

# MARQUETTE CITY FIRE DEPARTMENT



## CODE ENFORCEMENT DIVISION

418 South Third St.  
Marquette, MI 49855  
[fire@marquettemi.gov](mailto:fire@marquettemi.gov)



**Fire Chief**  
Ian Davis

**Fire Marshal**  
Jeff Fossitt  
906-225-8941

**Rental Inspector**  
Brian Anderson  
906-225-8999

**Administrative Assistant**  
Jen Jakubowski  
906-225-8596

Dear Marquette Rental Property Owner and/or Operator,

In 2004 the Rental Fire Safety Code Ordinance was adopted by the City of Marquette. This ordinance is designed to promote the maintenance of sanitary and safe rental structures, as well as enhance and maintain property values. City Code, Chapter 26, Article III-Rental Fire Safety Code requires all rental dwelling units to be registered, inspected and certified with the City of Marquette. Any structure or dwelling unit that is occupied by persons other than the property owner, pursuant to any oral or written rental or lease agreement or other valuable compensation, is considered a rental dwelling unit.

**Registration and compliance certificates are not transferrable.**

**New long-term rentals** (30 days or more) must be registered prior to any occupancy.

**Currently rented long-term rentals** that change ownership, must be registered by the new owner within 30 days of purchase.

**Short-term rentals** (less than 30 days) **REGISTRATION IS SUBJECT TO AVAILABILITY** Properties must be registered, approved, inspected and certified prior to advertising or use as a short-term rental. Proximity and availability restrictions apply for all short-term rentals. **We are currently utilizing a waiting list for any available openings.** Contact the Marquette City Fire Department at 906-225-8596 for a waiting list request form.

**Submit all required items (listed on the application) to the Marquette Fire Department, 418 S. Third St., Marquette, MI 49855. Make checks or money orders payable to: City of Marquette.** (This information is available on our website: <https://www.marquettemi.gov/departments/fire/inspections>)

**Please note: Registration fees are required once per owner. If ownership of the property changes, or a change of rental category occurs (from long-term rental to short-term, or vice versa) a new rental application and applicable registration fee is required. Fees for compliance inspections are based on an hourly rate structure and are billed after inspection. Registration and inspection fees are not refundable.**

Be advised that failure to register or pay fees may result in civil infraction citation and possible eviction of tenants. If you have any questions or concerns, please contact the Rental Program Department at one of the numbers listed below.

Ian Davis, Fire Chief

### Registration Requirements/Forms:

Administrative Assistant Jen Jakubowski—(906) 225-8596 or [jjakubowski@marquettemi.gov](mailto:jjakubowski@marquettemi.gov)

### Inspection or Life Safety Compliance:

Rental Inspector Brian Anderson – (906) 225-8999 or [banderson@marquettemi.gov](mailto:banderson@marquettemi.gov)



## KEY POINTS CITY OF MARQUETTE RENTAL FIRE SAFETY CODE

The following are some of the main points contained within the rental code. It is your responsibility to read the entire code to understand your responsibilities as a rental property owner/operator in the City of Marquette. The code in its entirety may be viewed on the City of Marquette's website: [www.marquettemi.gov](http://www.marquettemi.gov) or by requesting a copy from the Marquette City Fire Department.

Copies of the International Property Maintenance Code and NFPA 1 and NFPA 101: Life Safety Code may be viewed at the Peter White Library, the City Fire Department, or the City Clerk's office. Those codes are governing documents of the City Ordinance.

- All dwellings fully or partially let for rent or used for tenant purposes must be registered. Registration is one time only or when the property is transacted to new ownership or when the rental category changes to short-term rental from long-term rental. Registration forms are available online or may be mailed on request.
- New long-term rentals must be registered prior to tenants occupying the property or be subject to citation.
- Currently rented long-term rentals that change ownership must be registered by the new owner within 30 days of purchase or be subject to citation.
- Short-term rentals may not be advertised or rented until registered, approved through all departments, inspected and certified. Any advertising or use prior to certification is subject to citation(s) per occurrence.
- If an owner of a rental property resides outside of Marquette County, a local operator must be appointed to serve as a contact person. The property owner is responsible to update this information with the Marquette Fire Department within 30 days of any change.
- **Certificates are NOT transferrable.** When ownership changes the new owner must register the property. Currently rented long-term rentals (30 days or more) that change ownership must be registered within 30 days of purchase. Short-term rentals (less than 30 days) may not continue short-term advertising or use once ownership changes. The new owner must verify that they are eligible to register as a short-term rental and complete the registration, approval, inspection and certification process prior to any advertising or use.

(Continued →)

- Once the registration application is approved through all departments, and passes a mandatory compliance inspection, a rental compliance certificate will be issued. Renewal inspections will be completed on a three-year cyclical basis. Fees for compliance inspections are billed on an hourly rate structure.
- The rental compliance certificate must be posted in either the common area of multi-family dwellings or in the private entrance of the dwelling unit.
- **All short-term rental specifics are listed in Chapter 26 of the City Code, Section 26-51. Eligibility is not a guarantee of approval.**
- Availability and proximity restrictions apply for all short-term rentals. City Code allows a maximum of 250 approved short-term rental properties. A waiting list is utilized to fill any vacant spots. A short-term rental waiting list form must be submitted to have your property placed on the waiting list. The form can be obtained at [www.marquettemi.gov/departments/fire/inspections](http://www.marquettemi.gov/departments/fire/inspections) or by calling 906-225-8596.
- Short-term rentals must comply with capacity restrictions and post an evacuation map in each bedroom as required by the Rental Fire Safety Code. Capacity violations will be subject to a \$1,000 Civil Infraction Citation. (See the attached capacity information and evacuation map forms)
- Failure to register or failure to comply with fire, life safety, or property maintenance codes may result in Civil Infraction Citations and possible eviction of tenants.
- There is an appeals procedure for non-compliant situations that can be viewed in section 26-53 of the Rental Fire Safety Code.

