



**OFFICE OF THE CITY MANAGER
CITY HALL
HOLLAND, MICHIGAN**

10A

City Manager Report

To: Mayor Dykstra and Members of the Holland City Council.
Date: August 1, 2012
Subject: Adoption of Ordinances - Chapter 14 (Housing), 19 (Nuisances), and 27 (Refuse and Garbage).

The Department of Community and Neighborhood Services and the Neighborhood Advisory Committee requested that the City Attorney's Office prepare amendments to Chapters 14, 19 and 27.

Chapter 14 deals with housing maintenance issues. The proposed amendments:

1. Introduce the concept of "workmanlike" repair and maintenance obligations to the requirements of Chapter 14. See proposed sections 14-3, 14-4.6, 14-4.8 and 14-4.10.
2. Update the notice requirements in section 14-4.1.
3. Update the definition of family in section 14-4.6 to be consistent with the new definition in Chapter 39 on zoning.
4. Require repair of broken glass and maintenance of roof drains in section 14-4.9.
5. Add requirements relating to building security in section 14-4.9.
6. Clarify the requirements for kitchen electrical circuits in section 14-4.24; and
7. Update the name of the Department in several places.

The definition of workmanlike work and the building security provisions are based on the International Property Maintenance Code.

Chapter 19 provides the process for remediating various nuisances. The proposed amendment adds subsections (b)-(f) to provide enforcement procedures for structures and fences. These procedures are consistent with procedures in other sections such as section 19-12 dealing with infested trees. The procedures are not currently spelled out in the ordinance.

Chapter 27 deals with refuse, rubbish and recyclable materials. The Department of Community and Neighborhood Services has seen several instances where persons or companies who collect recyclable materials fail to comply with procedures under the ordinance. Currently, such persons or companies do not need to obtain a license. The proposed amendment prohibits persons or companies from collecting recyclable material if not licensed. The license

requirement will allow the Department to more readily regulate compliance with the ordinance requirements.

Recommendation:

It is recommended that City Council approved the amendments to Chapter 14 (Housing), 19 (Nuisances), and 27 (Refuse and Garbage) as prepared by the City Attorney's Office.

Respectfully Submitted,

Ryan Cotton
City Manager

Attachments:

Report prepared by Community & Neighborhood Services Director Phil Meyer

Ordinance No. _____

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLAND, MICHIGAN, BEING ORDINANCE NO. _____, OF THE CITY OF HOLLAND, BY AMENDING SECTIONS 14-3, 14-4, 14-4.1, 14-4.2, 14-4.3, 14-4.6, 14-4.8, 14-4.9, 14-4.10, 14-4.24, 14-4.27, 14-4.29, 14-4.33, 14-4.34, 14-4.35, 14-4.36, and 14-4.37 OF SAID CODE.

The City of Holland ordains that Sections 14-3, 14-4, 14-4.1, 14-4.2, 14-4.3, 14-4.6, 14-4.8, 14-4.9, 14-4.10, 14-4.24, 14-4.27, 14-4.29, 14-4.33, 14-4.34, 14-4.35, 14-4.36, and 14-4.37 be amended as follows:

Sec. 14-3. - Applicability of article to related ordinances and existing buildings.

(a) *Generally.* Every portion of a building or premise used or intended to be used shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter provided.

(b) *Construction codes.* Any alterations to buildings, or changes of use therein, which may be caused, directly or indirectly, by the enforcement of this article shall be done in accordance with applicable sections of the construction codes of the city.

(c) *Zoning law.* Nothing in this article shall permit the establishment or conversion of a multifamily dwelling in any zone district except where permitted by the zoning law, or the continuation of such nonconforming use in any zone except as provided therein.

(d) *Conflict with other ordinances.* In any case where a provision of this code conflicts with the provision of any zoning, building, fire, safety, or health ordinance or Code of the City of Holland, the provision which establishes the higher standard for the promotion and protection of safety and health of the people shall prevail. In any case where a provision of this code conflicts with a provision of any other ordinance or code of the City of Holland and the other ordinance or code establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this code shall prevail. In any case where a provision of this code conflicts with the provision of any other ordinance or code of the City of Holland and the provisions of this code and the provisions of the other ordinance or code establish comparable standards for the safety and health of the people, the enforcing officer shall allow compliance with either code or ordinance.

(e) *Existing buildings.* This article establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this section.

(f) *Existing remedies.* Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

(g) *Workmanship.* Repairs, maintenance work, alterations or installations which are required or caused directly or indirectly by the enforcement of this article shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

(Ord. No. 1341, 7-17-02)

Sec. 14-4. - Enforcement authority.

(a) *Enforcing officer.* It shall be the duty and responsibility of ~~environmental health and inspection~~the Department of Community and Neighborhood Services to enforce the provisions of this article as herein provided. The term "enforcing officer" shall mean the director of ~~environmental health and inspection~~the Department of Community and Neighborhood Services or his duly authorized representative.

(b) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith under the provisions of this article shall be the exclusive responsibility of the enforcing officer. Wherever, in the opinion of the enforcing officer, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders, to the extent reasonably practicable under the circumstances. No order for correction of any violation under this article shall be issued without the approval of the enforcing officer.

