask residents and business owners if they support or oppose retail shops. City Attorney Sweeting will lead an educational session during the January 15th Planning Commission meeting. The Commission will be asked to hold a forum in February to gather direct public input and discuss which direction they support. A recommendation from the Commission to the Council will likely occur in March.

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CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 101 GENERAL

[A] **101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

[A] **101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner’s authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

[A] **101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

[A] **102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, owner’s authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not

intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner’s* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

[A] **102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

[A] **102.5 Workmanship.** Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer’s instructions.

[A] **102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

[A] **102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

[A] **102.7.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] **102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] **102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the pub-

lic safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] **102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] **102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] **103.1 General.** The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

[A] **103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] **103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

[A] **103.4 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] **103.4.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] **103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

[A] **104.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to

clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] **104.2 Inspections.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] **104.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] **104.4 Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] **104.5 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] **104.6 Department records.** The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105 APPROVAL

[A] **105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] **105.2 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided

that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons the alternative was not *approved*.

[A] **105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

[A] **105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

[A] **105.3.2 Test reports.** Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] **105.4 Used material and equipment.** The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] **105.5 Approved materials and equipment.** Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] **105.6 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106 VIOLATIONS

[A] **106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] **106.2 Notice of violation.** The *code official* shall serve a notice of violation or order in accordance with Section 107.

[A] **106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to

require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] **106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] **106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

SECTION 107 NOTICES AND ORDERS

[A] **107.1 Notice to person responsible.** Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

[A] **107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

[A] **107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

[A] **107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] **107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] **107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] **108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] **108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] **108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] **108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any 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 fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 Notice. Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding. Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] 108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] 108.6 Abatement methods. The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] 108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done,

including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

[A] 109.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

[A] 109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] 109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner*, of the *premises* or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

[A] 109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

[A] 110.1 General. The *code official* shall order the *owner* or owner's authorized agent of any *premises* upon which is located any structure, which in the *code official's* or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

[A] 110.2 Notices and orders. Notices and orders shall comply with Section 107.

[A] 110.3 Failure to comply. If the *owner* of a *premises* or owner's authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

[A] 111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] 111.2 Membership of board. The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] 111.2.1 Alternate members. The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] 111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

[A] 111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Compensation of members. Compensation of members shall be determined by law.

[A] 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] 111.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representa-

tive, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] **111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] **111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] **111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

[A] **111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] **111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 112 STOP WORK ORDER

[A] **112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] **112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] **112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] **112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to

remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

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CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the *code official*.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such

as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[BG] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[BE] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.

DEFINITIONS

3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

[A] OWNER. Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[BG] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate,

GENERAL REQUIREMENTS

the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, 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.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of

GENERAL REQUIREMENTS

the structure that they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs,

headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

- 1.1. Collapse of footing or foundation system;
- 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
- 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- 1.4. Inadequate soil as determined by a geotechnical investigation;
- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

- 2.1. *Deterioration*;
- 2.2. *Ultimate deformation*;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

- 3.1. *Deterioration*;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. *Ultimate deformation*;
- 3.5. Stress or strain cracks;
- 3.6. Joint fatigue; or
- 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the

floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309 PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a

GENERAL REQUIREMENTS

rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities require-

ments of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

[P] **502.1 Dwelling units.** Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] **502.2 Rooming houses.** Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] **502.3 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

[P] **502.4 Employees' facilities.** Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] **502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] **502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503 TOILET ROOMS

[P] **503.1 Privacy.** *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking

device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] **503.2 Location.** *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

[P] **503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] **503.4 Floor surface.** In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] **504.1 General.** Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] **504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] **504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] **505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] **506.1 General.** Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] **506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] **506.3 Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

[P] **507.1 General.** Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumb-

waiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**SECTION 607
DUCT SYSTEMS**

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

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CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

[F] 702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[F] 702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

[F] 703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

[F] 704.1 General. Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

[F] 704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

[F] 704.1.2 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

[F] 704.2 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

[F] 704.2.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

[F] 704.2.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.

3. In each story within the *sleeping unit*, including basements. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.2.1.2 **Groups R-2, R-3, R-4 and I-1.** Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including basements but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.2.1.3 **Installation near cooking appliances.** Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

[F] 704.2.1.4 **Installation near bathrooms.** Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

[F] 704.2.2 **Interconnection.** Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing *alterations*, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

[F] 704.2.3 **Power source.** Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

[F] 704.2.4 **Smoke detection system.** Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the *International Fire Code*.

HUD

Housing Quality Standards

24 CFR 982.401

Subpart I-- Dwelling Unit: Housing Quality Standards, Subsidy Standards, Inspection and Maintenance

982.401 Housing quality standards (HQS).

982.402 Subsidy standards.

982.403 Terminating HAP contract: When unit is too small.

982.404 Maintenance: Owner and family responsibility; PHA remedies.

982.405 PHA initial and periodic unit inspection.

982.406 Enforcement of HQS.

Sec. 982.401 Housing quality standards (HQS).

(a) Performance and acceptability requirements.

(1) This section states the housing quality standards (HQS) for housing assisted in the programs.

(2) (i) The HQS consist of:

(A) Performance requirements; and

(B) Acceptability criteria or HUD approved variations in the acceptability criteria.

(ii) This section states performance and acceptability criteria for these key aspects of housing quality:

(A) Sanitary facilities;

(B) Food preparation and refuse disposal;

(C) Space and security;

(D) Thermal environment;

(E) Illumination and electricity;

(F) Structure and materials;

(G) Interior air quality;

(H) Water supply;

(I) Lead-based paint;

(J) Access;

(K) Site and neighborhood;

(L) Sanitary condition; and

(M) Smoke detectors.

(3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

(4) (i) In addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are approved by HUD.

(ii) HUD may approve acceptability criteria variations for the following purposes:

(A) Variations which apply standards in local housing codes or other codes adopted by the PHA; or

(B) Variations because of local climatic or geographical conditions.

(iii) Acceptability criteria variations may only be approved by HUD pursuant to paragraph (a)(4)(ii) of this section if such variations either:

(A) Meet or exceed the performance requirements; or

(B) Significantly expand affordable housing opportunities for families assisted under the program.

- (iv) HUD will not approve any acceptability criteria variation if HUD believes that such variation is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

(b) Sanitary facilities.--

- (1) *Performance requirements.* The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.
- (2) *Acceptability criteria.*
 - (i) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
 - (ii) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
 - (iii) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
 - (iv) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(c) Food preparation and refuse disposal.

- (1) *Performance requirement.*
 - (i) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
 - (ii) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g, garbage cans).
- (2) *Acceptability criteria.*
 - (i) The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family. A microwave oven may be substituted for a tenant-supplied oven and range or stove. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
 - (ii) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
 - (iii) The dwelling unit must have space for the storage, preparation, and serving of food.
 - (iv) There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

(d) Space and security.-

(1) *Performance requirement.* The dwelling unit must provide adequate space and security for the family.

(2) *Acceptability criteria.*

- (i) At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- (ii) The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- (iii) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- (iv) The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

(e) Thermal environment.

(1) *Performance requirement.* The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability criteria*

- (i) There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- (ii) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

(f) Illumination and electricity.-

(1) *Performance requirement.* Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) *Acceptability criteria.*

- (i) There must be at least one window in the living room and in each sleeping room.
- (ii) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- (iii) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

(g) Structure and materials.

(1) *Performance requirement.* The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

(2) *Acceptability criteria.*

- (i) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- (ii) The roof must be structurally sound and weathertight.
- (iii) The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- (iv) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
- (v) Elevators must be working and safe.

(h) Interior air quality.

(1) *Performance requirement.* The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

(2) *Acceptability criteria.*

- (i) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
- (ii) There must be adequate air circulation in the dwelling unit.
- (iii) Bathroom areas must have one openable window or other adequate exhaust ventilation.
- (iv) Any room used for sleeping must have at least one window. If the window is designed to be openable, the window must work.

(i) Water supply.

(1) *Performance requirement.* The water supply must be free from contamination.

(2) *Acceptability criteria.* The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

(j) Lead-based paint performance requirement.-

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, M, and R of this title apply to units assisted under this part.

(k) Access performance requirement. The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(l) Site and Neighborhood.-

- (1) *Performance requirement.* The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.
- (2) *Acceptability criteria.* The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(m) Sanitary condition.