**If you have questions or require assistance, please contact:**

**Rental Registration:**

Administrative Asst. Jen Jakubowski (906) 225-8596 or [jjakubowski@marquettemi.gov](mailto:jjakubowski@marquettemi.gov)

**Inspection or Life Safety Compliance:**

Rental Inspector Brian Anderson- (906) 225-8999 or [banderson@marquettemi.gov](mailto:banderson@marquettemi.gov)

**Rental Parking/Zoning Requirements:**

Zoning Official Andrea Landers – (906) 228-0425 or [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov)

**To determine how using your property as a rental property may affect your property taxes contact the Assessing department at (906) 225-8379.**



Parcel #



# City of Marquette Short-term Rental Waiting List Request

**General**

1. Property address: \_\_\_\_\_ 2. Number of dwelling units: \_\_\_\_\_
3. Property Ownership Name: \_\_\_\_\_
4. Contact Person (if ownership is an LLC/Business/Trust, etc.): \_\_\_\_\_
5. Contact Address: \_\_\_\_\_ 6. City: \_\_\_\_\_ 7. State: \_\_\_\_\_ 8. Zip: \_\_\_\_\_
9. Phone (home): \_\_\_\_\_ 10. Cell: \_\_\_\_\_
11. Email: \_\_\_\_\_

I request that my property be placed on the short-term rental waiting list. I understand that this request only applies to the parcel number and owner listed and that only one request may be filed per parcel number. I also understand that this is not an application and should an opportunity to apply become available, I will be contacted at the address, phone, or email listed above and that I will need to submit a complete application and meet all requirements to be approved. I understand that any short-term advertising or use of this property is prohibited and subject to citation.

12. Signature of owner(s) (required): \_\_\_\_\_ 13. Date: \_\_\_\_\_

**Submit Form to: Marquette City Fire Dept.-Rental Program, 418 S. Third St., Marquette, MI 49855**

**Questions? Contact: Jen Jakubowski, Admin. Assistant 906-225-8596**

**Fire Department** Date Received: \_\_\_\_\_ Time: \_\_\_\_\_ Initials: \_\_\_\_\_

Ownership matches applicant: YES NO Placed on Waiting List: YES NO

**OFFICE USE ONLY**

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**City of Marquette  
Rental Registration Application**

*If you have any questions regarding items 1 thru 6 please contact the Community Development Office at (906) 228-0425.*

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**General**

1. Property address: \_\_\_\_\_ 2. Number of dwelling units: \_\_\_\_\_  
3. Parcel number:        4. Year structure became a rental:      
5. Are any of the units owner occupied: YES NO Unit Address: \_\_\_\_\_  
6. Please list which rental type each unit is/will be rented as:

(Example: if the structure has 2 units list unit A & B separately along with their rental types, or if the address is 123 Smith St. for one unit and 123 1/2 Smith St. for the other, list them individually along with their rental types. If more than four units please write in the address and rental type on the back of the form or attach an additional page)

- Unit Address: \_\_\_\_\_ Long-term \_\_\_\_\_ Short-term (Subject to availability and waiting list)  
Unit Address: \_\_\_\_\_ Long-term \_\_\_\_\_ Short-term (Subject to availability and waiting list)  
Unit Address: \_\_\_\_\_ Long-term \_\_\_\_\_ Short-term (Subject to availability and waiting list)  
Unit Address: \_\_\_\_\_ Long-term \_\_\_\_\_ Short-term (Subject to availability and waiting list)

**\*Registering your parcel as a short-term or long-term rental may have an impact on property taxes. If you have any questions or need additional information, please contact the assessing office *before* registering. 225-8379**

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**Owner**

7. Owner(s) Name: \_\_\_\_\_  
8. Address: \_\_\_\_\_ 9. City: \_\_\_\_\_ 10. State: \_\_\_\_\_ 11. Zip: \_\_\_\_\_  
12. Phone (home): \_\_\_\_\_ 13. Cell: \_\_\_\_\_  
14. Work: \_\_\_\_\_ 15. Email: \_\_\_\_\_  
16. Signature of owner(s)(required): \_\_\_\_\_ 17. Date: \_\_\_\_\_
- 

**Local Operator (If not Owner) *A local operator is required if the owner lives outside of Marquette County.***

18. Name of Operator: \_\_\_\_\_  
19. Address: \_\_\_\_\_ 20. City: \_\_\_\_\_ 21. State: \_\_\_\_\_ 22. Zip: \_\_\_\_\_  
23. Phone (home): \_\_\_\_\_ 24. Cell: \_\_\_\_\_  
25. Work: \_\_\_\_\_ 26. Email: \_\_\_\_\_  
27. Signature of operator: \_\_\_\_\_ 28. Date: \_\_\_\_\_
- 

**Organization**

29. Type of Entity: Corporation Fraternity Sorority Partnership Trust Cooperative LLC Other  
Circle one  
30. Name of Entity: \_\_\_\_\_ 31. Corporate ID #: \_\_\_\_\_ 32. State issued: \_\_\_\_\_
-

## City of Marquette Rental Registration Application

33. Additional Information: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Registration Fees**

Registration fees are on a one time basis per owner. If ownership changes or rental type changes from long-term to short-term on any units on a property, a new registration is required.

**Long-term rental Registration Fee: \$120 (Payable to CITY OF MARQUETTE)**  
**Registration fees are not refundable.**

**\*Short-term rental advertising and use is prohibited prior to registration, application approval, inspection and certification. City Code allows for a maximum of 250 approved short-term rental properties. A waiting list is utilized to fill spots that become available. To obtain a waiting list request form to submit for your property, contact the Marquette City Fire Department at 906-225-8596 or [www.marquettemi.gov/departments/fire/inspection](http://www.marquettemi.gov/departments/fire/inspection)**

**Compliance Inspection Fees**

Rental compliance inspection fees are based on an hourly rate. *These fees will be billed after the inspection.* The owner will be contacted by the inspector to schedule the inspection once the application is approved. Inspections are completed every three (3) years. Owner or the owner's designated local operator must accompany the Fire Inspector during the compliance inspection.

**Checklist: Registration applications are not considered complete and will not be processed until all required information is received.**

- \_\_\_\_\_ Rental Registration Application
- \_\_\_\_\_ Rental Parking Plot Plan (Incomplete diagrams will not be accepted— see the attached sample)
- \_\_\_\_\_ Copy of the owner's driver's license or government issued photo ID (required)
- \_\_\_\_\_ Copy of the local operator's driver's license or government issued photo ID
- \_\_\_\_\_ Registration Payment (**Make checks payable to CITY OF MARQUETTE**)

**Return: Mail or deliver application to: Marquette City Fire Department., Attn: Rental Program,  
 418 S. Third St., Marquette, MI 49855**

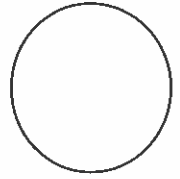
Fire Department	
Date received: _____	
Forms Complete:	
Application:	Yes      No
Copy of DL:	Yes      No
Payment	
Check/MO # _____	Cash      Amt _____
Rental Type:	
LT _____	ST-HS _____ ST-VAC _____
Fwd. to Cashiers.	
Date/initials: _____	

Financial Services	
Date received: _____	
Current taxes paid:	Yes      No
DLQ taxes at County:	Yes      No
Accounts Receivable:	Yes      No
Past due utility bills:	Yes      No
DLQ Personal Property	Yes      No
Fwd. to C.D.	
Date/initial: _____	

Community Development	
Date received: _____	Zoning Approval: Yes      No
Comments: _____	
_____	
_____	
PRE: _____ % Sent to Assessing: _____	
Return to Fire Dept.	
Date/initials: _____	

# Rental Parking Plot Plan

Please turn over for the sample plot plan, provided for guidance. Please note, an incomplete plot plan will delay zoning review until the required information is provided.



