

ner as not to create a nuisance to persons on public streets or on adjoining property. When necessary to prevent excessive dust the building material shall be well wet down. Materials removed from the structure shall not be permitted to fall into streets, alleys or adjacent property or otherwise create a nuisance. [See Section 9201 (c).] Moving.

1.106 (a) No building shall be moved into, or within, a district when such building is not of a type permitted in that district. Permit Fees.

1.107 (a) Before any permits are issued, the applicant therefor shall pay to the Village Treasurer the fee for the same in accordance with the following schedule:

Table with 2 columns: Item and Fee. Items include Heating installations, Oil burning installations, Wrecking buildings, Moving buildings, Over public right of way.

NOTE: The fee for moving buildings are not over 10 feet wide and do not contain over 2500 cubic feet, shall be \$5.00. The deposit required in Section 1.107 (a) shall be \$100.00 in such cases.

Over private property only... Permit for alterations only. New buildings, additions and alterations to existing buildings as shown below:

Table with 2 columns: Group and Fee per 1000 Cu. Ft. or Less. Groups include Churches, schools and hospitals; Apartments; Residences and stores; Factories, warehouses and unprotected metal buildings; Sheds; Temporary permit; Renewal of temporary permit; Minimum building permit fee.

Double Fees. (b) Whenever the construction of a building shall have been started before the permit therefor has been issued it shall be the duty of the building inspector to charge double the amount of the fee herein established. The construction of any portion of the foundations or erection of any portion of the building or proceeding with any work for which a permit is required shall be construed as being a violation of this section and for which double fees shall be charged.

Computing Volume of Buildings. (c) For the purpose of computing the fee for buildings the height of the building shall be taken from the underside of the basement floor to the average height of the roof in the case of buildings with basements, and from the underside of the first floor construction for buildings without basements.

Refund. (d) Holders of a permit upon which work has not been started may make written application for a refund of a portion of the fee, in which case such application shall be attested before a Notary Public. The Building Inspector may, at his discretion, refund two-thirds of the fee in excess of one (1.00) dollar in such manner as may be directed by the Village Treasurer; provided no refund shall be made upon a permit which is void.

Deposit For Moving Permit. (e) A permit for the moving of a building shall not be issued until a cash deposit in the amount of five hundred (500.00) dollars shall have been deposited with the Village Treasurer to cover any damage suffered or expenses incurred by the Village arising from the moving of the building.

Section 1.2 ENFORCEMENT Appointment of Building Inspector. 1.201 (a) The Commission of the Village of Birmingham shall have control of all building operations within the village limits, and the Village Manager, as chief administrative officer of the Commission, shall appoint a Building Inspector, who shall be qualified by education and experience to properly perform the duties of his office.

Village Manager Controls. (b) Such inspector shall be at all times under the direct control of the Village Manager, and may be removed at any time by the Village Manager for incompetency, neglect of duty or any other sufficient reason.

Powers and Duties. 1.202 (a) The Building Inspector is hereby authorized and directed to enforce all the provisions of this Code and for such purpose he shall have the powers of a police officer.

Powers to Stop Work. (b) Whenever any building work in being done contrary to the provisions of this Code, or is being done in an unsafe or dangerous manner, the Building Inspector shall order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to re-commence and proceed with the work.

Existing Buildings. (c) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector may order such use or occupancy discontinued and the building or portion thereof vacated. Notice may be served on any person using or causing such use or occupancy and such person shall vacate such building or portion thereof within ten days after receipt of such notice, or make the building or portion thereof comply with the requirements of this Code within the same period unless extension of time be granted by the Building Inspector; provided, however, that in the event of an emergency the following paragraph shall apply.

Condemnation. (d) Any building or portion thereof, including buildings and/or structures in process of erection, if found to be dangerous to persons or property, or unsafe for the purpose for which it is being used, or in danger from fire due to defects in construction, or dangerous for use because of insufficient means of egress in case of fire, or which violates the provisions of this Code due to the removal, decay or deterioration of any thing, appliance or device originally required by this Code, shall be condemned by the Building Inspector. The Building Inspector may order portions of the structural frame of a building or structure to be exposed for inspection when in his opinion they are in an unsafe condition. In any of the aforesaid cases the Building Inspector shall serve notice in writing on the owner, reputed owner, or person in charge of such building or premises, setting forth that such building is condemned. Proper service of such notice shall be personal service upon the owner of record, if he shall be within the Village of Birmingham. If he is not within the Village of Birmingham such service may be had upon any person accustomed to collect rents on the property in question who may be within the Village of Birmingham, and in the absence of such a person, upon the owner or tenant of the premises. In the event such premises are vacant, and the owner is not within the Village of Birmingham, such service will be completed when the notice is sent by registered mail to the last known address of the said owner. Whenever the owner, agent or tenant is a corporation, service may be upon the president, vice-president, secretary or treasurer, or in the absence of any of these, the local representative of such corporation. The person receiving such

notice shall vacate such building within 48 hours thereafter and such building shall remain vacant until its occupancy is again authorized by the issuance of a new certificate of occupancy. If such building is, in the opinion of the Building Inspector, dangerous to adjacent public or private property, or persons thereon, alterations and repairs shall be started to remove such danger within 48 hours thereafter and diligently prosecuted to completion, failing which the building shall be torn down. Village's Power to Act.

(e) Should the necessary changes not be started within 48 hours after the service of such notice, and if such work is not prosecuted in a diligent manner after such starting, the Village Commission may order the Village Manager to take such steps as will remove the existing hazard to adjacent property or to persons thereon. A statement of the cost of such work shall be transmitted by the Village Manager to the Village Commission, who shall authorize payment of costs incurred and shall order such costs to be levied as a lien against the property.

Right of Entry. (f) The Building Inspector or his authorized representative may, at any reasonable time, upon presentation of proper credentials, enter any building or premises for the purpose of inspection of existing buildings, or to prevent violations of this Code.

Called Inspections. (g) It shall be the duty of the holder of every permit to notify the building inspector in writing of the time when such building will be ready for inspection according to the following schedule:

Sheds and garages of less than 600 square feet floor area shall require one inspection upon completion. All buildings other than those listed above shall have three called inspections.

- 1. Foundation; upon completion of foundations, but before back-filling the earth around the foundations or proceeding with the superstructure.
2. Framing; upon completion of the structural framework, but before it is covered with lath and plaster, or other covering.
3. Final; upon completion of all portions of the building governed by this Code and the installation of all equipment or devices required by this Code, but before occupancy.
Failure to notify the Building Inspector of the time for such inspections shall automatically result in the permit being lapsed. Before re-instating such permit, the Building Inspector may require the payment of a second fee equal to the original fee for permit. He may also require that the earth around the foundations be removed, structural members be uncovered or such other operations be performed as will permit of inspection.

Approval of New Construction Types and Materials. 1.203 (a) The provisions of this Code are not intended to prevent the use of types of construction, equipment, mechanisms or materials offered as an alternate for the types of construction, equipment, mechanisms or materials required by this Code, but such alternate types of construction, equipment, mechanisms or material to be given consideration shall be offered for approval as specified in the following paragraphs (b) and (c).

(b) Any person desiring to use types of construction, equipment, mechanisms or materials not specifically mentioned in this Code shall file with the Building Inspector proofs, attested by notary, in support of claims that may be made regarding the sufficiency of such types of construction, equipment, mechanisms or materials and request approval and permission for their use. (c) The Building Inspector may approve such alternate types of construction, equipment, mechanism or materials and may recommend an amendment to this Code in order to make permissible the use of same. If the evidence and proof are not sufficient, in the opinion of the Building Inspector, to justify approval and recommendation for an amendment, the applicant may appeal the question to the Village Manager as specified in Section 1.204.

Appeals. 1.204 (a) Any person who desires to appeal from the rulings of the Building Inspector under this Code may appeal to the Village Manager. Such appeal shall be in writing and a copy of the appeal shall be served on the Building Inspector. Such notice of appeal shall state the cause for appeal and the grounds on which the appeal is based. Such notice shall also guarantee the payment of any costs resulting therefrom, should any such costs be incurred, and it shall be accompanied by a deposit of money sufficient in amount to cover the estimated amount of such costs as determined by the Building Inspector. If any costs are incurred and the actual amount of such costs are less than the deposit, the excess shall, after final decision, be returned to the appellant. Should the actual amount of such costs be greater than the deposit, permission to pursue further building operations within the Village shall be withheld from the appellant until such excess shall have been paid. When decision is rendered against the appellant all costs shall be borne by the appellant, but if a decision is rendered in favor of the appellant, the appellant shall pay only for such tests and examinations as are necessary to prove the claims of the appellant.

Board of Appeals. (b) The Village Manager shall act on the appeal or, at his discretion, appoint a Board of Appeals to act on the appeal. The Board of Appeals, if appointed, shall consist of three members who, in the opinion of the Village Manager, are qualified by training and experience to properly perform the duties of their office, and the members of such Board shall hold office at the Village Manager's pleasure. The Building Inspector shall be a fourth member of such Board, without vote, and shall act as secretary to the Board.

Decisions of the Board. (c) Decisions of the Board of Appeals dealing with the interpretation of the provisions of this Code shall be mandatory upon the Building Inspector, unless appealed to and reversed by the Village Commission. If such decisions deal with changes in or amendments to this Code, such decisions shall be forwarded to the Village Commission with recommendations for appropriate action.

Violations and Penalties. 1.205 (a) Any person, firm or corporation who shall violate any of the provisions of this ordinance, or who shall fail, neglect or refuse to comply with any order herein authorized to be issued, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding One Hundred (\$100.00) dollars, together with costs of prosecution, or by imprisonment in the County Jail of Oakland County for a period not exceeding thirty days, or both such fine and imprisonment at the discretion of the court. Each and every day on which any such person or persons, firm or corporation continues to violate the provisions of this Code after having been notified of such violation shall constitute a separate offense.

CHAPTER II

Definitions

SECTION 2.1 DEFINITIONS

For the purpose of this Code certain terms, phrases and words shall, wherever used in this Code, have the meanings assigned in this chapter. Terms not herein defined shall have the meanings customarily ascribed to such terms by the building trades.

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.

Wherever a section, chapter or paragraph is referred to in this

Code it shall, unless otherwise specified, mean a section, chapter or paragraph of this Code.

2.101 ADEQUATE.—Sufficient, in the opinion of the Building Inspector, for the purpose intended.

2.102 ALLEY.—Any dedicated public thoroughfare not more than 20 feet and more than 10 feet in width.

2.103 APARTMENT.—Any room or suite of rooms which is occupied or designed to be occupied by one family for living and sleeping purposes and in which cooking facilities are provided.

2.104 APARTMENT HOUSE.—Any building containing three or more apartments.

2.105 APPROVED.—Approved by the Building Inspector, except where expressly stated otherwise.

2.106 AREA.—(Fire Area or Floor Area) The area included within exterior walls or within exterior walls and fire walls of a building, exclusive of vent shafts and courts. Such area shall be the area within the finished walls.

2.107 AREA WAY.—Any open space below the ground or grade level, enclosed by walls and immediately outside the building. (May be either open at the top or roofed over.)

2.108 ATTIC.—(1/2 story) A story situated wholly or partly in the roof. Such space shall not be considered as a full story unless it is arranged to contain usable floor space in excess of 75 per cent of the ceiling area immediately below. Usable floor space shall be considered as that space which has a ceiling height of 5 feet or more.

2.109 BASEMENT.—A story partly underground, but if the vertical distance from grade to the ceiling is over 7 feet such basement shall be considered as a first story.

2.110 BUILDING.—A structure affording shelter.

2.111 BUILDING INSPECTOR.—The Building Inspector of the Village of Birmingham and any authorized assistant.

2.112 BUILDING LINE.—A line formed by the face of a building. (Projections as permitted in this Code may extend beyond the building line.)

ESTABLISHED BUILDING LINE.—As applied to Class 3 buildings the established building line is a line parallel to the street line at a distance therefrom equal to the least distance between any building and the street line. Such line shall be determined in each block individually and the building nearest the street shall determine the established building line for that block.