- (1) *Performance requirement.* The dwelling unit and its equipment must be in sanitary condition.
- (2) *Acceptability criteria.* The dwelling unit and its equipment must be free of vermin and rodent infestation.

(n) Smoke detectors performance requirement.

- (1) Except as provided in paragraph (n)(2) of this section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).
- (2) For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993 in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

Sec. 982.402 Subsidy standards.

(a) Purpose.

- (1) The HA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions.
- (2) For each family, the HA determines the appropriate number of bedrooms under the HA subsidy standards (family unit size).
- (3) The family unit size number is entered on the voucher issued to the family. The PHA issues the family a voucher for the family unit size when a family is selected for participation in the program.

(b) Determining family unit size. The following requirements apply when the HA determines family unit size under the HA subsidy standards:

- (1) The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- (2) The subsidy standards must be consistent with space requirements under the housing quality standards (See Sec. 982.401(d)).
- (3) The subsidy standards must be applied consistently for all families of like size and composition.
- (4) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- (5) A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- (6) Any live-in aide (approved by the HA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;
- (7) Unless a live-in-aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, as determined under the HA subsidy standards.
- (8) In determining family unit size for a particular family, the HA may grant an exception to its established subsidy standards if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. (For a single person other than a disabled or elderly person or remaining family member, such HA exception may not override the limitation in paragraph (b)(7) of this section.)

(c) Effect of family unit size--maximum subsidy in the voucher program. The family unit size, as determined for a family under the PHA subsidy standards, is used to determine the maximum rent subsidy for the family assisted in the voucher program. For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standard for a family shall be the lower of

- (1) The payment standard for the family unit size; or
- (2) The payment standard for the unit rented by the family.
- (3) Voucher Program. For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standards for the family must be the lower of:
 - (i) The payment standards for ht family unit size; or
 - (ii) The payment standards for the unit size rented by the family.

(d) Size of unit occupied by family.

- (1) The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.
- (2) The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit size.

Sec. 982.403 Terminating HAP contract: When unit is too big or too small.

- (a) Violation of HQS space standards.
 - (1) If the PHA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible.
 - (2) If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.
- (b) Certificate program only--Subsidy too big for family size.
 - (1) Paragraph (b) of this section applies to the tenant-based certificate program.
 - (2) The PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible if:
 - (i) The family is residing in a dwelling unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards; and
 - (ii) The gross rent for the unit (sum of the contract rent plus any utility allowance for the unit size leased) exceeds the FMR/exception rent limit for the family unit size under the PHA subsidy standards.
 - (3) The PHA must notify the family that exceptions to the subsidy standards may be granted, and the circumstances in which the grant of an exception will be considered by the PHA.
 - (4) If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.
- (c) Termination. When the PHA terminates the HAP contract under paragraph (a) of this section:
 - (1) The PHA must notify the family and the owner of the termination; and
 - (2) The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.
 - (3) The family may move to a new unit in accordance with Sec. 982.314.

Sec. 982.404 Maintenance: Owner and family responsibility; PHA remedies.

- (a) Owner obligation.
 - (1) The owner must maintain the unit in accordance with HQS.
 - (2) If the owner fails to maintain the dwelling unit in accordance with HQS, the PHA must take prompt and vigorous action to enforce the owner obligations. PHA remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.
 - (3) The PHA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
 - (4) The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible (as provided in Sec. 982.404(b) and Sec. 982.551(c)). (However, the PHA may terminate assistance to a family because of HQS breach caused by the family.)

(b) Family obligation.

- (1) The family is responsible for a breach of the HQS that is caused by any of the following:
 - (i) The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
 - (ii) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
 - (iii) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).
- (2) If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
- (3) If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family in accordance with Sec. 982.552.

Sec. 982.405 PHA initial and periodic unit inspection.

- (a) The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least annually during assisted occupancy, and at other times as needed, to determine if the unit meets the HQS. (See Sec. 982.305(b)(2) concerning timing of initial inspection by the PHA.)
- (b) The PHA must conduct supervisory quality control HQS inspections.
- (c) In scheduling inspections, the PHA must consider complaints and any other information brought to the attention of the PHA.
- (d) The PHA must notify the owner of defects shown by the inspection.
- (e) The PHA may not charge the family or owner for initial inspection or reinspection of the unit.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26647, May 14, 1999; 64 FR 56914, Oct. 21, 1999]

Sec. 982.406 Enforcement of HQS.

Part 982 does not create any right of the family, or any party other than HUD or the PHA, to require enforcement of the HQS requirements by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

CITY OF WHITEHALL
CITY COUNCIL MEETING
405 E. COLBY STREET, WHITEHALL, MI
COUNCIL CHAMBERS
January 8, 2019
6:00 p.m.

AGENDA

1. Meeting called to Order
 - A. Pledge of Allegiance
2. Approval of Agenda
3. Approval of the December 18 Council Meeting Minutes
4. Approval of Accounts Payable
5. Communications: Central Dispatch Financial Report, Central Dispatch Meeting minutes
6. Public Comment *
7. Messages from the Mayor, Council, and City Manager
 - A. Council Vacancy
8. Unfinished Business
9. New Business
 - A. Resolution 19-01 Poverty Exemption
 - B. Resolution 19-02 Residents Right to Protest
10. Public Comment *
11. Adjournment

City of Whitehall, 405 E. Colby Street, Whitehall, MI 49461; 231-894-4048

* PUBLIC COMMENT: Citizens wishing to speak on any subject matter or with regard to items on the agenda should use this opportunity. As a courtesy to the council, come to the podium, state your name, and direct your comments to the board. Please limit comments to three minutes.

CITY OF WHITEHALL
COUNCIL MEETING MINUTES
December 18, 2018

PRESENT: Virginia DeMumbrum, Ellie Dennis, Jen Hain, Debi Hillebrand, Norm Kittleson, Steve Salter, Kevin Spencer

ABSENT: Student Rep Hiner

ALSO PRESENT: City Attorney Sweeting, City Manager Huebler, City Clerk Bourdon, Chief Squiers, Student Rep Jacobs

Mayor Hillebrand called the meeting to order at 6:00 p.m. in the Council Chambers.

APPROVAL OF THE AGENDA

Motion by Kittleson, seconded by Dennis, CARRIED, to approve the amended agenda. All yeses

APPROVAL OF THE WORK SESSION AND COUNCIL MINUTES

Motion by Spencer, seconded by Kittleson, CARRIED, to approve the December 11 work session and council meeting minutes. All yeses.

APPROVAL OF THE ACCOUNTS PAYABLE

Motion by Dennis, seconded by Hain, CARRIED, to approve the account payables in the amount of \$446,152.79 and checks to be drawn in their several amounts.

Roll Call Vote: Yes – Dennis, Hain, Kittleson, Salter, Spencer, DeMumbrum, and Hillebrand;
No – None; Absent – None

COMMUNICATIONS

MML Annual Convention Info Report

Motion by Hain, seconded by DeMumbrum, CARRIED, to accept the communications and place them on file. All yeses.

PUBLIC COMMENT

Lillian Morningstar sought clarification on the Arconic parking lot.

MESSAGES FROM THE MAYOR, COUNCIL, AND CITY MANAGER

Huebler announced that we would be receiving tree grant money from Consumers Energy.

Salter reported on the meetings he attended.

Spencer and Hain wished everyone a Merry Christmas and Happy New Year.

Kittleson complimented the downtown decorations.

Dennis shared information on a Marijuana webinar she attended.

MAYORAL APPOINTMENTS

Motion by Dennis, seconded by Hain, CARRIED, to confirm the Library Board appointment of Melissa Martin. All yeses. DeMumbrum abstained due to her new position as Library Director.

Motion by Hain, seconded by DeMumbrum, CARRIED, to confirm the remaining board appointments as presented. All yeses.

UNFINISHED BUSINESS

None

NEW BUSINESS

A. Resolution 18-47 Tree Maintenance Contract

Motion by Salter, seconded by Spencer, CARRIED, to approve the 2-year tree maintenance contract to Borgman Tree Service as presented.

Roll Call Vote: Yes – Salter, Spencer, DeMumbrum, Hain, Kittleson, Dennis, and Hillebrand;
No – None; Absent – None

B. Ordinance 18-08 Rental Property

Motion by Kittleson, seconded by DeMumbrum, CARRIED, to approve Ordinance 18-08, Rental Property by adding Chapter 118 to Title XI Business Regulations requiring registration of rental property.

