

VILLAGE OF NASHVILLE
BARRY COUNTY MICHIGAN
ORDINANCE 9-12-2019
As amended 07-13-2023

AN ORDINANCE ESTABLISHING THE MINIMUM EXTERIOR HOUSING CODE FOR THE VILLAGE OF NASHVILLE, COUNTY OF BARRY, MICHIGAN.

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1. PURPOSE

The purpose of this ordinance is to provide minimum requirements for the protection of health, safety, and welfare of the general public and the owners and occupants of residential buildings.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The word “shall” is always mandatory and not merely directory. Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

APARTMENT. A dwelling unit as defined in this ordinance.

APARTMENT HOUSE. Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of two or more families living independently of each other in dwelling units as defined in this ordinance.

APPROVED. Constructed, installed and maintained in accordance with the provisions of this ordinance and other pertinent ordinance of the village with the rules and regulations adopted pursuant thereof.

AUTHORIZED INSPECTOR. Includes, but is not be limited to, the Ordinance Enforcement Officer(s), Nashville Police Department, Building Inspector, Electrical Inspector, Fire Chief, Health Officer and the Plumbing Inspector and/or their duly appointed representative(s) of the Village.

DWELLING. Any building or structure, except temporary housing, as herein termed, which is wholly or partly used or intended to be used for living by human occupants.

DWELLING MULTIPLE. A building used for and as a residence for two or more families living independently of each other including apartment houses, townhouses and apartment hotels, but not including homes.

DWELLING, ONE-FAMILY. A detached building occupied by one family. Also known as a SINGLE-FAMILY DWELLING.

DWELLING, TWO-FAMILY. A detached two-family dwelling is that occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a DUPLEX DWELLING.

DWELLING UNIT. A room or a group of rooms located within a dwelling and forming a single habitable unit.

EXIT. A continuous and unobstructed means of egress to a public way.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest eliminative methods approved by the Authorized Inspector.

FAMILY: A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. The Zoning Administrator shall presume that a functional equivalent of a domestic family is limited to six (6) or fewer persons. A property owner may rebut this presumption to allow more than six (6) persons subject to the standards set forth in this Ordinance. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 110 of 2006, as amended, MCL 125.3101 *et seq.* A “functional equivalent family” shall be deemed a family or domestic family for purposes of this Ordinance.

FIRE CHIEF. The Fire Chief of the Castleton, Maple Grove and Nashville Fire Department.

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

HEALTH OFFICER. The Health officer or his or her duly appointed representative of the County of Barry.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests.

MOTOR VEHICLE, ABANDONED. An inoperable and/or unlicensed motor vehicle.

MULTIPLE DWELLING. Any dwelling containing three or more dwelling units.

MUNICIPALITY. Village of Nashville, Barry County, Michigan.

NUISANCE. The following shall be defined as nuisances:

1. Any public nuisance known as common law or in equity jurisprudence;
2. Any unattractive nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any

- structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;
3. Whatever is dangerous to human life or is detrimental to health;
 4. Inadequate or unsanitary sewerage;
 5. Uncleanliness;
 6. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings; and
 7. The presence of hazardous materials in a quantity which is or may become injurious to the public health, safety or welfare or the environment.

OCCUPANT. Any person living in a dwelling unit or rooming unit, or person staying more than five nights.

OPERATOR. Any person who has charge, care or control of a building or part hereof, in which dwelling units or rooming units are let.

OWNER. Any person who, alone, or jointly or severally with others;

1. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PERSON. Any individual, firm, corporation, association or partnership.

PREMISES. A lot, plot or parcel of land including the buildings and structures thereon.

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

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

SINGLE-FAMILY DWELLING. Any dwelling containing one dwelling unit.

SUBSTANDARD BUILDING. See section 8.

UNFIT DWELLING. Any building or dwelling, dwelling unit, rooming house or rooming unit, in whole or in part, which shall be found to have any of the following defects shall be deemed to be unfit for human habitation:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or to the public and/or;
2. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

SECTION 3. ENFORCEMENT. (Amended 06-09/2022)