2.113 CELLAR.—Same as basement.

2.114 C. F. M.—Cubic feet per minute.

2.115 COURT.—An open or unoccupied space bounded on 3 or more sides by either the walls of a building, or the walls of a building and a lot line.

OUTER COURT.—A court which extends directly to and open for its full width to a street or yard.

INNER COURT.—Any court other than an outer court.

2.116 EXISTING BUILDING.—A building erected, or for which a legal permit has been issued prior to the adoption of this Code.

2.117 FAMILY.—One person living alone or two or more persons living together.

2.118 FIRE DEPARTMENT.—The fire department of the Village of Birmingham.

2.119 FIRE DOOR.—See Section 10.402.

AUTOMATIC FIRE DOOR.—A fire door which is arranged to close when released by the action of heat.

SELF-CLOSING FIRE DOOR.—A fire door which is normally kept in a closed position by some mechanical device.

2.120 FIRE RESISTANCE RATING.—The time which any material or construction successfully withstands the fire test as provided in Section 10.101.

2.121 GARAGE.—PUBLIC GARAGE.—A building or portion thereof in which motor vehicles are stored, repaired or kept, except those buildings or portions thereof classified as private garages.

PRIVATE GARAGE.—A building or portion thereof used for the storage of motor vehicles only, provided that such private garage shall be used as an accessory building to a residential occupancy.

2.122 GRADE.—For buildings adjoining one or more streets, grade at any point shall be the elevation of the sidewalk at that point. For buildings having no wall adjoining a street, grade shall be the finished elevation of the ground adjacent to the exterior walls of the street line shall be considered as adjoining that street.

2.123 HAZARDOUS OR OBNOXIOUS BUSINESS.—Any trade, business or industry which, in the opinion of the Building Inspector, may be so conducted as to create a hazardous condition or a condition offensive to persons of ordinary sensibilities.

2.124 HEIGHT OF BUILDING.—The vertical distance from grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean height for gable, hip or gambrel roof. Towers, spires, penthouses or other structures not used for human occupancy shall not be included in the height.

2.125 HEIGHT OF STORY.—That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that in the case of the top story it shall include only to the ceiling above.

2.126 HOTEL.—Any building containing 11 or more rooms used or designed to be used for rental to guests for sleeping and living quarters and in which individual rooms or suites of rooms are not provided with cooking facilities.

2.127 LOT LINE.—A line separating two adjacent parcels of land under separate ownership.

2.128 MASONRY.—That form of construction composed of stone, brick, concrete block or tile, hollow clay tile, or other similar units or materials or combinations of these materials laid up unit by unit and set in mortar, or monolithic concrete as provided in Section 7.101.

2.129 REQUIRED.—Required by the provisions of this Code.

2.130 SILLICIOUS.—When used in this Code shall be mandatory.

2.131 SILICIOUS.—Silicious aggregates are those containing 60 percent or more of quartz, chert, flint or similar materials.

2.132 STANDPIPE.—A vertical pipe with hose connections at various points to supply water for fighting fire.

2.133 STREET.—Any dedicated public thoroughfare more than 20 feet in width.

2.134 STREET LINE.—The line dividing public right of way and private property.

2.135 WALLS BEARING WALL is a wall which supports any load other than its own weight. CURTAIN WALL is a non-bearing wall between columns or piers, which is not supported by girders or beams.

ENCLOSURE WALL is an exterior, non-bearing wall in skeleton construction anchored to columns, piers or floors, but not necessarily built between columns or piers.

FIRE DIVISION WALL is a wall of masonry or reinforced concrete which subdivides a building to restrict the spread of fire, but is not necessarily continuous through all stories.

FIRE WALL is a wall of masonry or reinforced concrete which subdivides a building to restrict the spread of fire, starting at the foundation and extending continuously through all stories.

INTERIOR WALL is a wall entirely surrounded by the exterior walls of the building.

NON-BEARING WALL is a wall which supports no load other than its own weight.

PANEL WALL is a non-bearing wall in skeleton construction built