

The following Zoning Amendment Ordinance was adopted at the Holland Charter Township Board meeting held on April 15, 2021.

ORDINANCE NO. _____

INTERNATIONAL PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE to restate Division 3 of Article I of Chapter 7 of the Code of Ordinances for the Charter Township of Holland, Ottawa County, Michigan, thereby adopting the 2015 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings, and structures; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; describing the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Charter Township of Holland; providing for the issuance of permits and collection of fees; and repealing all ordinances or parts of laws in conflict with this Ordinance.

The Charter Township of Holland, Ottawa County, Michigan, ordains:

Section 1. Repeal of Divisions 1 and 2 of Article I of Chapter 7 of the Code of Ordinances. Divisions 1 and 2 of Article I of Chapter 7 of the Code of Ordinances of the Charter Township of Holland are repealed in their entirety and reserved for future use.

Section 2. Restatement of Division 3 of Article I of Chapter 7 of the Code of Ordinances. Division 3 of Article I of Chapter 7 of the Code of Ordinances of the Charter Township of Holland is restated in its entirety as follows.

DIVISION 3. - PROPERTY MAINTENANCE DIVISION

Sec. 7-25. General. The International Property Maintenance Code, 2015 edition, as published by the International Code Council, Inc., three copies of which are on file with the township clerk, is adopted as the township's *Property Maintenance Code* for the control of buildings and structures. Each and all of the regulations, provisions, penalties, conditions, and terms of the *Property Maintenance Code* are adopted and made a part of this code of ordinances of the township as if fully set out in this division, with the additions, insertions, deletions, and changes prescribed in section 7-26 below.

Sec. 7-26. Revisions.

(a) Insert "Holland Charter Township" in section 101.1 of the *Property Maintenance Code*.

(b) Insert the following fee chart in section 103.5 of the *Property Maintenance Code*:

The fee chart will be adopted from time to time by the Holland Charter Township Board.

(c) Insert in section 108.1.5 of the *Property Maintenance Code*:

12. A building, structure, or premises shall be deemed dangerous if it has any or some or all of the conditions or defects described in Chapter 6, Article III of the Holland Charter Township Code.

(d) Insert as section 108.2.2 of the *Property Maintenance Code*:

Time Limit to secure vacant structures.

An order to secure a property shall be complied with in not more than 72 hours.

(e) Insert in order in the blanks contained in section 112.4 of the *Property Maintenance Code* “\$100.00, unless otherwise provided by state law or Holland Charter Township Board resolution,” and “\$500.00, unless otherwise provided by state law or Holland Charter Township Board resolution.”

(f) Insert in the blank contained in section 302.4 of the *Property Maintenance Code* “eight inches.” Add as the last sentence the following: “The eight inch limitation shall not apply to the following locations:

1. On portions of undeveloped property behind a wooded tree line;
2. On portions of un-subdivided property more than 25 feet from a public sidewalk or public street; and
3. On portions of undeveloped property lying more than 25 feet from a public sidewalk or public street in a subdivision that is less than 60 percent developed.”

(g) Add the following as section 302.10 of the *Property Maintenance Code*:

302.10 Easements, alleys, or public and private streets.

Every owner shall be responsible for maintaining the following public access areas upon or abutting the owner’s property in compliance with this section, including the following:

1. A public or private utility easement;

2. An alley or alleyway to the centerline, unless subsection 3 is satisfied;
3. A public or private right-of-way to the curb or street pavement.
 - a. At no time shall an owner deposit soil, leaves, or other materials upon any public right of way;
 - b. At no time shall personal property of any kind, including but not limited to personal belongings, interior furnishings, or equipment, be placed upon any public right-of-way.

(h) Add the following as section 302.11 of the Property Maintenance Code:

302.11 Yards.

Every owner shall be responsible for maintaining yard areas in compliance with this section. Every bush, shrub, tree, or other vegetation or portion thereof shall be kept from obstructing or interfering with passage on a sidewalk, walkway, driveway, or street or that may cause exterior damage to a structure by contact, including any portion of a dying tree that presents a hazard to any person or property.