Roll Call Vote: Yes – Kittleson, DeMumbrum, Dennis, Hain, Spencer, Salter, and Hillebrand;
No – None; Absent – None

C. Resolution 18-48 Fees

Motion by Spencer, seconded by Hain, CARRIED, to approve the updated fee schedule with the addition of the rental property registration fees.

Roll Call Vote: Yes – Spencer, Hain, Salter, Dennis, Kittleson, DeMumbrum, and Hillebrand;
No – None; Absent – None

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Spencer, supported by DeMumbrum, CARRIED, that the Council meeting be adjourned at 6:22 p.m. All yeses.

Debra Hillebrand, Mayor

Brenda Bourdon, City Clerk

DRAFT

CITY OF WHITEHALL
ACCOUNTS PAYABLE
January 8, 2019

December 2018 & January 2019 Prepays

<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>Check No.</u>
City of Whitehall-Common Cash	Payroll	\$42,155.58	Transfer
IRS	Payroll	\$12,868.07	EFT
Alerus Financial	Payroll	\$5,012.67	7049
MISDU	Payroll	\$90.34	7050
Alerus Financial	Payroll	\$583.36	7051
City of Whitehall-Common Cash	Payroll	\$3,233.61	Transfer
IRS	Payroll	\$548.50	EFT
OptiMed Health Plans/UGP	Accounts Payable	\$4,191.55	20210
IRS	Payroll	\$14,645.51	EFT
Alerus Financial	Payroll	\$5,017.69	7059
MISDU	Payroll	\$90.34	7060
FOP-CD Hammond #99	Payroll	\$69.39	7061
Teamsters Local 214	Payroll	\$349.00	7062
	<u>Total Prepays:</u>	\$88,855.61	

TOTAL ACCOUNTS PAYABLE

\$194,057.60

Vendor Code	Vendor Name	Description	Amount
AFLAC	AFLAC		
	578436	PREMIUM - JAN-2019	537.80
TOTAL FOR: AFLAC			537.80
ASCAP	AMERICAN SOCIETY OF COMPOSERS, AUTH		
	500825663	BASE LICENSE FEE - MUSIC LICENSE PLAYHOUSE	357.00
TOTAL FOR: AMERICAN SOCIETY OF COMPOSERS, AUTH			357.00
APT	ASSOC OF PUBLIC TREASURERS OF US		
	20642	RECERTIFICATION FEE - AUDDO	125.00
TOTAL FOR: ASSOC OF PUBLIC TREASURERS OF US			125.00
BEAV	BEAVER RESEARCH COMPANY		
	0288644-IN	HAND CLEANER DPW	139.24
TOTAL FOR: BEAVER RESEARCH COMPANY			139.24
BUSH	BUSH CONCRETE PRODUCTS, INC		
	101531	SEWER T&D PARTS	96.00
TOTAL FOR: BUSH CONCRETE PRODUCTS, INC			96.00
CHART	CHARTER COMMUNICATIONS		
	0031219122218	INTERNET	109.98
TOTAL FOR: CHARTER COMMUNICATIONS			109.98
HALLC	CHRIS HALL		
	DECEMBER-2018	BUILDING PERMITS - DEC-2018	1,623.84
TOTAL FOR: CHRIS HALL			1,623.84
CLASS	CLASSIC STAMP & SIGN		
	70681	CITY LOGO - TRUCK 12-02	159.60
TOTAL FOR: CLASSIC STAMP & SIGN			159.60
CONSU	CONSUMER'S ENERGY		
	STATEMENT	PUBLIC UTILITIES	613.37
TOTAL FOR: CONSUMER'S ENERGY			613.37
DAN	DAN FROST DBA DAN'S AUTOMOTIVE		
	6111	TIRE REPAIR	10.00
TOTAL FOR: DAN FROST DBA DAN'S AUTOMOTIVE			10.00
CHRISTMAS	DBA / CHRISTMAS DECOR BY DEVRIES		
	11087	DOWNTOWN CHRISTMAS DECORATION INSTALLATION	1,998.80
TOTAL FOR: DBA / CHRISTMAS DECOR BY DEVRIES			1,998.80
DORN	DORNBOS SIGN INC		
	INV41817	SIGNS - EALY ELEMENTARY	139.10
TOTAL FOR: DORNBOS SIGN INC			139.10
DTE	DTE ENERGY		
	STATEMENT	PUBLIC UTILITIES	1,665.75
TOTAL FOR: DTE ENERGY			1,665.75

Vendor Code	Vendor Name	Description	Amount
EJ	EJ USA INC		
	110180108751	PARTS	75.30
TOTAL FOR: EJ USA INC			75.30
FRONT	FRONTIER		
	STATEMENT	TELEPHONE	261.85
TOTAL FOR: FRONTIER			261.85
GORDO	GORDON FOOD SERVICE		
	STATEMENT	PAPER TOWELS	103.97
TOTAL FOR: GORDON FOOD SERVICE			103.97
GRLF	GREAT LAKES FORD		
	FOCS308419	VEHICLE MAINTENANCE 12-10	55.38
TOTAL FOR: GREAT LAKES FORD			55.38
HUNTS	HUNT'S DO-IT CENTER		
	STATEMENT	PARTS & SUPPLIES	428.04
TOTAL FOR: HUNT'S DO-IT CENTER			428.04
MISC	INTERNATIONAL CODE COUNCIL		
	STATEMENT	CERTIFICATION RENEWAL - ARMSTRONG	75.00
TOTAL FOR: INTERNATIONAL CODE COUNCIL			75.00
JJ'S ELEC	JJ'S ELECTRIC LLC		
	DECEMBER-2018	ELECTRICAL PERMITS - DEC-2018	785.40
TOTAL FOR: JJ'S ELECTRIC LLC			785.40
AUDO	LAURIE H AUDO		
	STATEMENT	REIMBURSEMENT - REGISTER OF DEEDS	60.00
TOTAL FOR: LAURIE H AUDO			60.00
MIECO	MI DEPT OF MANAGEMENT & BUDGET		
	MIDEAL-310	2019 ANNUAL PURCHASING AGREEMENT	180.00
TOTAL FOR: MI DEPT OF MANAGEMENT & BUDGET			180.00
MIMUN	MI MUNICIPAL WORKERS COMP FUND		
	4975205	PAYROLL AUDIT	653.00
TOTAL FOR: MI MUNICIPAL WORKERS COMP FUND			653.00
MMLUNEM	MICHIGAN MUNICIPAL LEAGUE		
	0801-057	UNEMPLOYMENT - OCT-DEC - 2018	3.01
TOTAL FOR: MICHIGAN MUNICIPAL LEAGUE			3.01
MILL	MILLER'S OIL AND LUBE EXPRESS		
	85740	OIL CHANGE / WIPERS - TRUCK 12-05	62.35
TOTAL FOR: MILLER'S OIL AND LUBE EXPRESS			62.35
MODEL	MODEL COVERALL SERVICE INC		
	STATEMENTS	UNIFORMS	201.52
TOTAL FOR: MODEL COVERALL SERVICE INC			201.52

