

cellar. A portion of the building partly underground having half or more than half its clear story height below the average grade of the adjoining street.

certificate of use and occupancy. The certificate issued by the building official permitting the occupation and use of a building or structure in accordance with the provisions of this code which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special provisions of law governing building construction, equipment or other.

court. A portion of a lot occupying above grade but partially or wholly surrounded by the walls of a structure.

court, inner. A court surrounded by the exterior walls of a building, bounded by walls and a lot line.

court, outer. A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

dwelling, one-family. A building arranged for one (1) dwelling unit with not more than two (2) lodgers or boarders in addition to the family unit.

dwelling, two-family. A building arranged for two (2) dwelling units with not more than two (2) lodgers or boarders per family and not more than two (2) sleeping places.

dwelling, multi-family. Apartment house; a building arranged for more than two (2) dwelling units.

dwelling, single. A building containing room or rooms arranged for one (1) individual or accommodations for six (6) but not more than twenty (20) individuals and having common toilet and bathroom facilities.

exit. A door, doorway or doorways, or such doorways with connecting hallways and stairways, either interior or exterior, or fire escapes, by means of which the occupants may proceed safely from a building.

fire division. The interior means of separation of one part of a floor area from another part together with fire-resistive floor construction forming a complete barrier between fire compartments or fire-imposed floor areas in the same building or structure.

fire-resistance rating. The measured time in hours or fractions thereof that a material or assembly of materials will withstand fire exposure as determined by fire tests conducted in conformity to recognized standards.

fire exposure. Exterior fire exposure; the distance in feet measured from any other building on the site, or from an interior lot line, or from the opposite side of a street or other public space to the building.

fire wall. An interior wall which completely subdivides a building into limited fire areas in all stories or which separates two or more stories or to restrict fire to one story or to one part of a building, foundation and extends continuously through all stories to and above the roof; except in buildings of fireproof (types I-A and I-B) and garage, private.

garage, private. A garage for three (3) or less passenger motor vehicles with no provision for repairing or servicing such vehicles.

garage, public or storage. A building for storage, care and repair of motor vehicles not included in the term, "private garage."

grade. The mean level; or when the curb has not been established for all the width of the building are more than fifteen (15) feet from street lot lines, the word, "grade," means the mean elevation of the ground adjoining the building on all sides.

hazardous. A building, structure or structure, or any part thereof, or upper story arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or common restrooms, which is used for the storage of highly volatile or highly inflammable materials with approved means of light and ventilation.

hallway, grade. Public hallway on the grade floor providing direct access to the street or other public space from the stairways and elevators.

hallway, public. A public corridor or space separately enclosed or partially enclosed by walls or partitions, or by a fire-resistive wall.

height of building. The vertical distance from the grade to the top of the highest roof level of a building or the height of a building on a highest grade or slope of a hill roof. When a building faces on more than one street, the height shall be measured from the average ground level of the street.

hotel. A building arranged or used for shelter and accommodation for compensation of more than twenty (20) individuals.

intersection. The intersection of two or more adjoining a street or public space.

lodging house. (See boarding house.)

lot, corner. A lot dividing one from another or from a street or public space.

minimum habitable room height. A clear height from finished floor to ceiling of not less than seven (7) feet in the next story and not less than seven and one-third (7-1/3) feet in the following story.

minimum habitable room sizes. A room with a minimum horizontal dimension of seven (7) feet and a minimum area of eighty (80) square feet, exclusive of closets, walls or partitions, exclusive of closet and storage spaces.

motor vehicle repair shop. A building, structure or enclosure in which the repair of motor vehicles is conducted, including a public garage in which motor vehicles are repaired.

motor vehicle service station. Gasoline service station; a building, structure or premise or any portion thereof in which gasoline, oil, fluid for retail supply to motor vehicles is stored, housed, sold, dispensed or otherwise handled.

noncombustible. Apartment house. (See dwelling.)

boardwalk concourse and similar public ways which afford the prescribed means of access to abutting property.

street lot line. The lot line dividing a lot from a street or other public space.

structure, or part thereof. A combination of materials forming a construction for useful occupancy or other purpose, including among other things, buildings, towers, chimneys, masts, towers, tanks, platforms, stairways, observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences and fences, and other structures.

type group. The classification of a building or structure based on the purpose for which it is used, and the materials used in its construction. The term shall be construed to include handwriting, type-writing, printing, photo-offset or any other form of reproduction in legible symbols or characters.

written notice. Any notice under the provisions of this code, written notice shall be considered to have been served, if delivered in person to the individual, person or firm to whom the notice is directed. The term shall be construed to include handwriting, type-writing, printing, photo-offset or any other form of reproduction in legible symbols or characters.