Please indicate direction of North

Total Parking Spaces Required =

Total Parking Spaces Provided =

Number of Rental Units =

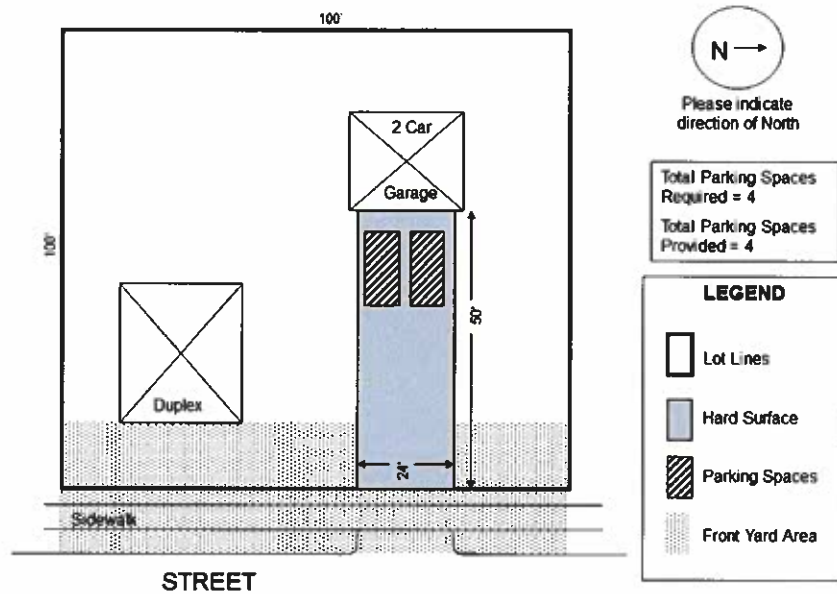
Number of Renters Per Units =

Please provide a site plan for all off-street parking spaces.

- Show and label property lines.
- Show and label structures.
- Show driveway location and dimensions.
- Mark off-street parking spaces for vehicles.
- Indicate North.

If you have any questions please contact the Community Development Department at (906) 225-8380.

# Sample Rental Parking Plot Plan and Land Development Code Info



Land Use	Minimum Parking Requirement
<b>(A) Residential and Lodging</b>	
<b>(1)</b> Single-Family and Two-Family units	Two (2) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit. For parking spaces provided for residential dwelling units off-site, one (1) space per dwelling unit may be permitted off-site if proof of a lease arrangement for long-term parking is provided to the City with the application.
<b>(2)</b> Multiple-Family units with 3 or 4 dwelling units	One and a half (1.5) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit.
<b>(3)</b> Multiple-Family units with 5 dwelling units, except subsidized (below market rate) and senior housing.	1.125 spaces per dwelling unit, except the M-U and CBD zoning districts require 1 space per dwelling unit.
<b>(4)</b> Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs)	One space per dwelling unit.
<b>(12)</b> Short-Term Rentals (Homestays and Vacation Homes)	One (1) space per dwelling unit.

**NOTE: If you want to draw your site plan on an aerial photo, it may be obtained from the Community Development Department located at 1100 Wright Street or you can contact the Community Development at (906)225-8380.**



# Excerpt from the City of Marquette Land Development Code

## Article 9: Parking Loading, and Access Management

**(D) Change in Use of Off-Street Parking Lot.** Any area once designated as a required off-street parking lot shall not be changed to another use unless and until equal facilities are provided elsewhere subject to the recommendation of the Zoning Administrator and Planning Commission approval, as applicable (see [Figure 49](#)).

**(E) Parking Standards Applicable to Specific Zoning Districts.**

**(1) LDR and MDR Districts and single-family and two-family structures in other zoning districts.**

**(a) Definition of "Front Area."** For the purposes of [Section 54.902\(E\)\(1\)](#) only, the "Front Area" is that area located between the edge of the physical street and the nearest point of the dwelling foundation (excluding open porch projections), projected parallel from the street.

**(b) Off-Site Parking in the LDR and MDR Districts.** In the LDR and MDR districts, off-street parking may be located on a site other than the site to which it pertains, and within the City limits or in an adjacent township..

**(c) Maximum Rear Yard Paving.** In the LDR and MDR districts, no more than 25% of the rear yard may be paved for parking provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.

**(d) "Front Area" Parking Limitations.** Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of "Hard Parking Surface" in [Section 54.202\(A\)\(91\)](#)). Driveways must be separated from the side lot line by a minimum of 12 inches of unpaved land to ensure a buffer between driveways and the adjacent lot line. Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

**(e) Maximum Driveway Width and Paved Area.** The maximum width of a driveway is 18 feet wide on a lot up to and including 50 feet in width and 24 feet wide on a lot 100 or more feet in width. The width of driveways on lot widths between 50 and 100 feet are prorated accordingly. A driveway may be widened beginning at a point two (2) feet from the inside edge of a sidewalk or ten (10) feet from the edge of an established street without sidewalks, provided the hard parking surface areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area. An application for the paving of more than 30% of the front area can only be

## Article 9: Parking Loading, and Access Management

accepted if a variance is first approved for the proposed paving pursuant to [Section 54.1404](#). On corner lots, there shall be two (2) front areas. The overlapped area at the corner may be counted with either front area, but not both, at the discretion of the property owner. The two (2) front areas may not be combined for the purpose of exceeding the 30% maximum hard parking surface within either front area.

- (f) **Maximum Number of Driveway Openings Per Site.** On lots with one (1) frontage, a maximum of two (2) driveway openings per site are permitted, provided the lot is at least 100 feet wide. On lots with more than one (1) frontage, a maximum of one (1) driveway opening per frontage is permitted, except on frontages of 100 ft. or more in length – upon which an additional driveway is allowable. All curb cuts and separation distances must meet the requirements of Chapter 42 of the Code of Ordinances (Streets, Sidewalks, and Other Public Places).
- (g) **Previously Approved Hard Parking Surface Residential Locations.** Hard parking surface residential parking locations approved under a previous ordinance are not subject to provisions of [Section 54.902\(E\)\(1\)](#) provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.
- (h) **Application of Parking Development Standards.** All one- and two-family residential parking spaces shall be exempt from the standards of [Section 54.905](#), except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of-way for a driveway.