Vendor Code	Vendor Name	Description	Amount
MONTF	MONTAGUE FOODS		
	4014-38	CHRISTMAS HAMS	409.36
TOTAL FOR: MONTAGUE FOODS			409.36
MOWHI	MONTAGUE-WHITEHALL ROTARY CLUB		
	70 &64	3RD QTR DUES - BEAMAN & HUEBLER	320.00
TOTAL FOR: MONTAGUE-WHITEHALL ROTARY CLUB			320.00
MRWA	MRWA		
	R4938-42	CLASS - ARMSTRONG, BISSON, BOND, SILK, THORNE	700.00
TOTAL FOR: MRWA			700.00
MUFIR	MUSKEGON AREA FIRST		
	2125	ANNUAL CONTRIBUTION	4,973.00
TOTAL FOR: MUSKEGON AREA FIRST			4,973.00
MUSTWP	MUSKEGON CHARTER TOWNSHIP		
	WHI003 & I-2018	CENTRAL DISPATCH FEES & SAMSUNG 860 W/CASE	3,521.66
TOTAL FOR: MUSKEGON CHARTER TOWNSHIP			3,521.66
MUCRD	MUSKEGON COUNTY ROAD COMMISSIO		
	5894	SALT & SAND - BRINE	1,702.69
TOTAL FOR: MUSKEGON COUNTY ROAD COMMISSIO			1,702.69
MUTRE	MUSKEGON COUNTY TREASURER'S		
	170216 & 123500	DOG TAGS, WASTE WATER, BONDS	55,604.24
TOTAL FOR: MUSKEGON COUNTY TREASURER'S			55,604.24
OFFIC	OFFICE MACHINES CO., INC		
	INV24901	COPIER MAINTENANCE - DPW	35.00
TOTAL FOR: OFFICE MACHINES CO., INC			35.00
PSI	PRINTING SYSTEMS INC		
	102851	W2S, 1099S	122.43
TOTAL FOR: PRINTING SYSTEMS INC			122.43
QUILL	QUILL CORPORATION		
	3398003	OFFICE SUPPLY	71.14
TOTAL FOR: QUILL CORPORATION			71.14
REP	REPUBLIC SERVICES #240		
	0240-007290515	WASTE REMOVAL	365.97
TOTAL FOR: REPUBLIC SERVICES #240			365.97
RESE	RESENDES DESIGN GROUP		
	14913	PLAYHOUSE ARCHITECT	16,268.63
TOTAL FOR: RESENDES DESIGN GROUP			16,268.63
SWEET	RODGER I. SWEETING, ATTORNEY LLP		
	19236	ATTORNEY FEES	5,395.00
TOTAL FOR: RODGER I. SWEETING, ATTORNEY LLP			5,395.00

Vendor Code	Vendor Name	Description	Amount
SAMS	SAM'S CLUB/GECF		
	INVOICE	STATEMENTS CUPS, PLATES, KLEENEX	27.44
TOTAL FOR: SAM'S CLUB/GECF			<u>27.44</u>
SCHEI	SCHEID PLUMBING HEATING & COOL		
	I-1343-1	SERVICE CALL/PARTS	201.67
TOTAL FOR: SCHEID PLUMBING HEATING & COOL			<u>201.67</u>
HUEBL	SCOTT HUEBLER		
	DEC-2018	CAR ALLOWANCE - DEC-2018	300.00
TOTAL FOR: SCOTT HUEBLER			<u>300.00</u>
SHO	SHORELINE INSPECTION SERVICE LLC		
	DECEMBER-2018	PLUMBING & MECHANICAL PERMITS - DEC-2018	1,235.75
TOTAL FOR: SHORELINE INSPECTION SERVICE LLC			<u>1,235.75</u>
MI	STATE OF MICHIGAN		
	STATEMENT	LICENSE PLATE RENEWALS - DQA1371 & DQA1384	26.00
TOTAL FOR: STATE OF MICHIGAN			<u>26.00</u>
BEREA	THE BEREAN GROUP, LLC		
	STATEMENT	STAFF & OPERATIONAL STUDY / PLAYHOUSE & CITY	245.00
TOTAL FOR: THE BEREAN GROUP, LLC			<u>245.00</u>
STANI	THE STANDARD INSURANCE		
	JAN-2019	PREMIUM - JAN-2019	1,045.89
TOTAL FOR: THE STANDARD INSURANCE			<u>1,045.89</u>
WMCJT	WEST MICHIGAN CRIMINAL JUSTICE		
	3747	PA 302 FALL 2018 DISTRIBUTION	292.76
TOTAL FOR: WEST MICHIGAN CRIMINAL JUSTICE			<u>292.76</u>
WMIT	WESTERN MICHIGAN INTER'L		
	R101017920:01	TRUCK 12-18 EXHAUST FILTERS CLEANED	690.23
TOTAL FOR: WESTERN MICHIGAN INTER'L			<u>690.23</u>
WLFIR	WHITE LAKE FIRE AUTHORITY		
	DECEMBER-2018	MECHANICAL PERMITS - DEC-2018	425.83
TOTAL FOR: WHITE LAKE FIRE AUTHORITY			<u>425.83</u>
WINDEM	WINDEMULLER		
	191761 & 190558	REPAIR PUMP #1, AUTOMATION SERVICES	702.00
TOTAL FOR: WINDEMULLER			<u>702.00</u>
TOTAL - ALL VENDORS			105,201.99

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Fund 101 GENERAL OPERATING FUND					
Dept 000 648	DUE TO ALFAC	AFLAC	12/12/18	578436	537.80
101-000-259.005	DUE TO COUNTY-DOG TAGS	MUSKEGON COUNTY TREASURE	12/15/18	170216 & 123500 WWUB	81.00
101-000-259.007			Total For Dept 000 648		618.80
Dept 111 CITY CLERK					
101-111-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	18.61
			Total For Dept 111 CITY CLERK		18.61
Dept 136 DISTRICT COURT					
101-136-826.000	ATTORNEY FEES	RODGER I. SWEETING, ATTO	12/31/18	19236	990.00
			Total For Dept 136 DISTRICT COURT		990.00
Dept 172 ADMINISTRATION					
101-172-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	55.83
101-172-727.000	OFFICE SUPPLIES	QUILL CORPORATION	12/11/18	3398003	11.16
101-172-850.000	TELEPHONE	FRONTIER	12/10/18	STATEMENT	31.79
101-172-904.000	PRINTING	PRINTING SYSTEMS INC	12/07/18	102851	122.43
101-172-934.000	EQUIPMENT MAINTENANCE	QUILL CORPORATION	12/11/18	3398003	59.98
101-172-958.000	MEMBERSHIPS & DUES	ASSOC OF PUBLIC TREASURE	01/02/19	20642	125.00
101-172-958.000	MEMBERSHIPS & DUES	MONTAGUE-WHITEHALL ROTAR	12/17/18	70 &64	160.00
			Total For Dept 172 ADMINISTRATION		566.19
Dept 203 ATTORNEY					
101-203-826.000	ATTORNEY FEES	RODGER I. SWEETING, ATTO	12/31/18	19236	4,405.00
			Total For Dept 203 ATTORNEY		4,405.00
Dept 253 TREASURER					
101-253-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	18.61
101-253-962.000	REIMBURSEMENT - REGISTER OF DEE	LAURIE H AUDIO	12/26/18	STATEMENT	60.00
			Total For Dept 253 TREASURER		78.61
Dept 265 CITY HALL BLDG & GROUNDS					
101-265-757.000	OPERATING SUPPLIES	GORDON FOOD SERVICE	12/19/18	STATEMENT	49.99
101-265-757.000	OPERATING SUPPLIES	SAM'S CLUB/GEFC	12/19/18	STATEMENTS	27.44
101-265-920.000	PUBLIC UTILITIES	DTE ENERGY	12/21/18	STATEMENT	802.15
			Total For Dept 265 CITY HALL BLDG & GROUNDS		879.58
Dept 276 CEMETERY					
101-276-920.000	PUBLIC UTILITIES	DTE ENERGY	12/21/18	STATEMENT	31.61
			Total For Dept 276 CEMETERY		31.61
Dept 301 POLICE					
101-301-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	148.82
101-301-757.000	OPERATING SUPPLIES	HUNT'S DO-IT CENTER	12/25/18	STATEMENT	80.43
101-301-757.000	OPERATING SUPPLIES	MUSKEGON CHARTER TOWNSHI	12/19/18	WHI003 & I-2018-191	56.66
101-301-757.000	LICENSE PLATE - DQA1371	STATE OF MICHIGAN	01/02/19	STATEMENT	26.00
101-301-850.000	TELEPHONE	FRONTIER	12/10/18	STATEMENT	31.78
101-301-850.000	DISPATCH	MUSKEGON CHARTER TOWNSHI	12/19/18	STATEMENT	3,465.00
101-301-960.100	EDUCATION & TRAINING-302 FUNDS	WEST MICHIGAN CRIMINAL J	12/13/18	WHI003 & I-2018-191	292.76
101-301-962.000	OTHER EXPENSES	MI DEPT OF MANAGEMENT &	12/31/18	3747 MIDEAL-310	90.00
			Total For Dept 301 POLICE		4,191.45