SECTION 102.0. CLASSIFICATION BY USE GROUPS. For the purpose of this code, all buildings and structures shall be classified into one of the following use groups: (See article 2 and table 6, Basic Building Code.)

102.1. Business Use Group.—All buildings and structures or parts thereof shall be classified in the high hazard use group which are used for the storage, manufacture or processing of highly combustible materials, or for the storage, manufacture or processing of highly volatile or highly inflammable materials, or for the storage or processing of any materials involving explosive mixtures of dust or which result in the division of matter into fine particles.

102.2. Business Use Group.—All buildings and structures or parts thereof that are designed or used for the production, processing or storage, or for the sale of goods, wares, and merchandise, not including those that involve highly combustible, highly volatile or highly inflammable materials, shall be classified in the business use group.

102.3. Assembly Use Group.—All buildings and structures or parts thereof which are primarily used for the purpose of amusement, entertainment, recreation, education or religion shall be classified in the assembly use group.

102.4. Residential Use Group.—All buildings and structures or parts thereof which are used for harboring people for penal, correctional, medical or other care or treatment shall be classified in the residential use group.

102.5. Residential Use Group.—All buildings and structures or parts thereof which are designed for, or in which families or households live, or in which sleeping accommodations are provided as institutional buildings, shall be classified in the residential use group.

SECTION 103.0. CLASSIFICATION BY CONSTRUCTION TYPES. For the purpose of this code, all buildings and structures shall be classified into one of the following construction types: (See article 2 and table 5, Basic Building Code.)

103.1. Fireproof Construction Type.—All fireproof (types I-A and I-B) buildings shall be constructed with fire-resistive materials with a fire-resistance rating as required in table 5 of Appendix E; and with interior walls, floors, roofs, permanent partitions, exterior walls and roofs of fire-resistive materials.

103.2. Noncombustible Construction Type.—All noncombustible buildings (types 2-A, 2-B and 2-C) shall be constructed entirely of steel, masonry, noncombustible materials with a fire-resistance rating of not less than one hour (1 hour) in all walls, floors, roofs, permanent partitions, exterior walls and roofs.

103.3. Fireproof Construction Type.—All fireproof (types I-A and I-B) buildings shall be constructed with fire-resistive materials with a fire-resistance rating as required in table 5 of Appendix E; and with interior walls, floors, roofs, permanent partitions, exterior walls and roofs of fire-resistive materials.

103.4. Fireproof Construction Type.—All fireproof (types I-A and I-B) buildings shall be constructed with fire-resistive materials with a fire-resistance rating as required in table 5 of Appendix E; and with interior walls, floors, roofs, permanent partitions, exterior walls and roofs of fire-resistive materials.

103.5. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.6. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.7. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.8. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.9. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.10. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.11. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.12. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.13. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.14. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.15. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.16. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.17. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.18. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.19. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

103.20. Masonry Wall Construction Type.—All masonry wall type buildings shall be constructed with exterior, fire and party walls of approved masonry complying with sections 112 and 119 of this code. The exterior walls shall have a fire-resistance rating of not less than two (2) hours, with roofs, floors and interior framing wholly or partly of wood or other approved materials of similar composition and characteristics complying with section 111, or of masonry, concrete or other approved materials.

Application for appeal may also be made when it is claimed that the provisions of the Code do not fully apply, or an equally good or better form of construction can be used.

Appeals Procedure.—The board shall meet upon notice to the chairman of the board within fifteen (15) days of the filing of an appeal. The board shall have the right to require the appellant to appear in person or by a representative.

All hearings shall be public and the appellant, his representative, and the building official shall be present. The appellant's interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

The board shall have the right to require the appellant to appear in person or by a representative. The board shall have the right to require the appellant to appear in person or by a representative.

Function of the Board of Appeals. The Board of Appeals shall hear and decide all appeals from the building official's decisions made by the building official. The board shall affirm, modify, or reverse the decision of the building official, within the scope of the Building Code, by a three-fourths vote of three members.

104.2. Application for Permit. 104.2.1. Application and Plans.—No building or structure or part thereof shall be erected, converted, demolished, repaired, altered or reconstructed without first obtaining a permit from the building official.

104.2.2. Planning Board Approval.—Each application for a permit to erect or remodel a building within the City of Birmingham may be referred to the Planning Board for its advice and recommendation.

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of the building shall file an affidavit stating under oath that the provisions of this code have been fully complied with and that the building meets all the requirements of law for the proposed use and occupancy.

104.8. Special Technical Services.—When applications for unusual technical design or magnitude of construction are filed, the building official may require the applicant to employ a registered professional engineer or architect to examine the plans and specifications.

104.9. Coordinated Inspection.—All provisions of the laws and regulations of the State of Michigan, and of legally adopted laws of local governments, shall be enforced in respect to the operation, equipment, maintenance, and safety of buildings.

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