

VILLAGE COMMISSION PROCEEDINGS

(Continued from Page 3, Part 2)

248—Moved by Commissioner Connelly that Ordinance No. 184 be adopted.

ORDINANCE NO. 184
PREFACE

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ALTERATION, REPAIR, MOVING, DEMOLITION, OCCUPANCY, CHANGE OF OCCUPANCY, EQUIPMENT, HEIGHT, AREA, LOCATION AND MAINTENANCE OF BUILDINGS AND/OR STRUCTURES IN THE VILLAGE OF BIRMINGHAM; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Enacting Clause

(a) THE VILLAGE OF BIRMINGHAM ORDAINS:

Title

(b) This ordinance shall be known as the "BUILDING CODE OF THE VILLAGE OF BIRMINGHAM," and will be referred to in this ordinance as "this Code."

Purpose

(c) The purpose of this Code is to provide minimum standards, provisions and requirements for safe and stable design, methods of construction, uses of materials in and location of buildings and/or structures hereafter erected, altered, repaired, moved, converted to other uses, or demolished, and to regulate the equipment, maintenance, use and occupancy of all buildings and/or structures within the village limits of the Village of Birmingham.

State Laws

(d) The provisions of this Code shall be a supplement to any and all state laws of the State of Michigan relating to buildings.

Scope

(e) New Buildings and/or structures hereafter erected in the Village of Birmingham shall conform to all the requirements of this Code.

(f) Existing Buildings, which for any reason whatsoever do not conform to the requirements of this Code for new buildings, shall conform to the following requirements:

Major Alterations and Repairs

1. When any existing building and/or structure whose type of construction is not equal to that of the district in which it is located, or to its classification, is damaged from any cause whatever, or is in need of structural repairs, to the extent of the assessed valuation of the structure, as determined by the Village Assessor and Board of Review, it shall be made to conform to the requirements of this Code for new buildings or shall be taken down and removed.

Amount of Damage

2. The amount of damage to buildings shall be the sum required to repair the building to its original condition and make it safe for occupancy.

Change of Occupancy

3. If the existing use or occupancy of an existing building is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall be made to conform to the requirements given in this Code for new buildings provided, however, that if the use or occupancy of only a portion or portions of an existing building is changed and such portion or portions are segregated as specified in Section 4.501 of this Code, then only such portion or portions of the building shall be made to comply with said requirements; and provided further that the Building Inspector is hereby given authority to approve any change in the use or occupancy of any building, even though such building is not made to conform fully with the requirements of this Code, when it is obvious that such change in the use or occupancy will not extend or increase any existing nonconformity or hazard of the building.

Additions and Alterations

4. All additions to, or enlargements of, an existing building shall be in conformity with the requirements for the District in which it is located and for its Classification. When the value of the alterations or additions to any existing building exceeds the assessed value of the building the entire building shall be made to conform to the requirements of this Code.

Minor Repairs and Alterations

5. When the value of alterations or repairs to any portion of an existing building is less than the assessed value of such building such alterations or repairs, if deemed necessary by the Building Inspector, shall be made to conform to the requirements of this Code for new buildings. Minor alterations, repairs and changes not covered in the preceding paragraphs may be made of the same materials of which the building is constructed; provided, however, that not more than 25 percent of the roof covering of any building shall be replaced in any twelve months unless the entire roof covering shall be made to conform to the requirements of this Code for new buildings, except that in the case of buildings used exclusively as single or two family dwellings, the roofs may be replaced by any type of roof covering permitted for such buildings in any location.

Maintenance

(g) The requirements of this Code covering maintenance of buildings shall apply to all buildings and/or structures now existing or hereafter erected. All buildings and/or structures shall be maintained in a safe condition and all devices and safeguards which are required by this Code at erection, alteration or repair of any building shall be maintained in good condition.

This section shall not be construed as permitting the removal or nonmaintenance of any existing device or safeguards unless authorized in writing by the Building Inspector.

Ordinances Repealed

(h) Ordinances numbered 8, 9, 61, 66, 77, 91, 124, 127, 142, 158, 159, 161, 163, 165, 167, 170, 172, 176 and Parts I and IV of Ordinance Number 104, of the Village of Birmingham, and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Appended Documents

(i) The specifications and regulations which are mentioned by title and date of publication in various parts of this Code are hereby declared to be a part of this Code when not in conflict with a specific provision of this Code. Copies of such specifications, ordinances and regulations shall be kept on file in the office of the Village Clerk and in the

office of the Building Inspector and shall have the following file numbers:

AMERICAN CONCRETE INSTITUTE
Concrete Codes, Tests of; Standard Specifications, P-1A-39..... A-1
Joint Standard Building Code, Tentative Building Regulations for Reinforced Concrete, adopted February 29th, 1928..... A-2

AMERICAN INSTITUTE OF STEEL CONSTRUCTION
Specifications for the Design, Fabrication and Erection of Structural Steel for Buildings, adopted June 1st, 1923, revised November 1st, 1928..... B-1