(c) *Administrative liability.* Except as may otherwise be provided by the state statute, local law or ordinance, an officer, agent or employee of the city charged with the enforcement of this article shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this article. A person who institutes or assists in the prosecution of a criminal proceeding under this article shall not be liable for damages hereunder, as long as the person who institutes or assists in the prosecution has reasonable cause to believe that the party accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent or employee of the jurisdiction, as a result of any act required or permitted in the discharge of his or her duties under this article, shall be defended by the legal representative of the jurisdiction until the final determination of the proceedings.

(d) *Inspections.* The enforcing officer may make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this article.

(e) *Right of entry.* When an inspection shall be made, the enforcing officer may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this article. Permission to access the premises may be granted by the owner of the premises, his or her agent, and a tenant occupying the premises or any other occupant of the premises. If there is an emergency, then the enforcing officer shall have the right to enter at any time.

(f) *Warrants for nonemergency situations.* In a nonemergency situation where the owner, his or her agent, a tenant or other occupant of the premises demands a warrant for the inspection of the premises, the enforcing officer shall obtain a warrant from a court of competent jurisdiction. The enforcing officer shall prepare the warrant, stating the address of the structure to be inspected, the nature of the inspection as defined in this article or other applicable acts, and the reason(s) for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, compliance, etc.) established in this article and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this subsection, and that it is for the purposes set forth in this article and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this subsection, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.

(g) *Access by owner.* Every tenant or other occupant of a property in the city shall give the owner thereof, or his or her agent or employee, access to any part of the premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this article.

(h) *Rules and regulations.* ~~Environmental health and inspections~~The Department of Community and Neighborhood Services shall adopt rules to govern the procedures under this division and interpretation thereof. The rules shall set forth the procedures for inspections, registration of rental units, issuance of rental certificates of compliance and temporary rental certificates of compliance, proceedings affecting the status of a certificate and appeals. Copies of such rules shall be placed on file in the office of the city clerk for inspection by the public.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.1. - Condemnation of dangerous or unsafe structures.

(a) *Generally.* Structures shall be condemned as dangerous structures or unsafe for human occupancy as herein provided.

(b) *Dangerous structures.* If all or part of any building or structure (including, among others, a fence, billboard or sign) or the equipment for the operation thereof (including, among others, the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the enforcing officer, to be in an unsafe condition or dangerous to life, limb or property, the enforcing officer shall proceed to have the same condemned pursuant to the applicable provisions of codes of the city or the state pertaining to unsafe structures including but not limited to the procedures under chapter 19 for dangerous structures.

(c) *Structures unfit for human occupancy.* Whenever the enforcing officer finds that any structure constitutes a hazard to the safety, health or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary or vermin-infested; or lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this article, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such structure as unfit for human occupancy and order it to be vacated.

(d) *Unlawful structures.* If any structure, or any part thereof, is occupied by more occupants than permitted under this article, or was erected, altered or occupied contrary to law, such structure shall be deemed an unlawful structure, and the enforcing officer may cause such structure to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

(e) *Notice—Generally.* Notice of the declaration of any building under this article as unfit for human occupancy and the order to vacate it shall be served as provided in this article or such other codes or ordinances of the municipality pertaining to unsafe buildings.

(f) *Same—Posting.* Any structure declared as unfit for human occupancy shall be posted with a placard by the building official. The placard shall include the following:

- (1) The name of the city;
- (2) The name of the authorized department having jurisdiction;
- (3) The chapter and section of the code under which it is issued;
- (4) An order that the structure, when vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
- (5) The date that the placard is posted; and
- (6) A statement of the penalty for defacing or removing the placard.

(g) *Same—Form.* Whenever the enforcing officer has declared a structure as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the structure as unfit for human occupancy. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reasons why it is being issued;
- (4) State the time to correct the conditions; and
- (5) State the time the occupants must vacate the structure.

(h) *Same—Service.* Notice of violation shall be served upon the owner of record; provided, that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if he is not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by certified mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place or on or about the structure affected by the notice.

~~Service of notice to vacate shall be as follows:-~~

~~(1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or~~

~~(2) By certified or registered mail addressed to the owner at his last known address, with postage prepaid thereon; or~~

(i) *Same—Unauthorized removal of placard or notice.* A person shall not deface or remove the placard from any structure which has been declared or placarded as unfit for human habitation, except by authority in writing from the enforcing officer. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(j) *Vacating of placarded building.* Any structure which has been declared and placarded as unfit for human occupancy by the enforcing officer shall be vacated within a reasonable time as required by the enforcing officer, and it shall be unlawful for any owner or operator to let any person continue to occupy or reside in structure, and a person shall not occupy any structure which has been declared or placarded by the enforcing officer as unfit for human occupancy after the date set forth in the placard. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(k) *Written approval for occupancy of building.* A structure which has been declared or placarded as unfit for human occupancy shall not again be used for human occupancy until written approval is secured from the enforcing officer. The enforcing officer shall remove such placard whenever the defects upon which the declaration and placarding action were based have been eliminated.