- A. *Authority.* The Authorized Inspector is authorized and directed to administer and enforce all of the provisions of this Ordinance.
- B. *Notice of violation.* Whenever the Authorized Inspector determines that there exists a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, he or she shall give notice of the violation to the person or persons responsible therefore and order compliance. The notice and order shall:
 - a. Be in writing;
 - b. Include a list of violations referring to the sections of the Ordinance violated;
 - c. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance;
 - d. Set a reasonable time, in consideration of the time needed to rectify the violation but not to exceed 90 days in any event, for compliance;
 - e. Advise the owner or occupant of the procedure for appeal;
 - f. Be served upon the owner, his or her agent or the operator or occupant by delivering the same at his residence, office or place of business with some person of suitable age and discretion who shall be informed of the contents thereof or by mailing a copy thereof by certified mail to his or her last known address or if the person to be served is unknown, by posting the notice in some conspicuous place on the premises; and
 - g. If necessary and anything herein to the contrary notwithstanding, also require the dwelling place or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Authorized Inspector.
 - h. *Duplicate notice of violation.* Whenever the owner, his or her agent or the operator of a dwelling is notified by the Authorized Inspector of a violation for which he or she is responsible, a copy of the notice of violation shall also be posted on the premises, delivered or sent by regular mail to the occupants of the dwelling; and whenever an occupant is notified by the Authorized Inspector of a violation for which he or she is responsible, a copy of the notice of violation shall also be delivered or sent by regular mail, to the owner of the dwelling. Failure to send the duplicate notice of violation, however, shall not affect the validity of any proceedings against the owner or occupant.
- C. *Appeals.* Any person served with a notice of violation or order which has been issued in connection with the enforcement of this Ordinance may request and shall be granted a

hearing on the matter before the Council; provided that, a person shall file in the Village Clerk's office a written petition requesting the hearing and setting forth the name, address and phone number of the petitioner and a brief statement of the grounds for the hearing. Petition shall be filed within ten days after the day of the notice of violation and order is served and shall be accompanied by a fee of \$25 to cover the Village's cost of handling the appeal. Upon receipt of a petition, the Council shall set a date, not to exceed 30 days, for a hearing before the Village Council and shall give the petitioner written notice thereof. If the violator does not appear for the hearing, the provisions of this Ordinance shall be enforced.

- D. *Decisions.* After the hearing, the Council shall sustain, modify or withdraw the notice of violation and order depending upon its findings. If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this Ordinance, the Council may permit a variance from the mandatory provisions thereof in a manner that the public safety shall be secured, substantial justice done and the spirit of the provisions of this Ordinance upheld.
- E. *Orders to condemn.* Any dwelling, rooming house, hotel, motel or other structure covered by the provisions of this Ordinance may be condemned as unfit for human habitation by the Authorized Inspector if the owner, operator or occupant fails to comply with any provision of this Ordinance.
- F. *Orders to vacate.* Where a notice of violation and order to comply has been served and upon reinspection at the time specified for compliance, it is found that the violation or violations have not been corrected and if no petition for a hearing before the Village Council is pending, the Authorized Inspector may order the dwelling or the parts thereof affected by the continued violations, vacated in accordance with the following procedures.
- a. Dwellings or parts thereof shall be vacated within a reasonable time not to exceed 60 days.
 - b. No owner or operator shall let any person occupy a dwelling or dwelling unit which has been condemned and posted after the time allowed by the Authorized Inspector for vacating.
 - c. The owner shall have all outer doors and windows barricaded on vacated dwellings to prevent entry.
 - d. The owner shall have posted at each entrance on vacated dwellings a sign to read "DO NOT ENTER, UNSAFE TO OCCUPY".
 - e. Vacated dwellings or parts thereof shall not again be used for human habitation until all violations have been corrected and written determination is obtained from and the notice or placard is removed by the Authorized Inspector indicating that the dwelling complies with this Ordinance.
 - f. If a dwelling or part thereof is not vacated within the time specified in the vacating order, the Authorized Inspector may cause the owner of the dwelling prosecuted as a violator of the provisions of this Ordinance and may cause the order to vacate to be carried out at the expense of the Village. A statement of cost

of the work shall be transmitted to the Village Council who shall cause the cost to be paid and levied as a special assessment against the property.

- G. *Noncompliance.* In case the owner shall fail, neglect or refuse to comply with the notice and order to repair, improve, rehabilitate or demolish and remove the condemned dwelling or portion thereof, the Authorized Inspector may cause the owner of the dwelling prosecuted as a violator of the provisions of this Ordinance and may cause to proceed with the work specified in the notice at the expense of the Village. A statement of the cost of the work shall be transmitted to the Village Council, who shall cause the same to be paid and levied as a special assessment against the property.
- H. *Right to demolish.* The Authorized Inspector may show cause to the Village Council for any vacant building or structure to be demolished and removed at the expense of the Village after violation notices and orders for condemnation in a manner provide, when these buildings or structures constitute an immediate menace to public health, safety or welfare. A statement of the cost of the work shall be transmitted to the Village Council, who shall cause the same to be paid and levied as a special assessment against the property.
- I. *Unauthorized removal of notice or placard.* No person shall interfere with, obstruct, mutilate, deface or remove the official notice or placard from any dwelling or dwelling unit.
- J. *Costs.* Costs incurred shall be paid by the Village. The costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments.