AMERICAN SOCIETY FOR TESTING MATERIALS
Specifications for:
Cement, Portland; C9—30..... C-1
Gypsum; C22—25..... C-2
Gypsum, Calcinced; C23—30..... C-3
Gypsum partition tile or block; C52—27..... C-4
Iron, Cast; A48—29..... C-5
Steel, Cast; A27—24..... C-6
Steel concrete reinforcement bars..... C-7
Rail steel; A16—14..... C-8
Steel, Structural; A9—29..... C-9
Tile, Fireproofing; C56—30..... C-10
Tile, Load-bearing wall; C34—30..... C-11
Wire, Cold-drawn steel; A82—27..... C-12

Tests of:
Brick; C67—30T..... C-13

AMERICAN STANDARDS ASSOCIATION
Fire tests of building construction and materials; A2—1926..... D-1
Safety Code for elevators, dumbwaiters and escalators; A17—1931..... D-2

AMERICAN WELDING SOCIETY
Code for fusion welding and gas cutting in building construction..... E-1

NATIONAL BOARD OF FIRE UNDERWRITERS
Regulations for:
Finishing processes; 1926 edition..... F-1
Paint spraying and spray booth; 1928 edition..... F-2
The protection of openings in walls and partitions against fire; 1930 edition..... F-3
The storage and handling of photographic and x-ray nitro-cellulose films; 1925 edition..... F-4
Safeguarding dry-cleaning and dry-dyeing plants; 1925 edition..... F-5

STATE OF MICHIGAN
Moving picture law; Act 257, P. A. 1912..... G-1
Regulations of the State Fire Marshal for uniform state specifications for fire escapes..... G-2

UNDERWRITER'S LABORATORIES
Standard for hollow concrete building units; dated September 26th, 1930..... H-1

U. S. DEPARTMENT OF COMMERCE
American lumber standards; simplified practice recommendation R16—29..... I-1

Validity of Code and Date Effective
Should any portion of this ordinance be declared illegal or unconstitutional by any court of competent jurisdiction, such finding shall not invalidate the remainder of this ordinance.
This Code shall become effective on the fifteenth day of August, Nineteen Thirty-one.

CHAPTER I
Administration

Section 1.1 GENERAL PROVISIONS

Permits Required.

1.101 (a) No person shall erect or construct any building or structure, nor add to, enlarge, move, alter, convert, extend or demolish any building or structure, nor install a heating system in an existing building, nor install an oil burning apparatus in a new or existing building, nor cause the same to be done, without first obtaining a permit therefor from the Building Inspector; provided that minor repairs or alterations not involving any changes in structural parts, stairways, chimneys, classification or sanitation, and not otherwise conflicting with this Code, and the cost of which shall not exceed \$100.00, may be made without a permit.

Application for Permit.

(b) Any person desiring a permit as required by this Code shall file with the Building Inspector an application therefor in writing on a blank form to be furnished for that purpose.

Data Required.

1. Each application for a permit shall contain the legal description of the property upon which the proposed building is to be erected or work is to be done and shall state the intended use or occupancy of all parts of the building, and such other relevant information as the Building Inspector may require.

Plans and Specifications.

2. Two sets of plans and specifications and a lot plan showing the location of the proposed building and of every existing building thereon shall accompany every application for a permit; provided, however, that the Building Inspector may authorize the issuance of permits for minor work without the detailed plans and specifications.

Scale.

3. Plans shall be drawn to scale and the essential parts shall be drawn to a scale of not less than 1/8 inch per foot.

Data Required With Plans.

4. Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany plan and specifications when required by the Building Inspector.

Architectural Approval.

(c) Each application for permit to erect or remodel a building within the Village of Birmingham, may at the discretion of the Building Inspector be referred to an Architectural Committee, to pass upon the architectural design, and the approval of the Architectural Committee obtained before a building permit shall be issued.

Every building hereafter erected or altered in the Village of Birmingham shall be so designed as to be suitable in its neighborhood, and the Architectural Committee shall be the judge of this matter in passing upon plans submitted with application for permit. It is not contemplated that material additional cost may be required to conform to this regulation, but that the design and placement of the building shall be the best possible without adding materially to the cost thereof.

An Architectural Committee is hereby created to pass upon the

architectural design and placement of all buildings to be hereafter erected or altered. The Building Inspector shall be ex officio member of the Committee, without vote, and shall act as secretary to the committee. Said Architectural Committee shall consist of three members to be appointed by the Village President. One member shall be appointed for a term of four months, one for a period of eight months, and one for a term of one year, and after the expiration of the first terms, appointments shall be made for terms of one year or until a successor shall have been duly appointed and qualified.

Issuance of Permits.