### (2) MFR District.

- (a) **Off-Street Parking in the MFR District.** In the MFR District, the required off-street parking shall be located on the same site as the use to which it pertains unless off-site parking is approved pursuant to [Section 54.902\(E\)\(5\)](#).
  - (i) Parking spaces must be designed so that backing into them or backing on to a street is not required.
  - (ii) Driveways for MFR uses must connect to a parking lot, and may not be used as parking lots.

(b) **Additional Requirements.** See additional requirements of [Section 54.902\(E\)\(5\)](#).

- (3) **M-U District.** In the M-U District, parking in the front yard is prohibited except that a single row of parking (perpendicular, angled, or parallel) may be located in the front yard, provided the landscaping requirements are met for street trees ([Section 54.1003\(A\)](#)), frontage landscaping ([Section 54.1003\(B\)](#)), and parking lot landscaping ([Section 54.1003\(C\)](#)). The depth of the parking spaces and width of the aisle shall not be larger than the minimum dimensional requirements of [Figure 43](#) and [Figure 44](#). The required off-street parking shall be located on the same site as the use to which it pertains unless off-site parking is approved pursuant to also [Section 54.902\(E\)\(5\)](#).

- (a) **Exception:** For lots with multiple front yards, the requirement above is applicable to only one of the front yards.

## Article 9: Parking Loading, and Access Management

**(4) GC District.** In the GC District, parking in the front yard is prohibited except that a double row of parking (perpendicular, angled, or parallel) may be located in the front yard, provided the landscaping requirements are met for street trees ([Section 54.1003\(A\)](#)), frontage landscaping ([Section 54.1003\(B\)](#)), and parking lot landscaping ([Section 54.1003\(C\)](#)). The depth of the parking spaces and width of the aisle shall not be larger than the minimum dimensional requirements of [Figure 43](#) and [Figure 44](#). See also [Section 54.902\(E\)\(5\)](#).

**(a) Exception:** For lots with multiple front yards, the requirement above is applicable to only one of the front yards.

**(5) Non-LDR and Non-MDR Districts.** In all districts except the LDR and MDR districts, the following requirements apply:

**(a) Parking Lot Location and Off-Site Parking.** Parking must be located within 2,000 feet of the lot on which the use is located measured from lot corner along a street or streets. If the use is located in a building the distance shall be measured along streets from the nearest point of the building to the nearest corner of the lot on which the parking is located.

**(b) Site Plan Review of Off-Site Parking.** In all districts, except residential, where off-street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.

**(6) CBD.**

**(a) Front Yard Parking Prohibited.** In the CBD, parking in the front yard is prohibited.

**(i) Exception:** For lots with multiple front yards, the requirement above is applicable to only one of the front yards.

**(b) Parking Space Requirements.** Parking space requirements for principal uses in the CBD apply only to residential uses, and all other principal uses in the CBD are exempt from parking space requirements. Special land uses, except outdoor food and beverage service, must meet minimum parking requirements unless modified in accordance with this Article.

**(c) Additional Requirements.** See also [Section 54.902\(E\)\(5\)](#).

**(F) Compliance with All Parking Requirements of this Article.** The parking requirements of this Article must be met when one (1) or more of the following takes place. Depending on the scope of work, the approving authority will be the Zoning Administrator or the Planning Commission as stated in [Article 14](#):

**(1)** At the time of construction of any new building or structure, or at the time of commencement of use of any land.

- (2) If any alterations are made to a building or structure which would require additional parking.
  - (3) If the use of any building, structure, of land is altered in a manner that would require additional parking.
- (G) **Parking Reduction Formula.** After calculating the number of parking spaces necessary to meet the standards in [Section 54.903](#), the parking requirements for uses, other than residential, in the non-residential zoning districts (i.e., non-LDR, -MDR, -MFR, and -MHP zoning districts) may be modified using [Figure 41](#). If a greater parking reduction is requested, the City may approve fewer parking spaces based on a professionally prepared parking study and/or the most recent edition of *Parking Generation* published by ITE.

Figure 41. Parking Reduction Formula

Spaces Calculated	Percentage Required
Less than 5	50%
6-10	60%
11-20	70%
21-30	80%
31-40	90%
41-50	100%
51-60	90%
61-70	80%
71-80	70%
81 or more	60%

- (H) **Maximum Parking Allowed.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of [Section 54.903](#) by greater than twenty percent (20%) is prohibited, except as approved by the Planning Commission or Zoning Administrator (see [Article 14](#)). In its request for additional parking spaces, the applicant must submit a parking study to the Planning Commission or Zoning Administrator (see [Article 14](#)) demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the Planning Commission shall also consult the most recent edition of the *Parking Generation*, published by the ITE, or other acceptable standard.

## **RENTAL INSPECTION COMPLIANCE TIP SHEET**

**These tips are general. Various properties may require different compliance items.**

Reminder: All areas of rental dwellings units will need to be inspected, including basements.  
The owner/landlord or designated local operator must attend the inspection.

1. Smoke Detectors are required in the following areas:
  - A. A smoke detector in each bedroom.
  - B. A smoke detector in the basement.
  - C. A smoke detector installed outside the bedroom area.
  - D. At least one smoke detector per floor.

If installing a smoke detector on a wall is unavoidable, the detector should be no less than 4 inches and no more than 12 inches from the ceiling. Smoke detectors shall be installed no closer than 10 feet from a cooking appliance. Locating smoke detectors too close to kitchens and bathrooms (smoke and steam) may cause nuisance alarm. There are smoke detectors available that contain interrupt buttons that may deactivate the detectors for a temporary period of time. *(It is recommended that the owner or local operator check to be sure smoke detectors are installed and in working order PRIOR to the inspection in order to replace any detectors or batteries ahead of time. Missing or non-functioning detectors are a life safety issue that must be rectified immediately if not in compliance. It is also a good idea for owner's to periodically check to be sure detectors are in working order and to discourage their tenants from removing detectors and/or batteries.)*

2. Make sure the bedroom windows that serve as a second means of emergency egress are easily operable. This includes storm windows. Older homes with wooden or non-operable storm windows can be hinged, latched, or made to be opened horizontally. Windows must be not less than 20 inches wide, not less than 24 inches in height, and not more than 44 inches from the sill to the floor. New egress windows must be a minimum of 5.7 square feet (any configuration) and not more than 44" from the sill to the floor.
3. Repair any broken or cracked windows.
4. Remove rubbish or combustibles from within three feet around furnaces and hot water heaters.
5. Be sure all outlets have covers and that there are no exposed wire hazards.
6. Clear any obstructions in front of egress doors/windows.
7. Be sure the house number is visible on the outside of the house from the road.
8. We recommend that you do not attempt to make attic or basement spaces habitable until you consult with the Fire Department. Both of the above spaces were rarely designed for habitation, and in most cases, are not suitable for habitation unless modified – in some cases – extensively. You may request a courtesy inspection of your property by contacting the Rental Inspector at 906-225-8999.

The governing documents of the Rental Fire Safety Code (City Code, Chapter 26, Article III) are the current International Property Maintenance Code and the current NFPA 1 Fire Code and NFPA 101: Life Safety Code. These codes may be viewed at the Peter White Public Library, the Marquette City Clerk's Office at City Hall or the Marquette City Fire Department, 418 S. Third St., Marquette, MI or to purchase your own copy, contact:

NFPA 1 Fire Code/NFPA Life Safety Code 101  
11 Tracy Drive  
Avon, MA 02322-99081  
(800) 344-3555

IPMC/ICC Distribution Center  
4051 West Flossmoor Road  
Country Club Hill, IL 60478-5795  
(800) 214-4321



## Important Property Code References for Residents

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As a City of Marquette property owner, we ask that you keep this document for your reference, and please read it so that you are familiar with the most relevant codes that are in place to ensure that our community remains an excellent place to live, learn, work, and enjoy life. The codes referenced below serve many important purposes - including the promotion of public health, safety, and protection of property values – and they are supported by a year-round enforcement program. See the back side for answers to typical code questions that we receive.

**Homeowners are responsible for securing required zoning and building permits for many exterior and interior renovations and construction, including fences and walls, driveways, sheds, and enclosures for animals (chickens, rabbits, beehives). Many commercial property renovations require site plans to be approved. Please inquire with us if in doubt!**

Please first call 906-225-0425 for Zoning Compliance inquiries/permits, and our staff will assist you in determining your permit needs. Building permits are issued by Marquette County Building Codes (phone # 906-225-8180).

Building done without relevant permits is a violation of codes and will require corrective action.

- **Motor Vehicle Parking** is not permitted in the front area except on a driveway (hard surface) or in a garage. The front area is the space between the edge of the street and the nearest point of the dwelling, parallel to the street. Per section 54.902(E)(1)(a)(d) of the Land Development Code.
- **Residential Limited Animal Keeping** is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator and, upon approval, is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial use. Residential limited animal keeping is permitted in the Low Density Residential and Medium Density Residential districts only. Per section 54.639 (1) of the Land Development Code.
- **Garbage Control.** All yards, alleys, streets, vacant lots, or other spaces in the City shall be kept free from rubbish, special materials, and garbage, unless the same is contained in covered containers. All garbage and rubbish to be picked up must be in such containers as required by City Commission action. All containers shall be tightly closed at all times, and all approved garbage bags shall be properly tied. Plastic bags shall not exceed thirty (30) pounds. The property owner is responsible for damage to containers resulting from dogs, cats, rodents, etc. Per section 38-24 of the City's Garbage and Rubbish Ordinance.
- **Indoor furniture not allowed for continuous outdoor use.** Household furniture that has been designed for interior use shall not be placed on the exterior premises and/or open porches for a period exceeding 12 hours. Per section 10-41 of the City's Property Maintenance Code.





- **Junk and Accumulated Materials.** It shall be unlawful for any person to accumulate or permit the accumulation on any yard, alley, vacant lot or other spaces in the City of any lumber, boxes, barrels, bricks, stone, scrap metal, motor vehicle bodies or parts, or similar materials, or rubbish or any articles or junk, except as may be necessary and incidental to construction work or the normal course of a business or trade. Per section 22-33 of the City's Nuisance Ordinance.
  - **Grass and Weeds.** No person shall fail to keep cut any grass or weed which exceeds a height of six (6) inches, is located on public property, private property, or adjacent right-of-way, and is within fifty (50) feet of a structure or public right-of-way. Per section 22-102 of the City's Noxious Weeds Ordinance (a tenant may be responsible, per lease).
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### *Question and Answer:*

Q: My fence is falling apart, and I want to rebuild it in the same place it has been for decades, just like it is built now. Why do I need a permit to do that?

A: The fence may have been erected before permits were required and may be partially in the right-of-way or on a neighbor's property. It may also be constructed in a way that does not comply with the current standards. You may replace damaged portions of a fence without a permit, but reconstruction requires verifying that the location and construction are in harmony with the Land Development Code standards for fences in your zoning district, and you must submit a permit application for reconstruction.

Q: My siding and roof need replacement; does that require a permit?

A: No. If you are not altering the building structurally (the structural members will not be altered) you do not need a permit to replace cladding or shingles/roofing materials.

Q: My deck needs some repairs, consisting of a few new planks, new treads on the steps, and replacement of balusters where there are handrails. Does this require a permit?

A: Not if it is a ground-level deck and no structural alterations are being made. If it is on a second-story floor or above it may require a permit from County Building Codes for the baluster replacement, and if it does you will need to get an approved Zoning Compliance Permit prior to eligibility to receive a Building Permit.

Q: I want to expand my concrete driveway a little, just enough to be able to park another car alongside in my front yard. Do I have to get a permit for that?

A: Yes. You need a Zoning Compliance Permit to construct additional hard-surface parking anywhere on your property. Gravel parking also requires a permit and must meet new standards for construction. You will also need a permit from our Engineering office if paving work is to be done in the right-of-way. New driveways must also be separated by  $\leq 12$  in. from adjacent property.

Thank you for taking the time to read this. Call 225-0425 if you have questions.

## Chapter 26 - FIRE PREVENTION AND PROTECTION<sup>11</sup>

### Footnotes:

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**State Law reference**— State fire prevention code, MCL 29.1 et seq.; explosives act, MCL 29.41 et seq.; arson and burning, MCL 750.71 et seq.; crimes related to fires, MCL 750.240 et seq.; crimes related to explosives and bombs, MCL 750.200 et seq.

### ARTICLE I. - IN GENERAL

Secs. 26-1—26-18. - Reserved.

### ARTICLE II. - LIFE SAFETY CODE

Sec. 26-19. - Adoption by reference.

The city hereby adopts by reference, for the purpose of prescribing regulations governing conditions hazardous to life and property for fire or explosion, the National Fire Protection Association (N.F.P.A.) No. 101 Life Safety Code, 1997 edition.

(Code 1999, § 43.01)

**State Law reference**— Authority to adopt technical codes by reference, MCL 117.3(k).

Sec. 26-20. - Municipal civil infractions.