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Fund 101 GENERAL OPERATING FUND					
Dept 525 SANITATION					
101-525-818.000	CONTRACTUAL SERVICES	REPUBLIC SERVICES #240	11/30/18	0240-007290515	116.16
			Total For Dept 525 SANITATION		116.16
Dept 751 PARKS DEPARTMENT					
101-751-775.000	REPAIRS & MAINT SUPPLIES	HUNT'S DO-IT CENTER	12/25/18	STATEMENT	65.11
			Total For Dept 751 PARKS DEPARTMENT		65.11
Dept 777 119 S BALDWIN ST					
101-777-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	12/14/18	STATEMENT	127.40
101-777-920.000	PUBLIC UTILITIES	DTE ENERGY	12/21/18	STATEMENT	38.30
			Total For Dept 777 119 S BALDWIN ST		165.70
Dept 851 FRINGE BENEFITS					
101-851-719.450	FRINGE-UNIFORMS	MODEL COVERALL SERVICE I	12/25/18	STATEMENTS	178.64
101-851-719.500	FRINGE-ADMIN CAR ALLOW	SCOTT HUEBLER	01/01/19	DEC-2018	300.00
101-851-719.550	FRINGE-WORKER'S COMP INS	MI MUNICIPAL WORKERS COM	12/03/18	4975205	653.00
101-851-719.680	FRINGE-LIFE INS	THE STANDARD INSURANCE	12/17/18	JAN-2019	209.34
101-851-719.690	FRINGE-DISABILITY INS	THE STANDARD INSURANCE	12/17/18	JAN-2019	836.55
101-851-719.800	FRINGE-UNEMPLOYMENT EXPENSE	MICHIGAN MUNICIPAL LEAGU	12/21/18	0801-057	3.01
			Total For Dept 851 FRINGE BENEFITS		2,180.54
Fund 202 MAJOR STREET FUND					
Dept 463 ROUTINE MAINT					
202-463-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	37.22
			Total For Dept 463 ROUTINE MAINT		37.22
Dept 474 TRAFFIC SERVICES					
202-474-757.000	OPERATING SUPPLIES	DORNBOB SIGN INC	12/17/18	INV41817	139.10
			Total For Dept 474 TRAFFIC SERVICES		139.10
Dept 478 WINTER MAINT					
202-478-757.000	OPERATING SUPPLIES	MUSKEGON COUNTY ROAD COM	12/12/18	5894	1,021.61
			Total For Dept 478 WINTER MAINT		1,021.61
Fund 203 LOCAL STREET FUND					
Dept 463 ROUTINE MAINT					
203-463-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	37.22
			Total For Dept 463 ROUTINE MAINT		37.22
Dept 478 WINTER MAINT					
203-478-757.000	OPERATING SUPPLIES	MUSKEGON COUNTY ROAD COM	12/12/18	5894	681.08
			Total For Dept 478 WINTER MAINT		681.08
Fund 245 TAX INCREMENT FINANCE AUTHORITY #3					
Dept 300 DOWNTOWN STREETScape					
245-300-757.000	OPERATING SUPPLIES	HUNT'S DO-IT CENTER	12/25/18	STATEMENT	5.38
245-300-974.000	CAPITAL IMPROVEMENTS	DBA / CHRISTMAS DECOR BY	12/11/18	11087	1,998.80
			Total For Fund 203 LOCAL STREET FUND		718.30

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Fund 245 TAX INCREMENT FINANCE AUTHORITY #3					
Dept 300 DOWNTOWN STREETScape					
Fund 248 LOCAL DEVELOPMENT FINANCE AUTHORITY					
Dept 000 648					
248-000-818.000	CONTRACTUAL SERVICES	MUSKEGON AREA FIRST	12/27/18	2125	4,973.00
			Total For Dept 000 648		4,973.00
			Total For Fund 245 TAX INCREMENT FINANCE AUTHORITY		2,004.18
			Total For Dept 300 DOWNTOWN STREETScape		2,004.18
Fund 249 BUILDING INSPECTION DEPARTMENT					
Dept 000 648					
249-000-818.000	CONTRACTUAL SERVICES	CHRIS HALL	12/01/18	DECEMBER-2018	1,623.84
249-000-818.000	CONTRACTUAL SERVICES	JJ'S ELECTRIC LLC	01/01/19	DECEMBER-2018	785.40
249-000-818.000	CONTRACTUAL SERVICES	SHORELINE INSPECTION SER	01/01/19	DECEMBER-2018	1,235.75
249-000-818.000	CONTRACTUAL SERVICES	WHITE LAKE FIRE AUTHORIT	01/01/19	DECEMBER-2018	425.83
			Total For Dept 000 648		4,070.82
			Total For Fund 249 BUILDING INSPECTION DEPARTMENT		4,070.82
Fund 580 PLAYHOUSE					
Dept 000 648					
580-000-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	18.61
580-000-818.100	C/S- FREY FOUNDATION GRANT	THE BEREAN GROUP, LLC	12/25/18	STATEMENT	245.00
580-000-818.400	CONTRACTUAL SERVICES-MUSIC	AMERICAN SOCIETY OF COMP	12/20/18	500825663	357.00
580-000-850.000	TELEPHONE	FRONTIER	12/10/18	STATEMENT	46.96
580-000-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	12/14/18	STATEMENT	414.98
580-000-920.000	PUBLIC UTILITIES	DTE ENERGY	12/21/18	STATEMENT	13.43
580-000-958.000	MEMBERSHIPS & DUES	MONTAGUE-WHITEHALL ROTAR	12/17/18	70 &64	160.00
580-000-975.100	BUILDING- ARCHITECT	RESENDES DESIGN GROUP	12/15/18	14913	16,268.63
			Total For Dept 000 648		17,524.61
			Total For Fund 580 PLAYHOUSE		17,524.61
Fund 590 SEWER FUND					
Dept 562 SEWER CUSTOMER ACCOUNTS					
590-562-850.000	TELEPHONE	CHARTER COMMUNICATIONS	12/22/18	0031219122218	54.99
			Total For Dept 562 SEWER CUSTOMER ACCOUNTS		54.99
Dept 564 SEWER PUMPING					
590-564-818.000	CONTRACTUAL SERVICES	WINDEMULLER	11/30/18	191761 &190558	112.00
590-564-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	12/14/18	STATEMENT	70.99
590-564-920.000	PUBLIC UTILITIES	DTE ENERGY	12/21/18	STATEMENT	34.15
590-564-920.000	PUBLIC UTILITIES	FRONTIER	12/10/18	STATEMENT	72.20
			Total For Dept 564 SEWER PUMPING		289.34
Dept 566 WASTEWATER SYSTEM-GALLONAGE					
590-566-951.000	WASTEWATER SYSTEM-GALLONAGE	MUSKEGON COUNTY TREASURE	12/15/18	170216 & 123500 WWUB	35,594.24
590-566-951.100	WASTEWATER SYS-GALLONAGE - BOND	MUSKEGON COUNTY TREASURE	12/15/18	170216 & 123500 WWUB	19,929.00
			Total For Dept 566 WASTEWATER SYSTEM-GALLONAGE		55,523.24