SECTION 4. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following minimum standards for space, location and occupancy.

- A. *Prohibited uses.* No dwelling, nor the lot, nor premises thereof shall be used for the storage or handling of rags or junk.
- B. *Temporary or garage dwellings.* It shall be unlawful to erect or occupy any structure which is intended to be occupied in whole or part as a temporary dwelling unless it complies with all provisions of this Ordinance.
- C. *Access to Public Street.* Every dwelling shall have direct vehicular access to a public street or a recorded, permanent, unobstructed easement, not less than 20 feet in width which leads to a public street.

- D. *Certificate of compliance.* No building constructed as or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the Authorized Inspector that the dwelling substantially conforms in all respects to the requirements of this Ordinance. The certificate shall be issued within 15 days after written application therefor if the dwelling at the date of the application shall be entitled thereto.
- E. *Unlawful occupation.* If any building constructed as or altered into a dwelling be occupied in whole or in part for human habitation in violation of this Ordinance or without obtaining a certificate of compliance. During the unlawful occupation, no rent shall be recoverable by the owner or leaser of the premises for the period and no action or special proceedings shall be maintained therefor or payment of it for possession of the premises for non-payment and the premises shall be deemed unfit for human habitation and the Authorized Inspector may cause them to be vacated accordingly.

SECTION 5. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF DWELLINGS AND NONDWELLING STRUCTURES.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, or rooming house which does not comply with the following minimum standards for safe and sanitary maintenance.

- A. *Foundations, exterior walls and roofs.* Every foundation, all windows, exterior doors, exterior walls and roof shall be substantially weather-tight, water-tight and rodent-proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- B. *Porches.* Every outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- C. *Exterior wood surfaces.* All exterior wood surfaces shall be adequately protected from water seepage and against deterioration with a paint covering or some other suitable material.
- D. *Maintenance of required equipment and utilities.* Every supplied facility, piece of equipment or utility which is required under this Ordinance and every chimney and smoke-pipe, shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.
- E. *Occupancy of vacant dwelling.* No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is fit for human occupancy.
- F. *Nondwelling structures and fences.* Every nondwelling structure and fence shall be properly maintained and kept in good repair or shall be removed.

SECTION 6 EGRESS.

Every dwelling unit shall have access directly to the outside or to a public corridor. For each dwelling unit of every multiple dwelling above the first story, there shall be access to two separate usable, unobstructed means of egress either of which is accessible without passing through the other and every exit from the dwelling units shall lead to a public thoroughfare either directly or through a court or yard.

SECTION 7. RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

(Amended 06-09-2022 & 07-13-2023)

The following responsibilities of owners, operators and occupants are in addition to those specified elsewhere throughout this Ordinance:

- A. *Public area.* Every owner or operator of a dwelling containing more than two dwelling units or rooming house shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. In all other cases, it shall be the responsibility of the occupant.
- B. *Dwelling unit.* Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and premises which he or she occupies and controls.
- C. *Removal of waste matter.* Every occupant of a dwelling unit shall dispose of all his or her rubbish, ashes, garbage and other organic waste, which might provide food for rodents, in a clean and sanitary manner by placing it in garbage disposal facilities or garbage storage containers or rubbish containers, required in this Ordinance. Every occupant shall provide the facilities for his or her dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a dwelling containing more than two dwelling units shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He or she shall be responsible further for placing out for collection of all common garbage and rubbish containers, except where facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection. Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in storage or disposal facilities. Contact Village Hall to receive garbage pickup provider information.
 - a. *Firework debris.* Any resident, individual or group within the Village of Nashville is responsible and required for cleaning up any and all debris that lands or is deposited on any property due to the ignition of fireworks. Cleanup of such debris must be completed within twenty four (24) hours of ignition.
- D. *Extermination of pests.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein on the premises. Every occupant of a dwelling containing more than one dwelling unit shall be responsible for the extermination wherever his or her dwelling

unit is the only one infested. When however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator. Whenever infestation exists in two or more of the dwelling units, in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner or operator. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises.