(l) *Furnishing copies of notice to other city departments or officials.* The enforcing officer may furnish a copy of each notice to vacate a building to the police department, fire department and any other designated official of the city concerned therewith.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.2. - Violations.

(a) *Notice—Service.* Notice of violation shall be served upon the owner of record; provided, that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if he is not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place or on or about the structure affected by the notice.

(b) *Same—Contents.* Whenever the enforcing officer determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation, of any provision of this article he shall give notice of such violation or alleged violation to the person responsible therefor. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Specify the violation which exists and the remedial action required; and
- (4) Allow a reasonable time for the performance of any act it requires.

(c) *Same—Noncompliance; legal action or proceeding.* In case any notice of violation is not complied with within the time set forth in the notice, the enforcing officer may [issue a citation for a municipal civil infraction or](#) request the city attorney to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:

- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain or correct the erection, installation or alteration of such building;
- (3) To require the removal or work in violation;
- (4) To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this article, or in violation of a plan or specification under which an approval, permit or certificate was issued;
- (5) To comply with the penalty provisions of this article; or
- (6) To pay the attorney fees and costs incurred by the city with respect to the action or proceeding at law or in equity and the administrative expense incurred by the city in efforts to enforce the notice of violation.

(d) *Change in ownership; sale or transfer of premises.* A person shall not sell or transfer premises which are subject to an outstanding housing order unless a copy of the order issued by the enforcing officer is provided to the person acquiring the premises at the time of sale or transfer of the premises.

(e) *Seller's notice to city upon sale or transfer of premises.* The person selling or transferring the premises shall notify the city of same in writing within ten (10) days of transferring ownership of the premises subject to the outstanding housing order. The notice to the city shall include the name, address and telephone number of the person acquiring the premises and the effective date of the transfer of ownership. The city shall immediately issue a new housing order to the person acquiring the premises. The person selling or transferring the premises who has failed to comply with an outstanding housing order shall not be relieved of the responsibility of having violated any provision of this article by selling or transferring the premises.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.3. - Appeals and administrative variances.

(a) *Housing board of appeals established.* The city shall appoint and establish a housing board of appeals pursuant to section 14-4.3. The housing board of appeals shall be known as the housing board of appeals. In addition to the five (5) regular members, the city may appoint two (2) persons to the housing board of appeals as alternate members, to serve in the absence of regular members, pursuant to rules and regulations adopted by ~~environmental health and inspection~~the Department of Community and Neighborhood Services, as approved by resolution of the city council.

(b) *Board duties.* The housing board of appeals shall hear appeals from decisions of the enforcing officer and shall act upon questions relating to the administration, enforcement and interpretation of this article, including variances from the requirements of this article. The housing board of appeals shall conduct its hearings in accordance with this section and such other sections of this Code.

(c) *Appeal of enforcing officer order; public hearing.* Any aggrieved party, including an occupant, may appeal an order issued by the enforcing officer to the housing board of appeals. The housing board of appeals shall hold a public hearing to review the decision of the enforcing officer and shall allow the enforcing officer and the aggrieved party and any other person to be heard and present evidence.

(d) *Staying of an order.* An appeal shall stay an order denying or suspending a rental certificate of compliance, unless such suspension is for a major violation. In such cases, an appeal shall not stay the suspension of the rental certificate of compliance, unless the director of ~~environmental health and inspection~~the Department of Community and Neighborhood Services orders that it be stayed.

(e) *Administrative variances.*

(1) *Ceiling height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing ceiling height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to ceiling height) including light and ventilation requirements and floor area to height ratio requirements;
- b. Any ceiling light fixtures in the rooms covered by the variance request are recessed;
- c. The applicant does not request a variance greater than three (3) inches from the ceiling height requirements under this Code; and
- d. The applicant does not request a variance to allow a ceiling height of less than six (6) feet eight (8) inches in any room.

(2) *Guardrail height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing guardrail height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to guardrail height);
- b. The surface area below and/or immediately adjacent to the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not hard-surfaced;

that is, it shall not be a surface created out of asphalt, concrete, gravel, wood, or other hard-surface material;

c. The guardrail for which the variance is sought is at least twenty-four (24) inches in height or more;

d. The general pattern of traffic on the balcony, deck, landing, porch, stair or walking surface is not right along the portion of the balcony, deck, landing, porch, stair or walking surface where the guardrail for which the variance is sought is located;

e. The surface area of the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not more than six (6) feet directly above the floor, grade, ground or surface area below, measured perpendicularly; and

f. Spindle spacing and handrail height comply with this Code.

(3) *Room width requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing room width requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

a. The room is an existing room, not a proposed room;

b. An inspection of the property reveals that it fully complies with this Code (except as to room width) including, but not limited to, light and ventilation requirements and ceiling height, and the room in question has a minimum of seventy (70) square feet of qualifying floor area;

c. The room has a window which is either an approved egress window, or is as large as any other bedroom windows in the structure;

d. The room cannot be made wider without substantial reconstruction, including, but not limited to: relocation of exterior or bearing walls, relocation of a stairway, or relocation of plumbing or mechanical equipment. Substantial construction does not include the removal of a closet or the relocation of a nonbearing partition wall;

e. The room is equipped with a hardwired, interconnected smoke detector inside the room in addition to other smoke detectors required by this Code;

f. The room does not require, and has not been granted, an administrative ceiling height variance;

g. The door and the required window in the room are not, and shall not be, obstructed by furniture or other materials; and

h. The room, at any point in the room, is not less than six (6) feet nine (9) inches in width.