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Fund 590 SEWER FUND					
Dept 568 SEWER T & D					
590-568-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	37.22
590-568-775.000	REPAIRS & MAINT SUPPLIES	BUSH CONCRETE PRODUCTS,	12/18/18	101531	96.00
		Total For Dept 568 SEWER T & D			133.22
		Total For Fund 590 SEWER FUND			56,000.79
Fund 591 WATER FUND					
Dept 540 WATER ADMINISTRATION					
591-540-957.000	CONFERENCES & WORKSHOPS	MRWA	12/18/18	R4938-42	700.00
		Total For Dept 540 WATER ADMINISTRATION			700.00
Dept 542 WATER CUSTOMER ACCOUNTS					
591-542-850.000	TELEPHONE	CHARTER COMMUNICATIONS	12/22/18	0031219122218	54.99
		Total For Dept 542 WATER CUSTOMER ACCOUNTS			54.99
Dept 546 WATER SOURCE PLANT					
591-546-801.000	PROFESSIONAL SERVICES	WINDEMULLER	11/30/18	191761 & 190558	590.00
591-546-920.000	PUBLIC UTILITIES	DTE ENERGY	12/21/18	STATEMENT	31.00
591-546-920.000	PUBLIC UTILITIES	FRONTIER	12/10/18	STATEMENT	36.10
		Total For Dept 546 WATER SOURCE PLANT			657.10
Dept 548 WATER T & D					
591-548-719.000	FRINGE BENEFITS	MONTAGUE FOODS	12/21/18	4014-38	37.22
591-548-757.000	OPERATING SUPPLIES	EJ USA INC	12/20/18	110180108751	75.30
591-548-775.000	REPAIRS & MAINT SUPPLIES	HUNT'S DO-IT CENTER	12/25/18	STATEMENT	209.30
		Total For Dept 548 WATER T & D			321.82
		Total For Fund 591 WATER FUND			1,733.91
Fund 594 MARINA FUND					
Dept 000 648					
594-000-850.000	TELEPHONE	FRONTIER	12/10/18	STATEMENT	43.02
		Total For Dept 000 648			43.02
		Total For Fund 594 MARINA FUND			43.02
Fund 661 MOTOR POOL FUND					
Dept 000 648					
661-000-751.000	GASOLINE & MOTOR OIL	INTERNATIONAL CODE COUNC	12/04/18	STATEMENT	75.00
661-000-757.000	OPERATING SUPPLIES	BEAVER RESEARCH COMPANY	12/20/18	0288644-IN	139.24
661-000-757.000	OPERATING SUPPLIES	GORDON FOOD SERVICE	12/19/18	STATEMENT	53.98
661-000-757.000	OPERATING SUPPLIES	HUNT'S DO-IT CENTER	12/25/18	STATEMENT	67.82
661-000-781.000	REPAIR PARTS AND SUPPLIES	DAN FROST DEB DAN'S AUTO	12/11/18	6111	10.00
661-000-781.000	REPAIR PARTS AND SUPPLIES	MILLER'S OIL AND LUBE EX	12/13/18	85740	10.00
661-000-781.000	REPAIR PARTS AND SUPPLIES	WESTERN MICHIGAN INTER'L	12/20/18	R101017920:01	62.35
661-000-818.000	CONTRACTUAL SERVICES	GREAT LAKES FORD	12/17/18	FOCS308419	690.23
661-000-818.000	CONTRACTUAL SERVICES	MODEL COVERALL SERVICE I	12/25/18	STATEMENTS	55.38
661-000-818.000	CONTRACTUAL SERVICES	OFFICE MACHINES CO., INC	12/18/18	INV24901	22.88
661-000-818.000	CONTRACTUAL SERVICES	REPUBLIC SERVICES #240	11/30/18	0240-007290515	35.00
661-000-920.000	PUBLIC UTILITIES	DTE ENERGY	12/21/18	STATEMENT	249.81
661-000-931.000	BUILDING MAINTENANCE	SCHEID PLUMBING HEATING	10/24/18	I-1343-1	715.11
661-000-962.000	OTHER EXPENSES	MI DEPT OF MANAGEMENT &	12/31/18	MIDEAL-310	201.67
					90.00

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 BOTH OPEN AND PAID
 CITY OF WHITEHALL ACCOUNTS PAYABLE
 COUNCIL MEETING OF JANUARY 8, 2019

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 661 MOTOR POOL FUND					
Dept 000 648					
661-000-976.000	EQUIPMENT	CLASSIC STAMP & SIGN	12/04/18	70681	159.60
		Total For Dept 000 648			2,628.07
		Total For Fund 661 MOTOR POOL FUND			2,628.07

INVOICE GL DISTRIBUTION REPORT FOR CITY OF WHITEHALL
 EXP CHECK RUN DATES 01/04/2019 - 01/04/2019
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID
 CITY OF WHITEHALL ACCOUNTS PAYABLE
 COUNCIL MEETING OF JANUARY 8, 2019

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund Totals:					
	Fund 101 GENERAL OPERATING FUND				14,307.36
	Fund 202 MAJOR STREET FUND				1,197.93
	Fund 203 LOCAL STREET FUND				718.30
	Fund 245 TAX INCREMENT FINANCE				2,004.18
	Fund 248 LOCAL DEVELOPMENT FINA				4,973.00
	Fund 249 BUILDING INSPECTION DE				4,070.82
	Fund 580 PLAYHOUSE				17,524.61
	Fund 590 SEWER FUND				56,000.79
	Fund 591 WATER FUND				1,733.91
	Fund 594 MARINA FUND				43.02
	Fund 661 MOTOR POOL FUND				2,628.07
Total For All Funds:					105,201.99

Muskegon Central Dispatch 9-1-1
Muskegon County, Michigan

REPORT ON FINANCIAL STATEMENTS
(with required supplementary information)

September 30, 2018



As management of Muskegon Central Dispatch 9-1-1, we present to the readers of the Organization's financial statements this overview and analysis of the financial activities of Muskegon Central Dispatch 9-1-1 for the fiscal year ended September 30, 2018. We encourage you to consider the information presented in these financial statements along with the additional information that has been furnished in this letter.

FINANCIAL HIGHLIGHTS

- At the close of the fiscal year, the Organization had total assets/deferred outflows of resources of \$3,653,405 and total liabilities/deferred inflows of \$2,316,889, leaving net position of \$1,336,516.

OVERVIEW OF THE FINANCIAL STATEMENTS

This report consists of three parts - *management's discussion and analysis (this section), the basic financial statements, and required supplementary information.* The basic financial statements include information that presents two different views of the Organization.

- The first column of the financial statements includes information on the Organization's General Fund under the modified accrual method. These financial statements focus on current resources and provide a detailed view about the Organization's sources and uses of funds.
- The "Adjustments" column of the financial statements represents adjustments necessary to convert the modified accrual statements to the government-wide financial statements under the full accrual method.
- The third column provides both long-term and short-term information about the Organization's overall financial status. The "Statement of Net Position" and the "Statement of Activities" provide information about the activities of the Organization as a whole and present a longer term view of the Organization's finances.

The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of required supplementary information that further explains and supports the information in the financial statements.

Government-wide Financial Analysis

The first table presented below is a summary of the government-wide statement of net position for the Organization. The net position may be used as an indicator of a government's financial health. As of September 30, 2018, the Organization's net position totaled \$1,336,516.

In examining the composition of net position, the reader should note that a portion of governmental activities net position is invested in capital assets (i.e., equipment). These assets are used to provide services to the Organization's members, and they are not available to pay salaries, operational expenses or fund capital projects. Certain other net position is shown as restricted, meaning that it is subject to external restrictions on how it may be used. The unrestricted net position for governmental activities actually depicts a balance of \$258,711. This represents the amount of discretionary resources that can be used for general governmental operations.

Capital assets increased due to additions, such as a new phone system, exceeding depreciation. Deferred outflows and inflows changed due to pension and other post employment benefits related items. See Notes H and I of the "Notes to Financial Statements" of this report for additional information. Noncurrent liabilities increased due to a new note payable offset by a lower net pension liability and net other postemployment benefits liability.

Net Position

	2018	2017, as restated
Current assets and other assets	\$ 2,177,012	\$ 1,906,982
Capital assets	<u>1,137,720</u>	<u>955,213</u>
Total assets	3,314,732	2,862,195
Deferred outflows of resources	<u>338,673</u>	<u>560,704</u>
Total assets and deferred outflows of resources	3,653,405	3,422,899
Current liabilities	652,836	312,999
Noncurrent liabilities	<u>1,439,942</u>	<u>1,571,105</u>
Total liabilities	2,092,778	1,884,104
Deferred inflows of resources	<u>224,111</u>	<u>119,377</u>
Total liabilities and deferred inflows of resources	<u>2,316,889</u>	<u>2,003,481</u>
Net position		
Net investment in capital assets	1,030,229	955,213
Restricted	47,576	43,794
Unrestricted	<u>258,711</u>	<u>420,411</u>
Total net position	<u>\$ 1,336,516</u>	<u>\$ 1,419,418</u>

Change in Net Position

	2018	2017
Revenues		
Property taxes	\$ 1,298,807	\$ 1,240,688
Member assessments	1,093,076	1,041,130
Emergency telephone surcharge	646,999	569,030
Wireless surcharge	398,549	362,739
Wireless surcharge training	30,972	31,262
Intergovernmental revenues - State	115,916	69,488
Charges for services	160,454	120,785
Investment earnings	29,808	14,996
Other	<u>1,073</u>	<u>10,168</u>
Total revenues	3,775,654	3,460,286
Expenses		
Personnel	2,697,358	2,609,309
Maintenance and operations	785,814	811,135
Depreciation	<u>375,384</u>	<u>373,847</u>
Total expenses	<u>3,858,556</u>	<u>3,794,291</u>
Change in net position	(82,902)	(334,005)
Net position at beginning of year, as restated	<u>1,419,418</u>	<u>1,985,266</u>
Net position at end of year	<u>\$ 1,336,516</u>	<u>\$ 1,651,261</u>

See Note O of the "Notes to Financial Statements" of this report for additional information on the implementation of new other postemployment benefit standards and the corresponding restatement of beginning net position.