1.102 (a) The application, plans and specifications filed by the applicant for a permit shall be checked by the Building Inspector and if found to be in conformity with the requirements of this Code and other laws or ordinances applicable thereto, the Building Inspector shall, upon presentation of a valid receipt from the Village Treasurer showing the payment of the required fee, issue a permit therefor. If the Building Inspector shall not approve of such plans and specifications no permit shall be issued therefor and he shall return the same with any corrections noted on a separate sheet attached thereto. The applicant shall then have made upon the plans and specifications the corrections necessary to make them comply with all lawful regulations before they are again presented for permit.

Approval of Plans.

(b) When the Building Inspector issues the permit, he shall endorse in writing or stamp both sets of plans and specifications with his approval. One such set of plans and specifications shall be retained by the Building Inspector as a public record, and one such set of plans and specifications shall be returned to the applicant, which set shall be kept on such building site or work at all times during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed or altered so as to involve changes in any part of the building which will result in a violation of this Code. There shall be issued by the Building Inspector, with each permit, a weather-proof card, which shall be maintained by the owner or his agent in a conspicuous place upon the work until the final completion and acceptance of the said work. It shall be the duty of the Building Inspector to stop any work requiring a permit which does not have said card properly displayed. Plans and specifications for one and two family residences and minor structures may be returned to the applicant 30 days after the issuance of the "Certificate of Occupancy."

Revocation of Permits.

(c) If the work on any structure upon which a permit has been issued is not performed in accordance with the approved plans and specifications and this Code, the Building Inspector shall notify in writing the owner or his agent who obtained the permit, and shall include in such notification a statement of the defects, omissions or prohibitions. If the owner, or his agent, within 48 hours after receipt of said notice, fails to comply with the requirements of the same, or make satisfactory provision to do so, the Building Inspector shall revoke said permit.

Permits Illegally Issued.

(d) Whenever it shall be found that a permit has been issued in violation of this Code or any other ordinance or state law, or in consequence of a false statement of facts, or misrepresentation of conditions, the Building Inspector shall notify the person holding such permit to appear before him at a stated time to show cause why such permit shall not be revoked. If after such hearing it still appears such a permit was improperly issued and the proper revisions are not made, the Building Inspector shall issue a written order revoking said permit and shall then proceed as if no permit had been issued.

Permits Revoked When.

(e) Permits, upon which work is not started within six months after date of issue, or upon which work is abandoned for a period of six months, shall lapse and cease to be in effect. The Building Inspector may, within six months of such lapse, reinstate them, but such reinstatement shall not be obligatory and only at his discretion. Permits which have been lapsed for a period of six months shall be revoked.

Permits For Temporary Buildings.

(f) Temporary permits may be issued by the Building Inspector subject to the approval of the Village Manager for the erection of temporary buildings. Such permits shall be limited to a period of three months, unless permit is renewed. Frame sheds used as tool sheds, storage sheds, or construction offices by builders in connection with the erection of permanent buildings may be built of such size as may be deemed necessary by the Building Inspector. Such sheds must be removed at the completion of the permanent building or at any time when the work on the permanent building is abandoned for a period of sixty days. Such building shall not be used for any purpose not directly connected with the erection of the permanent building.

For Temporary Buildings In Fire Limits.

1. Temporary permits may be granted for temporary buildings not conforming to the requirements of the district in which they are located, provided, that in no case shall they be located within a distance of less than 20 feet from any building which is not of a type of construction permitted in the district in which it is located. Such temporary buildings shall not exceed 1 story nor 15 feet in height nor 400 square feet in ground area.

Certificate of Occupancy.

1.103 (a) No building hereafter erected or remodeled shall be occupied until a certificate of occupancy has been issued therefor. The Building Inspector shall be notified when the building is ready for final inspection, and if found to have been constructed in accordance with the provisions of this ordinance and other statutory requirements, a certificate of occupancy shall be issued therefor, without charge to the owner. Such certificate of occupancy shall show the use to which the building may be put and the maximum allowable floor loads for each floor thereof. A temporary certificate of occupancy may be issued for the temporary use of a portion of the building prior to the final inspection. It shall be unlawful for any public service corporation or the Water Department of the Village of Birmingham to begin service to a building, except temporary service for use during building operations, until a certificate of occupancy shall have been issued and posted on the premises.

State Law Complied With.

(b) The issuance of a "Certificate of Occupancy" for any building hereafter constructed as or altered into a dwelling shall constitute a "Certificate of Compliance" as required by Section 99, Article VI, Act 167 of the Public Acts of 1917 as amended to date. The Building Inspector is hereby empowered to issue such "Certificate of Compliance" as provided for in the said law of the State of Michigan.

Change of Occupancy.

1.104 (a) The use or occupancy of any building shall not be changed until a certificate of occupancy permitting the new use or occupancy is issued by the Building Inspector. No such certificate of occupancy shall be issued unless the building shall comply with the requirements of this Code for the proposed occupancy. [See paragraph (f) of the Preface of this Code.]

Wrecking.

1.105 (a) Wrecking of buildings shall be conducted in such man-