- E. *Cutting of Grass and Weeds.* No person occupying said premises, and no person owning any premises shall fail to cut, remove, or destroy grass or noxious weeds growing on property occupied by or owned by him/her or growing on that portion of a sidewalk and street which adjoins property occupied by or owned by him/her.

a. *When Village to do work:*

If provisions of Section 7.E. Cutting of Grass and Weeds are not complied with, the Village President or the Village Clerk, or either of their duly authorized representatives, shall notify the occupant, or owner of unoccupied premises, to comply with the provision of said sections within a time to be specified in said notice. Such notice shall be given as follows; either a) by delivering to the owner or occupant of said property either personally or by leaving it at his/her residence, office or place of business with some person of suitable age and discretion; b) by mailing said notice by certified mail to such owner at his last known address; or c) if the owner is unknown and the premises are unoccupied the posting of said notice in some conspicuous place on the premises for five days.

If said notice is not complied with, within the specified time therein, the Village shall cause such weeds, grass or other vegetation to be removed or destroyed and the actual cost of cutting, removal or destroying plus 15% for inspection and other costs in connection therewith, shall be levied upon the property as a special assessment, and collected as other special assessments levied in the Village.

SECTION 8. SUBSTANDARD BUILDINGS.

Any building or portion thereof including any dwelling, dwelling unit, rooming house, rooming unit, motel, hotel or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the health, safety and welfare of the public or the occupants thereof shall be deemed and is declared to be a substandard building and shall be condemned as unfit for human habitation.

- A. Inadequate sanitation, which shall include, but not be limited to, the following:
- a. Infestation of insects, vermin or rodents;
 - b. General dilapidation or improper maintenance;
 - c. Lack of connection or required sewage disposal system;
 - d. Lack of adequate garbage and rubbish storage and removal facilities.

- B. Structural hazards, which shall include, but not be limited to, the following:
 - a. Deteriorated or inadequate foundations;
 - b. Deteriorated or inadequate roofs or chimneys which list, bulge or settle or which are of insufficient size or strength to carry imposed loads with safety; and
 - c. Sidewalks, walks and other paved areas on private property shall be kept in sound condition and good repair.
- C. Any nuisance as defined in section 2 of this Ordinance;
- D. Any dwelling or dwelling unit unfit for human habitation as defined in this Ordinance;
- E. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which in the opinion of the Fire Chief or his or her deputy, is in a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;
- F. All materials of construction, except those which are specifically allowed or approved by this Ordinance and the State Building Code and which have been adequately maintained in good and safe condition;
- G. Those premises on which an accumulation of weeds, vegetation, downed trees, lumber (new or used), junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials, abandoned or inoperable motor vehicles and similar materials or conditions which constitute fire, health or safety hazards;
- H. All buildings or portions thereof not provided with adequate exit facilities as required by this Ordinance, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy.

SECTION 9. PENALTIES.

A person who violates any provision and refuses to cure the violation consistent with Section 3 herein of this Housing Ordinance is responsible for a municipal civil infraction, punished by a civil fine of \$50 for a first violation, \$150 for a second violation, and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500. The civil fine for a first violation can be waived upon the violation being rectified with verification by Inspector. If the person defaults on the municipal civil infraction notice and does not rectify the violation, a second or subsequent, non-waivable violation fine shall be issued. A third or subsequent default shall be a misdemeanor punishable by a fine not to exceed \$500 and/or 90 days in jail. Any penalties provided in this section do not waive the requirement for the violation to be rectified or otherwise prohibit any and all other remedies by the Village for the violation provided herein if such violation is not rectified.

For purposes of this Exterior Housing Ordinance, the Village officials authorized to issue municipal civil infraction citations and notices include, but are not limited to, any Authorized

Inspector, as defined by the Exterior Housing Ordinance. You may contact City Hall for possible resources to help with any issues.

SECTION 10. REPEALER: PENDING PROCEEDINGS.

Ordinance No. 10-10-1968, 11-13-2014, 10-8-81 and 10-9-1986 are repealed; provided, however that all proceedings pending all rights and liabilities existing at the time this ordinance takes effect are saved and may be consummated or continued according to the law in force when they were commenced. No prosecution initiated prior to the effective date of this ordinance or initiated after the effective date of this ordinance for an offense committed prior to the effective date shall be affected by this ordinance.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days after its adoption or upon its publication, whichever occurs later.

PASSED and adopted by the Village of Nashville, Michigan on September 12th, 2019.

YEAS: White, Headley, Hartwell, Felder, Hodge and Kenyon

NAYS: None

ABSENT: Priddy

Ordinance No. 9-12-2019 adopted.

Mike Kenyon, Village President

Lynette Adgate, Village Clerk

I, Lynette Adgate, the Clerk for the Village of Nashville, Barry County, Michigan, hereby certify that the forgoing is a true and accurate copy of an ordinance adopted by the village council of the Village of Nashville at a regular meeting held on September 12th, 2019.

Lynette Adgate, Village Clerk

Adopted 9-12-2019

Published 9-14-2019

Effective 10-4-2019