(f) *Appeals.* Any owner or person who is aggrieved by the ruling or decision of the enforcing officer in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the housing-property maintenance code may appeal the decision or interpretation to the housing board of appeals.

(g) *Filing.* Such appeal must be filed with the city clerk in writing, within thirty (30) days of the date of the issuance of the decision or interpretation. An appeal shall not be received if the city has commenced prosecution proceedings pursuant to section 14-2(c).

(h) *Decision; housing board of appeals.* The appeal shall be decided by the following procedure:

(1) The housing board of appeals shall hold a public hearing to hear evidence of violations from the enforcing officer and the appellant. The appellant shall attend in person or may be represented by legal counsel.

(2) The housing board of appeals shall render its decision not more than sixty (60) days after the conclusion of the hearing. The failure to decide an appeal within sixty (60) days shall be deemed a denial. The decision of the housing board of appeals shall include findings of fact and conclusions of law based upon the evidence presented by the enforcing officer and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before housing board of appeals.

(3) The housing board of appeals shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the enforcing officer. The housing board of appeals shall also have the authority and jurisdiction to grant a variance from this article for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The housing board of appeals shall not have the authority to grant a variance from any of the requirements of this article unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The housing board of appeals may not grant a variance from or waive any fees or late charges.

(Ord. No. 1341, 7-17-02; Ord. No. 1480, 9-5-07; Ord. No. 1544, 4-14-10)

Sec. 14-4.6. - Words and phrases defined.

For the purposes of this article, and in accordance with section 14-4.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Approved. As applied to a material, device or method of construction, approved by the code official under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

Basement. That portion of a building, which is partly or completely below grade.

Bathing room. A room with a bathtub or shower and with a latching door so as to give privacy to a person in the room.

Bathroom. A room with a bathtub or shower, toilet, sink and with a latching door so as to give privacy to a person in the room.

Construction codes. The Michigan Building Code, Michigan Residential Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code are enforced by the City of Holland as resolved in Chapters 6 and 9 for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Building official. The director of ~~environmental health and inspections~~the Department of Community and Neighborhood Services, or his duly authorized representative.

Central heating. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

Condemn. To adjudge unfit for use or occupancy.

Condemnation. The act of judicially condemning.

Dwellings.

- (a) *Boardinghouse.* A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.
- (b) *Dormitory.* A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one (1) room or in a series of closely associated rooms.
- (c) *Hotel.* Any building containing six (6) or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests.
- (d) *Motel.* A hotel as defined in this section.
- (e) *Multifamily apartment house.* A building or portion thereof containing more than two (2) dwelling units.
- (f) *One-family dwelling.* A building containing one (1) dwelling unit with not more than five (5) lodgers or boarders.
- (g) *Two-family dwelling.* A building containing two (2) dwelling units with not more than five (5) lodgers or boarders per family.
- (h) *Rooming house.* Any one- or two-family residential building, or any part thereof, containing one (1) or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of a family (see "Dwellings, boardinghouse").
- (i) *Rooming unit.* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Dwelling unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enforcing officer. The director of ~~environmental health and inspections~~the Department of Community and Neighborhood Services of the city, or his duly authorized representative.

~~Environmental health and inspections~~The Department of Community and Neighborhood Services. The department of ~~environmental health and inspections~~Community and Neighborhood Services of the city, formerly known as the department of environmental health.

Exterior property areas. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.

Family. ~~An individual or married couple and the children thereof, with not more than two (2) other persons related directly to the individual or married couple by blood or marriage, or a group of not more than five (5) unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.~~The term

family as used in this Article shall have the same meaning as set forth in Section 39-2.

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Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

Inventory checklist. Such written itemization of the condition of a dwelling unit as required by the Michigan Security Deposit Act.

Let for occupancy or let. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person, who shall be the legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.

Major violation. A major violation means any violation of the provisions of this article or any code adopted by the city, which poses a hazard or risk to the health and safety of the occupants of a dwelling unit, including any violation that substantially affects the habitability of the dwelling unit.

Maintenance. Acts of repair and other acts to prevent a decline in the condition of grounds, structures and equipment such that the condition does not fall below the standards established by this article and other applicable statutes, codes and ordinances.

Minor violation. A minor violation means any violation of this article, which is not deemed a major violation.

Occupant. Any person having the right of possession or use of any premises, building or structure.

Openable area. That part of a window or door, which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner/ownership. Any person, agent, operator, firm or corporation 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. For the purposes of this article, ownership shall be presumed to be by the designated person or entity listed on the tax rolls maintained by the city for a structure or building, unless the enforcing officer is otherwise notified in writing.

Person. A person or other entity capable of owning a dwelling pursuant to the laws of the state.

Plumbing. The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the Michigan Plumbing Code.

Plumbing fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water there from, or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

Public nuisance. "Public nuisance" includes but is not limited to the following:

- (a) The physical condition or use of any premises regarded as a public nuisance at common law; or
- (b) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- (c) Any premises which has unsanitary sewerage or plumbing facilities; or
- (d) Any premises designated as unsafe for human habitation or use; or
- (e) Any premises which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb or property; or
- (f) Any premises from which the plumbing, heating and/or other facilities required by this article have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or where the required precautions against trespassers have not been provided; or
- (g) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (h) Any structure or building that is in a state of dilapidation, deterioration or decay or contains faulty construction; is overcrowded; is open, vacant or abandoned; is damaged by fire to the extent as not to provide shelter; or is in danger of collapse or failure and dangerous to anyone on or near the premises.

Renovation. The act of making a building and its facilities conform to present day minimum standards of sanitation, fire and life safety.

Residential building. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided, except when classified as an institution under the construction code.

Responsible person. The person who is responsible for correcting all major or minor violation(s), or both, pursuant to the provisions of section 14-4.25.

Rubbish. Combustible and noncombustible waste materials, except garbage, and including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Rules. The rules as adopted by ~~environmental health and inspection~~[the Department of Community and Neighborhood Services](#) as approved by city council resolution.

Structure. That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy of use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Supplied. Installed, furnished or provided by the owner or operator.

Toilet room. A room with a toilet/water closet and with a latching door so as to give privacy to a person in the

room. A toilet room must either contain within the room a sink supplied with hot and cold running water or such a sink must be located in close proximity to the exterior of the room.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

- (a) *Mechanical.* Ventilation by power-driven devices.
- (b) *Natural.* Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

Washroom. A room with a toilet, sink and with a latching door so as to give privacy to a person in the room.

Workmanlike. Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard. An open, unoccupied space on the same lot with a building extending along the entire length of street or rear or interior lot line.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.8. - Exterior premises.

- (a) *Sanitation.* All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from the accumulation of rubbish and garbage.
- (b) *Containers.* Occupants shall store all garbage, vegetable wastes or other organic materials, which can rot and produce odors in leak-proof, approved containers in accordance with section 27-5 of this Code.
- (c) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. "Stagnant water" is defined as any accumulation that has not dispersed within seven (7) days of the last recorded rainfall. Water retention areas and/or reservoirs approved by the code official are exceptions to this subsection.
- (d) *Pest control.* All exterior property and premises shall be kept free of circumstances, which are harboring infestations of rodents or insects.
- (e) *Accessory structures.* All accessory structures shall be maintained structurally sound and in good repair, so as to avoid a risk to public safety.
- (f) *Fences and retaining walls.* All fences and retaining walls shall be maintained structurally sound and in good repair, so as to avoid an imminent risk to public safety.
- (g) *Open fires.* Open fires shall be prohibited, except as specifically approved by the fire official.
- (h) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a ~~proper~~ workmanlike and proper state of repair, and maintained free from hazardous conditions.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.9. - Exterior structure.

- (a) *Generally.* The exterior of all structures shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.
- (b) *Street numbers.* Each structure to which a street number has been assigned shall have the number so displayed in a position easily observed and readable from the public right-of-way. All assigned street numbers shall be shown in accordance with Chapter 32-23
- (c) *Structural members.* All supporting structural members shall be maintained in a sound condition, free of deterioration and capable of safely bearing the dead and live loads imposed upon them.
- (d) *Exterior surfaces.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a reasonable state of maintenance and repair and shall be kept in such condition as to exclude rodents.
- (e) *Foundation walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- (f) *Exterior walls.* Every exterior surface including but not limited to walls, doors, door and window frames, window panes, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition and shall be free of holes, breaks, loose or rotting boards or timbers, broken or cracked glass and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
- (g) *Roofs and drainage.* The roof shall be structurally sound and not have defects, which might admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a public nuisance. Missing or damaged shingles shall be replaced with shingles of similar style and color.
- (h) *Decorative features and accessories.* All decorative features and accessories shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) *Chimneys.* All chimneys and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weatherproofing materials.
- (j) *Stairs and porches.* Every stair, porch, fire escape, balcony and railings and other appurtenances attached thereto shall be so constructed and maintained to be safe to use and capable of supporting the anticipated loads.
- (k) *Handrails.* All stairways consisting of five (5) or more risers shall have a handrail that measures thirty (30) inches to thirty-eight (38) inches in height above the nosing of the stair tread for the entire length of the stair. Handrails that form part of a guardrail system shall be located thirty (30) inches to forty-two (42) inches in height. All new and replacement handrails shall be installed as required by the Michigan Building Codes.
- (l) *Guardrails.* Every porch, balcony, walking surface and open portion of a stairway located thirty (30) inches or more above the adjacent floor or grade below must have a guardrail. Existing guardrails shall be at least thirty (30) inches high with no opening that would allow the passage of a six-inch sphere. All new and replacement

guardrails shall be installed as required by the Michigan Construction Codes.

(m) *Common areas.* Common stairs, porches, fire escapes and railings shared by three (3) or more units shall be maintained free of hazardous conditions such as snow, ice, mud and other debris.

(n) *Window frames and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight. All glazing materials shall be maintained free from cracks and holes.

(o) *Openable windows.* At least one (1) window in each habitable room shall be capable of being easily opened. All openable windows shall be provided with window hardware capable of tightly securing the window.

(p) *Insect screens.* During that period of time from May 15 to October 15, at least one (1) openable window in each habitable room shall be supplied with approved tight fitting screens of not less than sixteen-mesh per inch. Screen doors where provided, or if required to meet minimum standards of ventilation, shall also be supplied with tight fitting screens of not less than sixteen-mesh per inch. Tom screens shall be removed.

(q) Building Security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and the property within.

(1) Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(2) Windows. Openable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(3) Basement Hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

~~Door hardware. Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.~~

(r) *Basement hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

(s) *Basement windows.* Every basement window, which is openable, shall be supplied with shields, storm windows or other material affording protection against the entry of rodents.

(t) *Exterior structure of vacant premises.* All exterior portions of a vacant premises must be securely fastened or boarded so as not to allow the entry of unauthorized persons or animals into the structure.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.10. - Interior structure.

(a) *Generally.* The interior of a structure shall be maintained in good repair, workmanlike manner, structurally sound and in a sanitary condition, so as not to pose a threat to the health, safety or welfare of the occupants and to

protect the occupants from the environment.

(b) *Structural members.* The supporting structural members of every building shall be maintained structurally sound; not showing any evidence of deterioration which would render them incapable of carrying the imposed loads. For the purposes of this section, a structural member means any part of a building which provides the principal strength, stability, integrity, shape and safety to the building including, but not limited to, plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other components essential to the strength, stability, integrity, shape and safety of the building.

(c) *Interior surfaces.* Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition. Excessively peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be repaired.

(d) *Bathrooms, etc.* Every bathing room, bathroom, toilet room and washroom surface shall be constructed and maintained to prevent the retention of moisture and to avoid the penetration of water to lower levels of the structure, and so as to permit such floor to be easily kept in a clean, sanitary condition. Every toilet shall be enclosed in a bathroom, toilet room or washroom as those terms are defined in section 14-4.6

(e) *Dampness.* In every building, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

(f) *Sanitation.* The interior of every structure and common area shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage.

(g) *Pest control.* The interior of all structures shall be kept free of circumstances which may harbor an infestation of insects or rodents. Infestations, when found, shall be promptly treated for the elimination thereof by a treatment program approved by the enforcing officer. Regular treatments shall continue until the infestation is eliminated. If the treatment program proves ineffective within a reasonable period of time, the enforcing officer may require the use of a more effective treatment program. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

(h) *Handrails.* All stairways consisting of five (5) or more risers shall have a handrail that measures thirty (30) inches to thirty-eight (38) inches in height above the nosing of the stair tread. Handrails that form part of a guardrail system shall be located thirty (30) inches to forty-two (42) inches in height. All new and replacement handrails shall be installed as required by the Michigan Building Codes.

(i) *Guardrails.* Every porch, balcony, walking surface and open portion of a stairway located thirty (30) inches or more above the surface below must have a guardrail. Existing guardrails shall be at least thirty (30) inches high with no opening that would allow the passage of a six-inch sphere. All new and replacement guardrails shall be installed as required by the Michigan Construction Codes.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.24. - Generally.

(a) *Scope.* This section covers the basic electrical facilities and fixtures requirements for properties covered by this division.

(b) *Evidence of inadequate wiring.* Evidence of inadequate electrical wiring of a dwelling covered by this article

shall be a violation of one (1) or more of the subsections of this section.

(c) *Entrances and exits.* Entrances and exits shall be provided with illumination by exterior lighting fixtures. Lighting fixtures shall be controlled by interior wall switches, located for convenient and readily accessible use.

(d) *Living rooms.* Living rooms in dwelling units shall be provided with convenient duplex electrical receptacle outlets around the room, with at least one (1) duplex electrical outlet on each wall and a second duplex electrical outlet on each wall exceeding fourteen (14) feet in length.

(e) *Kitchens.* Kitchens in dwelling units shall be provided with either a wall or ceiling mounted light fixture, controlled by a wall switch, located for convenient and readily accessible use, nearest to the entrance to the room. Kitchens shall be provided with at least two (2) duplex electrical outlets, one (1) of, which shall be adequate for operation of a refrigerator, and kitchens shall also be provided with two (2) small appliance circuits with a minimum of two (2) grounding type duplex electrical outlets, both of which shall be a minimum of thirty (30) inches above the floor. Kitchens shall be provided with either gas service or an electrical circuit adequate for operation of a stove. ~~Kitchens shall be provided with two (2) small appliance circuits with a minimum of two (2) grounding type duplex electrical outlets, both of which shall be a minimum of thirty (30) inches above the floor.~~ In lieu of grounding type duplex electrical outlets, ground fault interrupter circuits may be used. Any new circuits for appliances shall be a minimum of twenty (20) ampere capacity.