A person who violates the N.F.P.A. No. 101 Life Safety Code is responsible for a municipal civil infraction.

(Code 1999, § 43.02)

Secs. 26-21—26-43. - Reserved.

### ARTICLE III. - RENTAL FIRE SAFETY CODE<sup>21</sup>

### Footnotes:

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**Editor's note**— Ord. No. 667, § 1, adopted May 29, 2018, repealed art. III in its entirety, and enacted new provisions to read as herein set out. Former art. III, §§ 26-44—26-52, pertained to similar subject matter, and derived from the 1999 Code, §§ 42.01—42.09; and Ord. No. 521, adopted Aug. 9, 2004.

Sec. 26-44. - Purpose.

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures, and for improving rental arrangements within the city. Such standards are an important factor supportive of the general health, safety, and welfare of all its citizens



and visitors. This article is designed to promote the continuing maintenance of quality and safe rental properties, and to enhance and maintain property values.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-45. - Scope.

- (a) This article shall apply to any structure or part thereof, which is let for occupancy by persons pursuant to any oral or written rental or lease agreement or other valuable compensation; or to any occupant therein. Such structures shall include, but not be limited to, single-family dwellings, multiple-family dwellings, single housekeeping units or bedrooms as defined in the International Property Maintenance Code (IPMC) in its most recent version adopted by the city.
- (b) This article does not apply to jails, nursing homes, school dormitories, hospitals or other health care facilities provided by legal not-for-profit agencies that are inspected, certified and/or licensed by the state, nor federally licensed and inspected properties.
- (c) This article shall be governed by the NFPA No. 101 Life Safety Code and documents adopted by chapter 2, with all amendments thereto, the NFPA No. 1 Fire Code and documents adopted by chapter 2, with all amendments thereto and the IPMC, in their most recent versions adopted by the city, including definitions of applicable terms. The fire department will purchase copies of these three codes in their most recent versions, and place them in the Peter White Library for public use.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-46. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bedroom* means any room or space used or intended to be used for sleeping purposes.

*Certificate of compliance* means a certificate issued by a city rental inspector denoting that the structure has undergone a fire/life safety inspection performed by a city rental inspector and the structure is in compliance with applicable codes.

*Certificate of compliance stipulation* means a condition or requirement that is specified or required by any city department that must be adhered to by the property owner to maintain the certificate of compliance.

*Certificate of registration* means a certificate issued by city rental inspectors, which denotes that the holder has registered the structure as a rental property within the city.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Family* means a) any group of individuals living together as a single housekeeping unit or the functional equivalent of a family, where the residents are a close group with social, economic, and psychological commitments to each other; b) not more than four unrelated persons living together as a single housekeeping unit; c) the tenants of a short-term rental property for which a valid permit has been issued by the fire department; d) the "functional equivalent of a family" shall not include any organization such as a club, fraternity, lodge, monastery, or intentional community, nor any individuals whose association is seasonal or for limited durations defined by their occupation/jobs or educational pursuits, nor shall it include a group who share a dwelling unit explicitly for financial or philosophical reasons, or include any state-licensed facility except to the extent permitted by law.

*Habitable space* means 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.

*Homestay.* An owner occupied single-family home, dwelling unit in a duplex or multifamily dwelling structure, or any other dwelling unit, in which as many as three single bedrooms [with] bathroom access for overnight accommodations may be rented for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a homestay for purposes of complying with City of Marquette ordinances.

*Let for occupancy or let* means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises 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 oral or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Longterm rental* means a residential rental structure which may be rented for periods of 30 days or more.

*Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.

*Occupant* means any individual living or sleeping in a building or having possession of a space within a building.

*Operator* means any duly authorized person who has charge, care or control of a structure or premises which is let or offered for occupancy. Owners must officially notify the city of any operator authorized to act on his behalf; as required in section 26-47(6), some owners are required to use an operator. In some situations, the owner could also be the operator.

*Owner* means any person having a 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.

*Posting.* Certificates of registration and compliance shall be permanently affixed to an interior wall, in a conspicuous and readable place; completely protected from the elements; and with a transparent protective cover. Certificates must be posted in a street side (address side) common entryway, except if there is no street side common entryway, then in the main common entryway, or in the case of separate private entrances, then in each private entrance to meet this requirement.

*Rental inspector* means the fire department personnel appointed by the fire chief, who are charged with the administration and enforcement of this article, authorized by the fire chief under section 26-82.

*Rental structure* means an existing or new occupancy let to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises 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.

*Revocation.* A certificate of compliance, revoked for cause, will render the structure unfit for human habitation, upon the exhaustion of due process remedies. Certificates of compliance will be reinstated when a structure's condition is brought back into compliance with this article.

*Right of entry.* A fire inspector is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is not obtained, the fire inspector is authorized to pursue administrative warrants or any other recourse as provided by law.

*Short-term rental* means a residential rental property for which a dwelling unit or rooms may be rented for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities customarily are available for guests to prepare their own meals. Homestays and vacation home rentals, as defined in this chapter, are the two types of short-term rentals permitted in the City of Marquette.

*Single housekeeping unit* means one person or two or more individuals living together sharing household responsibilities and activities, which may include sharing expenses, chores, eating meals

together and participating in recreational activities and having close social, economic and psychological commitments to each other.

*Structure* means that which is built or constructed, or a portion thereof.

*Vacation home rental.* A single-family home, or a dwelling unit in a duplex or multi-family dwelling structure, or any other dwelling unit, in which up to four bedrooms are rented by a single lessee or renter for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities are available for guests to prepare their own meals. The property owner may or may not live in the dwelling unit for part of the year, but the property owner may not live in the unit concurrently with any lessee. Only properties that have received approval of a rental registration application are recognized as a vacation home rental for purposes of complying with City of Marquette ordinances.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-47. - Registration.

- (a) All dwelling units in rental structures are required to be registered pursuant to this article and shall comply with the following:
  - (1) All newly constructed rental structures and their dwelling units shall be registered prior to any use or occupancy as a rental structure.
  - (2) All existing non-rental structures which are legally converted to rental structures shall be registered, along with their dwelling units, prior to the date on which the property is first occupied for rental purposes.
  - (3) All existing rental structures, occupied by tenants, which are sold, transferred, or conveyed from the previous owner must be registered by the new owner within 30 days of the date of the sale/closing.
  - (4) The city treasurer or designee shall determine if the applicant owes to the city any taxes or other indebtedness, and if no such indebtedness exists, shall so indicate their findings in writing. A certificate of compliance shall not be issued for dwelling units in rental structures with outstanding indebtedness to the city.
  - (5) The city zoning official or designee shall determine if the application for the proposed rental use is in compliance with the zoning ordinance and shall indicate their findings in writing. A certificate of registration shall not be issued for rental structures and dwelling units if the application for the proposed rental use is not in compliance with the zoning ordinance.
  - (6) A local operator for every rental unit is required if the owner(s) (at least one of multiple individuals) does not reside in the county. A local operator is also required when the owner is a corporation or other legal entity. The owner is required to notify the city of the identity of the person they have designated to be their operator (and alternate operators where that is so desired).
  - (7) No owner or operator shall lease or rent a rental dwelling unit, unless there is a valid certificate of registration in the name of the owner. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-48. - Registration forms.

- (a) An application for a certificate of registration shall be made in such form and in accordance with such instructions as may be provided by the rental inspectors designated by the city and shall include, but not be limited to, the following information:
  - (1) Rental property information containing the following:
    - a. Rental property address.
    - b. Tax parcel ID number.
    - c. Actual or estimated year the property became a rental.
    - d. Number of dwelling units contained within.
  - (2) Owner information containing the following for each owner:
    - a. Owner name (if the owner is a corporation, the name of an authorized representative).
    - b. Owner address.
    - c. Home or cell phone.
    - d. Work/business phone.
    - e. Signature of the owner or authorized representative.
    - f. Date.
    - g. Email address.
  - (3) Local operator information (when utilized by owners) containing the following:
    - a. Local operator's name.
    - b. Address.
    - c. Home or cell phone.
    - d. Work/business phone.
    - e. Signature of the operator.
    - f. Date.
    - g. Email address.
  - (4) Required attachments, including the following:
    - a. A photocopy of the owner's current government issued identification, with a legible birth date, or, in the case of corporate ownership, a photocopy of the current government issued identification of the authorizing officer, with a legible birth date.
    - b. A photocopy of the local operator's current government issued identification with a legible birth date.
- (b) The application shall not be considered complete and shall not be processed until all required information is received.
- (c) It shall be the responsibility of the owner to advise the fire department in writing of any changes to their address, phone number, email address, or similar changes concerning their local operator. Notification of changes must be made within 30 days.
- (d) After registration, the fire department shall schedule a compliance inspection within three years of the registration. Compliance inspection shall be scheduled in a reasonable manner with respect to the fire inspector and the owner's or operator's schedule.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-49. - Compliance inspection.

- (a) A rental inspector shall inspect rental structures on a periodic basis of once every three years; upon completion of the registration and receipt of the fee, a rental inspector shall schedule a compliance inspection within three years of the registration. Efforts shall be made to schedule each compliance inspection at a reasonable time with respect to the fire inspector and the owner and/or operator.
- (b) Non-periodic inspections, specified in subsections (b)(1) through (4) of this section, will be scheduled as soon as practicable by the fire department:
  - (1) Upon receipt of a complaint from an owner, operator, occupant or citizen who would have occasion to be aware that the premises are in violation of this article. If a rental inspector determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, a municipal civil infraction shall be charged to the complainant.
  - (2) Upon receipt of a report or a referral from the police department, fire department, community development department, public or private school or other public agency.
  - (3) Upon receipt of knowledge that a rental unit is not registered with the city as required by this article.
  - (4) Upon evidence of an existing property maintenance code violation observed by or brought to the attention of a rental inspector.
- (c) Rental inspectors are empowered to enter at any/all reasonable times upon and into any premises, building or structure for, examining and inspecting the same (see section 26-82).
- (d) Upon satisfactory completion of the compliance inspection, and upon receipt of the fee, a rental inspector will issue a certificate of compliance.
- (e) If a dwelling unit should fail the regular inspection, a subsequent re-inspection will be required.
  - (1) With a failure of the regular inspection, the rental inspector will establish clear requirements of what steps must be undertaken by the owner or operator, and in what timeframe to (first) schedule the reinspection, and (second) permit issuing a certificate of compliance when those requirements have been met.
  - (2) The rental inspector must indicate whether the conditions are such that the rental dwelling unit must be vacated, or whether steps to bring the unit up to code may continue while the unit continues to be rented by tenants.
- (f) If a dwelling unit is required to undergo a non-regular inspection pursuant to any of the items under subsection (b) of this section, the inspection will be based on the same criteria as the regular inspections, and failure to pass will lead to a rental inspector nullifying the previous certificate of compliance. A rental inspector will also establish clear requirements of what must be undertaken by the owner or operator, and in what timeframe, to schedule a re-inspection, and where warranted to re-issue the certificate of compliance. Further, a rental inspector must indicate whether the conditions are such that the rental unit must be vacated, or whether steps to bring the unit up to code may continue while the unit continues to be rented by tenants.
  - (1) If the rental unit that undergoes a non-regular inspection passes the inspection, there will be no fee for this inspection.
  - (2) If the rental unit that undergoes a non-regular inspection fails to pass the inspection, there will be a fee for the non-regular inspection, as well as a fee for the reinspection required to establish compliance with this article.
  - (3) If alterations are made to a rental structure after certification, a new inspection and subsequent certification will be required. There will be a fee for this new inspection.
- (g) Violations of this article, the remedies, and stated deadlines shall be mailed by first class mail to the owner or the operator within seven business days after the inspection. The notice of violation shall state the right of appeal and the instructions for making such an appeal.

- (h) Rental registration fees are required to be paid at the time of application. Registration fee payment shall be paid at or mailed to: The Marquette Fire Department, 418 S. Third St. Marquette, MI 49855. Attention Rental Program. Checks shall be made payable to the City of Marquette. Cash will be accepted, but must be the exact amount and is discouraged.
- (i) The City of Marquette Finance Department will mail out all compliance inspection related billing and receive the payment of inspection related fees. The invoice for the compliance inspection shall be mailed to the property owner or the designated property management company after the completion of the inspection.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-50. - Certificate of compliance required.

- (a) A rental inspector must inspect rental premises before the certificate of compliance is initially issued. Upon failure of the rental inspector to conduct an inspection, after registration and prior to occupancy, the owner or operator may rent a long-term rental property until a rental inspector has conducted an inspection, and the owner or operator will not be deemed in violation during that time. If, however, the rental inspector's inability to inspect the premises is due to the owner's or operator's action, failure to act, or inability to arrange an inspection after reasonable notice of the intent to inspect, the owner or operator shall not rent the property without a current certificate of compliance as required. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit.
- (b) Before the expiration date of the certificate of compliance, the city will arrange with the owner or operator for an inspection date and time and said notice shall be by either email or first-class mail to the address as provided by the owner and/or operator.
- (c) The rental inspector shall attempt to inspect the premises before the certificate of compliance expires. Upon failure of the rental inspector to conduct an inspection prior to expiration of the certificate of compliance, the owner or operator may rent the property until the rental inspector has conducted an inspection, and the owner or operator will not be deemed in violation during that time. If, however, the rental inspector's inability to inspect is due to the owner's or operator's action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner or operator shall not rent the property without a current certificate of compliance as required. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit. A certificate of compliance shall expire three years from the date of issuance.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-51. - Additional—Short-term rental specifics.

- (a) No more than 250 approved short-term rental registrations will be issued at one time in the City of Marquette. Properties may not advertise for or be used as short-term rentals without first receiving a registration certificate and receiving a certificate of compliance from the City of Marquette.
- (b) No owner or operator shall advertise, lease or rent a short-term rental dwelling unit, unless there is a valid certificate of compliance issued by a rental inspector in the name of the owner. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit. The certificate shall be issued after registration and inspection by a rental inspector to determine that each rental dwelling unit complies with the provisions of the codes of the city.
- (c) Advertising a property as a residential short-term rental shall constitute prima facie evidence of the operation of a residential rental and, if in violation of city code, may be grounds for citation, and/or denial, suspension, or revocation of a certificate of compliance. Advertised occupant capacity shall constitute prima facie evidence of the operation of a residential rental at that capacity and, if in violation of city code, may be grounds for citation for an overcapacity violation, and/or denial,

suspension, or revocation of a certificate of compliance. The burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential rental or is not in operation.

- (d) Escape plan.
  - (1) It shall be the responsibility of the property owner to create a legible escape plan showing primary and secondary exits. All escape plans shall be approved by the rental inspector at the time of the compliance inspection.
  - (2) The plan shall be posted in each bedroom of the short-term rental unit, where it is easily visible.
- (e) A maximum occupant capacity for the property shall be calculated at the time of the compliance inspection, using the method detailed in Section 404.4 of the IPMC and shall be listed on the certificate of compliance.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-52. - Penalty.

- (a) In the event the owner or operator does not correct a violation of any provision of this article, or fails to comply with certificate of compliance stipulations, a rental inspector may revoke any existing certificate of compliance and may bring an action to seek the enforcement of this article by an appropriate legal remedy. Any structure not in compliance with this article is deemed a nuisance per se. Fees and fines will be set forth in the city fee schedule as established by resolution of the city commission.
- (b) Any owner of a rental dwelling unit who fails to register or who fails to obtain a certificate of compliance for each rental dwelling unit shall be responsible for a municipal civil infraction. Any owner or operator who fails to comply with any of the other parts of this article shall be responsible for a municipal civil infraction.
- (c) An owner or operator may be charged with more than one violation of the provisions of this article in a single complaint or municipal civil infraction provided each violation so charged, relates to the same property.
- (d) A violation of any provision of this article shall be a municipal civil infraction, assessed against the owner or operator of the rental structure. Each day that a violation exists shall be considered a separate punishable offense. Repeat violations, failure to repair or eliminate imminently dangerous or life-threatening situations may be cited as misdemeanors.

(Ord. No. 667, § 1, 5-29-2018)

Sec. 26-53. - Appeal.

- (a) *Procedure.* Any owner or operator affected by any notice of violation which has been issued under this article may request and shall be granted a hearing on the matter before the city board of zoning appeals acting as a city rental code appeal board. The affected person shall file a written appeal to the office of the fire department requesting the hearing. The appeal shall include the name, address and phone number of the appellant and a brief statement of the grounds for the hearing. An application for appeal shall be accompanied by a fee as set forth in the city fee schedule to cover the city's cost of handling said appeal. The appeal shall be filed within 21 days after the day the notice of violation is served. Failure to file the written notice of appeal within the 21-day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of the violation. Upon timely receipt of an appeal, the fire department shall set a time for a hearing before the city board of zoning appeals acting as the city rental code appeals board and shall give the appellant written notice of the date, time and location for the hearing.

- (b) *Hearings.* Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings, the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn. A fire inspector shall be given opportunity to provide information relative to and supportive of charging the violation.
- (c) *Decisions and powers of city board of zoning appeals acting as rental code appeal board.*
- (1) After a hearing, the city board of zoning appeals, acting as a rental code appeal board, may sustain, modify, or withdraw the notice of violation depending upon its findings. In rendering these determinations, the powers of the board of zoning appeals, acting as a rental code appeal board, shall be strictly limited to making interpretation of the provisions of this article, to the applicability of its specific provisions to the specific case being heard, and to granting exemptions to the provisions of this article. In granting exemptions, the board shall be allowed to grant an exemption if it clearly appears, (by reason of special condition) undue hardship would result from strict application of any section of this article. However, no exemption shall be granted if the same would result in either the purpose or intent of this article, or of any sections at issue, being nullified. In reviewing a request for an exemption, the board should consider the following to determine whether an exemption would be appropriate:
- a. Whether there are exceptional or extraordinary conditions applying to the property that do not apply to other similar properties;
  - b. Whether the exceptional or extraordinary conditions resulted from the action of the property owner;
  - c. Whether there exist alternative or equivalent methods or materials that would allow the purpose and intent of the section at issue to be satisfied;
  - d. Whether the granting of an exemption would result in a substantial detriment to the property; and
  - e. Whether the exemption requested is the minimum exemption possible that would still allow the purpose and intent of the section at issue to be met.
- (2) The board may permit an exemption from mandatory provisions in such a manner that the public safety shall be secured, substantial justice done and the spirit and intent of the provisions of this article are upheld. In no case, shall the board grant an exemption which would lessen the safety, health, and welfare requirements of this article. Any exemption granted shall be for this article and shall not and cannot waive the requirements and provisions of any other ordinance or law. All decisions rendered under this article shall be in writing and shall be final. A copy of the decision shall be mailed to the appellant at the address shown on the appeal.
- (3) The failure of the appellant or his representative to appear and state his case at the hearing shall have the same effect as if no appeal was filed and the board shall proceed to deny the appeal and affirm the notice of violation.
- (d) *Meetings.* The city board of zoning appeals, acting as a rental code appeal board, shall meet in a fixed place and all meetings shall be open to the public. The board shall keep a record of its proceedings, showing the actions of the board and the vote of each member upon each question considered. These records shall be considered public records.
- (e) *Appeal of board decision.* The decision of the city board of zoning appeals, acting as a rental code appeal board, shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rule.

(Ord. No. 667, § 1, 5-29-2018)

Secs. 26-54—26-77. - Reserved.

ARTICLE IV. - FIRE AND EXPLOSIVES