Property tax revenues increased slightly due to an increase in taxable values. Member assessments are based on population, taxable value and calls for service. They are charged to members' police and fire agencies in Muskegon County. For the current fiscal year, member assessments increased by approximately 5 percent. Individual member contributions are annually adjusted according to updated information applied to the formula noted above. Intergovernmental revenues – State increased due to higher levels of State funding for personal property tax replacement.

Expenses were relatively comparable to the prior year.

Financial Analysis of the Government's Funds

As stated earlier in this discussion and analysis, the Organization uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The Organization has only one fund, the General Fund.

The focus of the Organization's fund is to provide information on near-term inflows, outflows, and balances in spendable resources. Such information is useful in assessing the Organization's financing requirements. In particular, unassigned fund balances or the lack thereof, may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

At the end of the 2018 fiscal year, the General Fund reported a fund balance of \$1,524,176, a decrease of \$69,807. Fund balance restricted for wireless surcharge training costs was \$47,576. The unassigned fund balance was \$1,412,255. Unassigned fund balance represents approximately 36 percent of General Fund expenditures and total fund balance represents approximately 39 percent of General Fund expenditures.

General Fund Budget

During the current fiscal year, the Organization made several amendments to its original budget. The most significant of those are listed below:

- The budget for property taxes was increased by from \$1,248,000 to \$1,390,000 to attempt to reflect revenues that were higher than expected due to higher taxable value.
- The budget for intergovernmental revenues – State was increased from \$0 to \$115,916 to reflect personal property tax replacement revenues from the State of Michigan.
- The budget for salaries and wages was decreased from \$1,740,500 to \$1,700,500 as full time staffing levels were not increased as much as originally planned.
- The budget for contractual services was increased from \$450,657 to \$510,657 to better reflect actual expenditures as this line item varies depending on maintenance.
- The budget for capital outlay was increased from \$509,500 to \$558,500 due to additional computer upgrades.

The following comments summarize the major variations from the final budget to actual revenues and expenditures.

- Property taxes were under budget by \$91,193 due to changes in personal property tax collections.
- Wireless surcharge revenues were over budget by \$48,549 as cell phone usage continues to increase.
- Long-term debt issued was over budget by \$107,491 as a new note payable was not budgeted.

Capital Assets

Muskegon Central Dispatch 9-1-1's investment in capital assets as of September 30, 2018 totaled \$1,137,720 (net of accumulated depreciation). This investment in capital assets includes equipment and furniture.

Capital Assets

	Governmental Activities	
	2018	2017
Communications equipment	\$ 2,030,364	\$ 1,482,852
Computer equipment	6,117,499	6,037,419
Office equipment and furniture	47,283	47,283
Construction in progress	-	157,977
Total capital assets	8,195,146	7,725,531
Less accumulated depreciation	(7,057,426)	(6,770,318)
Total (net of accumulated depreciation)	\$ 1,137,720	\$ 955,213

Additional information on the Organization's capital assets can be found in note D of the "Notes to Financial Statements" of this report.

Long-Term Debt

At the end of the fiscal year, the Organization had total long-term debt outstanding of \$303,089 consisting of a note payable and compensated absences. This is an increase from the prior year due to a new note payable.

Additional information on the Organization's long-term debt can be found in note E of the "Notes to the Financial Statements" of this report.

In addition, the Organization also had a long-term net pension liability of \$940,508 and a net other postemployment benefits liability of \$196,345. Additional information on the Organization's and OPEB liabilities can be found in note H and I of the "Notes to the Financial Statements" of this report.

General Economic Overview

The Organization's revenues are comprised primarily of property taxes, member assessments from local units of government, and emergency telephone wire-line and wireless surcharges. For fiscal year 2018-2019, the Organization expects property taxes to remain relatively the same. Member assessments are budgeted to increase 5 percent. The emergency telephone surcharge is budgeted to increase by 2 percent. There are no anticipated changes of significance expected from wireless surcharge revenues.

The personnel budget for fiscal 2018-19 includes an increase in salaries and wages in accordance with union contracts and additional payments to fund retiree healthcare costs. The maintenance and operations portion of the budget is expected to increase 18 percent due to expected higher maintenance and repair costs and contractual services related to the new fire services records management program and phone upgrades. Overall, the Organization has budgeted a break-even budget and does not expect to use any fund balance.

The only significant capital purchase expected for fiscal 2018-19 is the purchase of new accounting software which is expected to cost approximately \$29,000.

The Organization anticipates significant capital improvements to its communication system over the next ten years and is considering various options to fund these improvements including the possibility of an increase in the local surcharge. Any change in the local surcharge would require voter approval.

There are no other significant planned changes anticipated for the operation of the Organization.

Requests for Information

This financial report is designed to provide a general overview of Muskegon Central Dispatch 9-1-1's finances for all those with an interest. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the Executive Director's Office at Muskegon Central Dispatch 9-1-1, 770 Terrace Street, Muskegon, MI 49440-1121 or by phone at (231) 722-3524.

Muskegon Central Dispatch 9-1-1
BOARD OF DIRECTORS
MEETING MINUTES
November 14, 2018

The November 14, 2018 Muskegon Central Dispatch 9-1-1 Board of Directors meeting held at Muskegon Central Dispatch was called to order at 1:30 p.m. by Chairman, Anthony Chandler.

Members present: Anthony Chandler, Director Admin Svcs/Asst to City Admin City of Norton Shores
Jennifer Hernandez, Township Supervisor, Muskegon Charter Township
Roger Squires, Chief of Police, City of Whitehall
Jared Olson, City Manager, City of Roosevelt Park
Jeff Auch, City Manager, City of Montague
Jake Eckholm, City Manager, City of Muskegon Heights
Heidi Tice, Supervisor, Fruitport Charter Township
Frank Peterson, City Manager, City of Muskegon
Ken Mahoney, County Commissioner, County of Muskegon
Chris McIntire, Lieutenant, Michigan State Police

Absent: Sam Janson, City Manager, City of North Muskegon

Staff present: Shawn Grabinski, Executive Director, Muskegon Central Dispatch 9-1-1
Nick Martin, Operations Manager, Muskegon Central Dispatch 9-1-1
Rebecca Injerd, Administrative Assistant, Muskegon Central Dispatch 9-1-1

Others present: Mike Muskovin, Motorola

APPROVAL OF THE AGENDA

Moved by Mr. Eckholm, seconded by Mr. Peterson to approve the November 14, 2018 agenda. Motion carried.

MINUTES OF THE SEPTEMBER 12, 2018 MEETING

Moved by Mr. Auch, seconded by Mr. Peterson to approve the September 12, 2018 meeting minutes. Motion carried.

REPORTS

SEPTEMBER & OCTOBER 2018 MONTHLY FINANCIAL REPORTS

Moved by Mr. Squires, seconded by Mr. Eckholm to approve the September and October 2018 financial reports, as presented. Motion carried.

DIRECTOR'S REPORT

As submitted.

Brief discussion regarding status of current hiring candidates.

RADIO COMMITTEE

Discussion about recent meeting. Count issues with mobiles and portables. Director anticipates regular meetings.

OLD BUSINESS

SURCHARGE/TOWER

Open discussion regarding options moving forward. Director Grabinski suggested ballot proposal at same surcharge, up to \$2.75, in May, 2019. Mr. Eckholm said published percentage increase hurt surcharge vote according to poll of his residents. His opinion was the amount needs to be lowered. Ms. Tice suggested a sunset clause would be a positive in her community. Mr. Peterson's idea was to show itemized plans, lower surcharge a little and give it a sunset clause. Mr. Mahoney felt the surcharge amount should not be negotiated down, it is viewed negatively. Mr. Squires suggested showing annual payments by the year to justify the funds' necessity. Overall discussion of strategies that were and were not successful. Mr. Muskovin from Motorola advised that, in planning, add back the state discount to overall price due to newly expired contract.

NEW BUSINESS

GUIDELINE 100-201 DEPARTMENT CREDIT CARD

Ms. Tice inquired as to the purpose of the increase. Director Grabinski explained that due to the Shared Service purchases, it is more necessary than ever to utilize the company credit card. MCD911 is continually bumping the current credit limit.

Moved by Mr. Squires, seconded by Mr. Peterson, to approve the revisions to Guideline 100-201 Department Credit Card as presented. Motion carried.

BS&A

Ms. Hernandez asked if HR Module would suffice. Director Grabinski explained, in brief detail, the reasons AP and GL Modules would also be necessary.

Moved by Mr. Peterson, seconded by Mr. Auch to approve the purchase of BS&A software, negotiate the service fee with Muskegon Charter Township and amend the budget as necessary. Motion carried.

COMMENT

ADMINISTRATIVE

Board consensus was to be assigned a date for their jurisdiction in the 2019 Board Meetings.

Mr. Chandler thanked Director Grabinski, Police Chief Squires, and Fire Chief Glotzbach for their hard work and time committed on the Surcharge Proposal over the past couple of months.

Director Grabinski stated that, in her opinion, it is advantageous that, in the future, local emergency personnel become involved with these meetings/gatherings.

PUBLIC

None.

NEXT MEETING

The next scheduled meeting is 1:30 p.m. on Wednesday, December 19, 2018 at Muskegon Central Dispatch, noting one week late due to audit presentation.

ADJOURNMENT

The meeting adjourned at 2:32 p.m.

Respectfully submitted,

Rebecca Injerd, Administrative Assistant

Date

Anthony Chandler, Chairman

Date

**Whitehall City Council
Agenda Report – Council Vacancy**

Council Member Jen Hain has submitted her resignation effective after the January 22, 2019 Council meeting. City Charter §4.8 requires the filling of a vacancy within 30 days by the concurring vote of at least four of the remaining members of council. If the vacancy is not filled, a special election would be required to do so. The appointee will serve until the next regular city election.

In order to fill this vacancy and to establish an objective and logical process that takes public input into consideration, the 'next highest vote getter' in the most recent Council election was (and should be going forward) the first consideration for this appointment, subject to concurring vote of at least 4 remaining council members. 'Next highest vote getter' is the person in the most recent Council election who received the most votes out of those who did not receive a seat on council. Should that person not accept an appointment, the next highest vote getter should be considered and so on until one accepts an appointment. In the event that there is no next highest vote getter or no next highest vote getter accepts an appointment, the vacancy would be advertised, applications from interested parties would be accepted and then City Manager, City Clerk and Mayor would review the applications and make an appointment recommendation, subject to concurring vote of at least 4 remaining council members. Should no applications be received, a special election would be scheduled in order to fill the vacancy.

In the most recent Council election, Dick Connell was the next highest vote getter receiving 227 votes after the last council seats were filled with a tie of 229 votes. Dick is interested in accepting this appointment. Additionally, Dick has previously served on Council and ZBA and was recently appointed to Planning. It is recommended that Dick Connell be appointed to fill the Council vacancy.

Dick is currently a member of the Planning Commission. Should Dick's appointment to Council be confirmed, he would no longer sit on Planning and his seat would need to be filled. The Commission's bylaws allow only one member of council, other than the mayor, to serve. This seat is currently held by Council Member Salter. Until an application process is established as required by a Redevelopment Ready Community certification (in process), the Mayor is to make a recommendation for board appointees with input from the City Manager and City Clerk. As such, council confirmation to appoint Tanya Cabala to the Planning Commission for a term set to expire December 2019 is sought. Tanya is interested in being on the Planning Commission again. She has served twelve years on Council, ten on Planning, and was one of the steering committee members that developed the City's Comprehensive Master Plan.

RECOMMENDATION

Motion to confirm the appointment of Dick Connell to City Council to fill the vacancy created by the resignation of Jen Hain effective January 23 in accordance with City Charter §4.8.

Motion to confirm the appointment of Tanya Cabala to the Planning Commission to complete an unexpired term through December 2019.

CITY OF WHITEHALL
RESOLUTION 19-01
2019 Poverty Exemption

WHEREAS, Public Act 390 of 1994 requires that each governmental unit must set policies and procedures annually for the property tax poverty exemptions that include income and asset levels.

WHEREAS, the attached property tax poverty exemption policies and procedures cover all the requirements of Public Act 390.

NOW, THEREFORE, LET IT BE RESOLVED

that the Whitehall City Council hereby adopts the 2019 Poverty Exemption Policies and Guidelines attached to and considered a part of this resolution.

Moved by _____, seconded by _____, and thereafter adopted by the City Council of the City of Whitehall, at a regular meeting held January 8, 2019 at 6:00 p.m.

(___ yes, ___ no, ___ absent).

Debra Hillebrand, Mayor

Brenda Bourdon, City Clerk

FEDERAL POVERTY INCOME STANDARDS FOR 2019 ASSESSMENTS

The following are the federal poverty income standards as of 12-31-18 for use in setting poverty exemption guidelines for 2019 assessments.

<u>Size of Family Unit</u>	<u>Poverty Threshold</u>
1	\$12,140
2	\$16,460
3	\$20,780
4	\$25,100
5	\$29,420
6	\$33,740
7	\$38,060
8	\$42,380
For each additional person, add	\$ 4,320

IMPORTANT NOTE: MCL 211.7u, which deals with poverty exemptions, was significantly altered by PA 390 of 1994 and was further amended by PA 620 of 2002. Poverty exemption guidelines established by the governing body of the local assessing unit SHALL also include an asset level test (see attached).

**2019 POVERTY EXEMPTION
POLICIES AND GUIDELINES FOR
CITY OF WHITEHALL**

Public Act 390 of 1994 states that poverty exemption may be granted by the Board of Review to claimants that are owners of **HOMESTEADS ONLY**. According to P.A. 390, homestead means homestead or qualified agricultural property as those terms are defined in MCL 211.7dd (See STC Bulletin No. 5, 1995 – Item A).

The City Council has established the following listed items and requirements that shall be adhered to when granting poverty exemptions:

1. File a claim with the Board of Review after January 1, on a form provided by the City. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right to appeal to the Michigan Tax Tribunal.
2. Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget. Specific income tests are attached/included in this document.
3. Attach copies of the following:
 - a) Federal and State Income Tax Forms for **ALL** persons residing in the home
 - b) Property Tax Credit Form
 - c) W-2 forms
 - d) Copy of Deed or Land Contract
 - e) Identification or Driver's License
 - f) Copies of the last four (4) months bank statements for **ALL** persons residing in the home
4. Meet asset levels of the following:
 - a) Liquid assets may not exceed \$3,000
 - b) Transportation - 1 per income provider
 - c) Recreational type vehicles - none
 - d) Total assets cannot exceed \$10,000 excluding your homestead
 - e) Must not own more land than an average city lot of 60' x 165'.

You must provide proof of income and assets, including any property tax credit returns to be considered for an exemption. The Board of Review has final decision as to whether poverty exemption shall be granted and the amount of exemption. Poverty exemption must be applied for every year.

CITY OF WHITEHALL
RESOLUTION 19-02
RESIDENTS RIGHT TO PROTEST

WHEREAS, the Board of Review, as provided by City Charter, has the responsibility of reviewing the tax assessment roll in accordance with the State Tax Law as defined in MCL 211.30(2).

WHEREAS, State law allows non-residents the right to file written appeals with the Board, residents are not automatically afforded that same benefit.

WHEREAS, in order to permit residents the right to file written protest, the local unit of government must adopt a resolution granting that right.

WHEREAS, that before hearing or considering a protest, whether made in person or in writing, by a person or representative other than the taxpayer of record the Board may require submittal of a satisfactory letter of authority, signed and dated by the taxpayer of record, authorizing such person or representative to protest to the Board on the taxpayer's behalf.

NOW, THEREFORE, LET IT BE RESOLVED,

That the Whitehall City Council provides the right of resident and non-resident taxpayers to file protests to the Board of Review in writing, without the necessity of personal appearance by the taxpayer or the taxpayer's representative, provided such written protest is received on or before the second Tuesday in March of the tax year at issue.

Moved by _____, seconded by _____, and thereafter adopted by the City Council of the City of Whitehall, at a regular meeting held January 8, 2019 at 6:00 p.m. (____ yes, ____ no, ____ absent).

Debra Hillebrand, Mayor

Brenda Bourdon, City Clerk