(i) Insert in order in the blanks contained in section 304.14 of the *Property Maintenance Code* “May 1” and “September 30.”

(j) Insert in order in the blanks contained in section 602.3 of the *Property Maintenance Code* “September 15” and “May 15.”

(k) Insert in order in the blanks contained in section 602.4 of the *Property Maintenance Code* “October 1” and “March 31.”

Sec. 7-27. Repairs, additions, alterations. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Michigan Building Code, Michigan Residential Code, International Fuel Gas Code, International Fire Code, Michigan Plumbing Code, Michigan Mechanical Code, Michigan Electrical Code, International Property Maintenance Code, or such other code adopted by or enforced by or enforced within the township from time to time. Nothing in this code shall be construed to cancel, modify, or set aside any provisions of the Holland Charter Township Zoning Ordinance.

Sec. 7-28. Meaning of terms. Where terms are not defined in this code and are defined in the Michigan Building Code, Michigan Residential Code, International Fuel Gas Code, International Fire Code, Michigan Plumbing Code, Michigan Mechanical Code,

Michigan Electrical Code, International Property Maintenance Code, or other such code adopted by the township from time to time, such terms shall have the meanings ascribed to them as stated in any of those codes.

Section 3. Repeal of Divisions 4 through 12 of Article I of Chapter 7, and Articles II through VIII, all of Chapter 7 of the Code of Ordinances. Divisions 4 through 12 of Article I of Chapter 7 of the Code of Ordinances of the Charter Township of Holland, and Articles II through VIII of Chapter 7, all are repealed in their entirety and reserved for future use.

Section 4. Restatement of Section 7-166. Section 7-166 of Division 13 of Article I of Chapter 7 of the Code of Ordinances of the Charter Township of Holland is restated in its entirety as follows.

Sec. 7-166. Rental certificate of complaint-Generally.

A property owner shall not lease, rent or otherwise allow a rental unit to be occupied unless the property maintenance official 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 section shall be a civil infraction subject to the penalties under sections 1-11 and 1-13 of the Holland Charter Township Code and shall be deemed a nuisance per se.

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 section shall be a civil infraction subject to the penalties under sections 1-11 and 1-13 of the Holland Charter Township Code and shall be deemed a nuisance per se.

A person shall not occupy a rental unit if the enforcing officer orders that it be vacated due to major violations of this code. A violation of this section shall be a misdemeanor subject to the penalties under sections 1-11 and 1-13 of the Holland Charter Township Code and shall be deemed a nuisance per se.

The property maintenance official shall issue a rental certificate of compliance to the owner of a rental unit which is determined to be in compliance with this code. 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) Mechanical heating systems and heating appliances including furnaces, space heaters, fireplaces, solid fuel-burning appliances, boilers, and water heaters have been inspected and serviced by a licensed heating contractor no more than one-month prior to an initial inspection. The property owner or responsible party shall provide to the township an inspection certification report on a form as provided by the township which is signed by a licensed mechanical contractor stating that the heating system is in satisfactory condition;

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

A newly constructed rental unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy. A rental unit with no violations at any time since the prior rental certificate and no violations at the initial or renewal inspection may be issued a six-year rental certificate of compliance.

A rental certificate of compliance is non-transferable.

At least 30 days before the expiration of a rental certificate of compliance, the property maintenance official 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 section 7-168, 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.

Section 5. Effective Date. This Ordinance was approved and adopted by the Township Board on April 15, 2021, after its introduction and first reading on April 2, 2021, and after its publication of the first reading as required by law. This Ordinance shall take effect 30 days after its adoption.

Terry Nienhuis, Township Supervisor

Michael Dalman, Township Clerk

CERTIFICATE

I, Michael Dalman, Clerk for the Charter Township of Holland, Ottawa County, Michigan, certify that the foregoing International Property Maintenance Ordinance was adopted at a regular meeting of the Township Board held on April 15, 2021. The following members of the Township Board were present at the meeting: Nienhuis, Dalman, Bush, Church, