LEELANAU COUNTY CONSTRUCTION CODE AUTHORITY
8527 E. Government Center Dr. Suite 109
Suttons Bay, MI 49682
Phone (231) 256-9806 FAX (231) 256-8333

VIOLATION NOTICE

03/03/2014

WICKSTROM KATHLEEN
PO Box 1
Maple City, MI 49664-0001

ROCK INVESTMENT ADVISORS, LLC
55 E. LONG LAKE RD
TROY, MI 48085

RE:
Property address: 4500 S SUGAR LOAF MTN RD/003-013-001-00
Code Enforcement # E11-0037
Inspection Date: 02/05/2014

NOTICE OF VIOLATION/CORRECTION of the MICHIGAN BUILDING CODE 2009:

Dear WICKSTROM KATHLEEN:

Upon inspection, violations of the State of Michigan, Building Code 2009(MBC), and Michigan Rehabilitation Code for Existing Buildings 2009 (MRCEB) were found to exist. The following corrections are hereby required:

Code Reference and Discrepancy;

1. **MBC 101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.
2. **MBC 101.4.4 Property maintenance.** The provisions of the *International Property Maintenance Code* (IPMC) shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
3. **MBC 101.4.5 Fire prevention.** The provisions of the *International Fire Code* (IFC) shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, *alteration* or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
4. **MBC 105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.
5. **MBC 116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve

illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

6. **MBC 3401.2 Maintenance.** Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the *building official* shall have the authority to require a building or structure to be re-inspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings and structures.
7. **MRCEB 115.1 Conditions.** Buildings, structures or equipment that are or hereafter become unsafe, shall be taken down, removed or made safe as the code official deems necessary and as provided for in this code.
8. **MRCEB 115.5 Restoration.** The building or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. To the extent that *repairs*, *alterations*, or *additions* are made or a *change of occupancy* occurs during the restoration of the building, such *repairs*, *alterations*, *additions*, or *change of occupancy* shall comply with the requirements of this code.
9. **MRCEB 117.1 General.** The *code official* shall order the owner of any premises upon which is located any structure that in the *code official's* judgment is so old, dilapidated, or has become so out of *repair* as to be *dangerous*, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to *repair* the structure, to demolish and remove such structure; or if such structure is capable of being made safe by *repairs*, to *repair* and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
10. **IFC 110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress* or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.
11. **IFC 311.1.1 Abandoned premises.** Buildings, structures and premises for which an *owner* cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code* and the *Michigan Building Code*.
12. **IFC 311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings, structures, premises or portions thereof shall be secured and protected in accordance with Sections 311.2.1 through 311.2.3.
13. **IFC 311.2.1 Security.** Exterior and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The *fire code official* is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.
14. **IFC 311.2.2 Fire protection.** Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times.
    Exceptions: 1. When the premises have been cleared of all combustible materials and debris and, in the opinion of the *fire code official*, the type of construction, *fire separation distance* and security of the premises do not create a fire hazard. 2. Where *approved* by the fire chief, buildings that will not be heated and where *fire protection systems* will be exposed to freezing temperatures, fire alarm and sprinkler systems are permitted to be placed out of service and standpipes are permitted to be maintained as dry systems (without an automatic water supply), provided the building has no contents or storage, and windows, doors and other openings are secured to prohibit entry by unauthorized persons.
15. **IFC 311.3 Removal of combustibles.** Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.
16. **IPMC 101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

17. **IPMC 102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.
18. **IPMC 107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
19. **IPMC 108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.
20. **IPMC 108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
21. **IPMC 108.1.5 Dangerous *structure* or *premises*.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:
    1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
    2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
    3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
    4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
    5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
    6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
    7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
    8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
    9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
    10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
    11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion

thereof as an attractive nuisance or hazard to the public.

22. **IPMC 111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
23. **A plan shall be submitted**, with details to bring all structures on this property into code compliance. The plan shall address the collapsed front of the Sugar Barn, All the roofs of all buildings especially the main lodge* to prevent further decay of structural elements from leaks, the collapsed deck and structural stability of the warming shack on the top of the hill, the structural abnormalities in and about the main lodge and connected buildings, the exterior landscaping, grass and trees that create a fire hazard for entire property around structures, all upper building and decks, chair lifts and the exterior pool and pool structure. The Plan shall include a time line of repairs or demolition and all required permits to be obtained for any renovation, alteration, repair, addition, installation or demolition of any system or structure on the entire premises. A meeting may be scheduled with the Building Official for further clarification.

*Main lodge refers to all connected spaces including the banquet facility, bars, restaurants, hotel rooms, offices, vender spaces, basements, child care, maintenance and other spaces in and about the main building connected or not.

Please provide a plan for corrective measures or contact this department about the above items within the next 10 days. Acceptance and approval by an Inspector of this department shall be required.

If you have any questions please call (231) 256-9806 between 8:00 a.m. and 4:00 p.m.

WARNING: Damage or Injury resulting from delay for failure to comply with this notice may be attributed to negligence on the part of the responsible party or parties.

Sincerely,

Steven M Haugen
Code Official