(f) *Bathrooms, washrooms, etc.* Bathing rooms, bathrooms, toilet rooms and washrooms within dwelling units shall be provided with a wall or ceiling mounted lighting fixture, controlled by a wall switch. Bathrooms, toilet rooms which contain a sink, and washrooms shall be provided with one (1) or more grounding type duplex electrical outlet(s), which shall be at least thirty (30) inches above the floor, adjacent to the sink, and shall have a ground fault circuit interrupter.

(g) *Habitable rooms.* Habitable rooms within dwelling units shall be provided with convenient duplex receptacle outlets around the room, with a minimum of two (2) duplex receptacle outlets on separate walls. Any wall or ceiling mounted lighting fixtures shall be controlled by a wall switch located for convenient and readily accessible use, nearest the entrance to the room.

(h) *Basements.* Basements shall be provided with a minimum of one (1) lighting fixture for each three hundred (300) square feet of area or major fraction thereof. Each separate room of the basement shall have a minimum of one (1) lighting fixture. Basements shall have one (1) or more ground fault circuit interrupter receptacles.

(i) *Laundry areas.* Laundry areas within or accessory to a dwelling unit shall be provided with a minimum of one (1) lighting fixture. Laundry areas shall be provided with a separate circuit with a grounding type receptacle outlet suitable for use of laundry appliances. In lieu of a grounding type receptacle outlet, a ground fault interrupter circuit may be used. If provided, a separate electrical circuit shall be adequate for the operation of an electrical dryer.

(j) *Heating equipment.* Heating equipment, furnaces or heating systems requiring electrical energy for operation or control shall be provided with a separate grounded circuit. A disconnect switch shall be provided on or adjacent to the unit. Every furnace room shall be provided with a minimum of one (1) lighting fixture. Portable, electric heating appliances are not permitted as a permanent alternative heat source.

(k) *Stairways—Generally.* Stairways and/or each stair section shall be provided with lighting outlets controlled by wall switches located for convenient and readily accessible use. Switches shall not be located where it is necessary to use a darkened stair or stair section for their operation. All stairwells with six (6) steps or more shall be provided with multiple switch control, one (1) at the head and one (1) at the foot of the stairway.

(l) *Same—Common stairways and hallways.* Common stairways and hallways which are shared by four (4) or more units shall be illuminated at all times with a minimum of ten (10) foot-candles as required by the Michigan Construction Codes.

(m) *Service.* A minimum of one (1) electrical service to an existing residential structure containing three (3) or fewer dwelling units shall be at least three-wire, one hundred (100) ampere capacity. Any additional electrical services required or installed shall be a minimum of sixty (60) ampere capacity. Service equipment shall be dead front. Type "S" fuses shall be installed where fusible equipment is used. If the existing service does not comply with the above and it is then necessary to increase service or change service equipment, the service shall be increased to a minimum of one hundred (100) amperes.

(n) *Existing wiring and electrical equipment.* Existing wiring and electrical equipment shall be maintained and used as originally listed and designed to be used. All new wiring and electrical equipment used to replace existing inadequate wiring shall comply with the Michigan Electrical Code (MEC) and all provisions of this article. Illegal or unapproved extensions to the wiring system in order to provide light, heat or power shall be evidence of an inadequate wiring system and subject to the requirements for new construction.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.27. - Registration required.

All dwellings, as defined by this article, which are leased or otherwise made available for rental purposes shall be registered by the owner with ~~environmental health and inspections~~the Department of Community and Neighborhood Services.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.29. - Required information.

The owner of a rental dwelling shall submit the following information to ~~environmental health and inspections~~the Department of Community and Neighborhood Services on forms prescribed by the department:

- (a) The address of the rental dwelling;
- (b) The number of rental units within the structure;
- (c) The name, residence address, mailing address, business telephone, home telephone and date of birth of the owner;
- (d) The name, residence address, business address and business telephone of the responsible agent designated by the owner; and
- (e) The date of registration of the rental dwelling;
- (f) The name of the person filing the registration;
- (g) Any additional information relating to habitable rooms as required by the rules.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.33. - Inspections—Fees; administrative late charge.

(a) ~~Environmental health and inspections~~The Department of Community and Neighborhood Services shall establish a schedule of inspection fees, which shall not exceed the cost of inspecting rental units. ~~environmental health and inspections~~the Department of Community and Neighborhood Services shall amend the fee schedule from time to time to reflect changes in the cost of inspections. The initial fee schedule and all amendments thereto shall not take effect until approved by a resolution of the city council.

(b) The inspection fee shall be paid by the owner of the property, unless the inspection is based on a complaint filed by the owner for a major violation caused by the occupant, and the enforcing officer determines that such major violation does, in fact, exist. In such event, the inspection fee shall be paid by the occupant. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code.

(c) If the enforcing officer determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.

(d) An administrative late charge shall be paid to the city by the person obligated to pay an inspection fee if such fee is not paid within thirty (30) days from the billing date. The amount of the administrative late fees shall be established by ~~environmental health and inspections~~the Department of Community and Neighborhood Services and shall not take effect until approved by resolution of the city council. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.34. - Rental certificate of compliance—Generally.

(a) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied unless ~~environmental health and inspections~~the Department of Community and Neighborhood Services has issued a rental certificate of compliance or a temporary rental certificate of compliance for such rental unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(b) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied if the rental certificate of compliance or the temporary rental certificate of compliance for such unit has been denied, suspended, or has expired. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(c) A person shall not occupy a rental unit if the enforcing officer orders that it be vacated due to major violations of this article. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code and shall be deemed a nuisance per se.

(d) ~~Environmental health and inspections~~The Department of Community and Neighborhood Services shall issue a six-year rental certificate of compliance to the owner of a rental unit which is determined to be in compliance with this article. Compliance shall mean the following:

- (1) There are no violations existing at the time of the most recent inspection;
- (2) The enforcing officer did not discover any violations at any time since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued;

(3) The property owner has paid all inspection fees assessed against the property.

(e) A newly constructed rental unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy.

(f) At least thirty (30) days before the expiration of a rental certificate of compliance, ~~environmental health and inspections~~the Department of Community and Neighborhood Services shall notify the property owner, in writing, of the expiration date and advise the owner of the need to arrange for a compliance inspection. The property owner shall be responsible for arranging for a compliance inspection prior to the expiration date on the rental certificate of compliance. When a rental certificate of compliance is reissued in accordance with subsection 14-4.36(b), it shall have a six-year or a three-year expiration date with the same month and day as shown on the previous rental certificate of compliance, regardless of the date that the new rental certificate of compliance is actually issued.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.35. - Same—Temporary certificate.

(a) When a rental certificate of compliance is required, ~~environmental health and inspections~~the Department of Community and Neighborhood Services may issue a temporary rental certificate of compliance if all of the following circumstances exist:

(1) ~~Environmental health and inspections~~The Department of Community and Neighborhood Services is unable to complete an inspection of a rental unit to verify compliance with this article prior to the expiration date of an existing rental certificate of compliance.

(2) The enforcing officer is not aware of any current major violations.

(3) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises.

(b) ~~Environmental health and inspections~~The Department of Community and Neighborhood Services may issue a temporary rental certificate of compliance for a newly registered rental unit.

(c) ~~Environmental health and inspections~~The Department of Community and Neighborhood Services may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major violations if the property owner is in the process of correcting such violations and can show proof of same.

(d) A temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. Said inspection shall be conducted within sixty (60) days of the expiration date of a rental certificate of compliance, within sixty (60) days of the registration of a new rental unit, or within sixty (60) days of the issuance of a temporary rental certificate of compliance.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.36. - Same—Suspension and expiration.

(a) ~~Environmental health and inspections~~The Department of Community and Neighborhood Services may suspend a six-year or a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice issued under section 14-4.32, or if the responsible person fails to pay any fee in accordance with sections 14-4.33 and 14-4.37

(b) In such event, the enforcing officer may placard the property and order that it be vacated in accordance with the provisions of section 14-4.1. ~~Environmental health and inspections~~The Department of Community and Neighborhood Services shall reinstate a suspended six-year or three-year rental certificate of compliance upon a determination that all violations are corrected and upon payment of the reinspection fees. The reinstated rental certificate of compliance shall be issued for a period of not more than three (3) years from the date of the original certificate.

(c) A rental certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty (60) days after such expiration date, no person shall occupy a rental unit unless a new rental certificate of compliance has been issued. A rental unit, which has not been previously certified, shall be deemed to have an expiration date on the date the property owner is notified to obtain certification for the rental unit.

(d) If ~~environmental health and inspections~~the Department of Community and Neighborhood Services suspends a six-year or a three-year rental certificate of compliance, or, if a six-year or a three-year rental certificate of compliance has expired, then ~~environmental health and inspections~~the Department of Community and Neighborhood Services shall notify the occupant(s) of the suspension or expiration. The notice shall inform the occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued pursuant to section 14-4.35, whichever occurs first. This subsection shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations that were caused by the occupant(s) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s) or as determined by a court of law.

(e) ~~Environmental health and inspections~~The Department of Community and Neighborhood Services shall immediately notify the owner and occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the owner and occupant(s) of their right to appeal and the procedures therefore.

(Ord. No. 1341, 7-17-02)

Sec. 14-4.37. - Annual basic housing permit.

(a) No property owner shall lease, rent or otherwise allow a rental unit to be occupied unless ~~environmental health and inspections~~the Department of Community and Neighborhood Services has issued an annual basic housing permit for such rental unit.

(b) The owner of a rental unit shall pay an annual permit fee for the issuance of an annual basic housing permit by the City of Holland. The annual permit fee shall be established and the rules adopted by ~~environmental health and inspections~~the Department of Community and Neighborhood Services and approved by resolution of the city council. The annual permit fee shall be paid on or before the tenth day of December of each year. The annual permit fee shall be paid to the city treasurer. A violation of this subsection shall be a misdemeanor subject to the penalties under section 1-10 of the Holland City Code.

(Ord. No. 1341, 7-17-02; Ord. No. 1381, 3-3-04)

All other provisions of Chapter 14 shall remain in full force and effect.

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Date Effective: _____, 2012

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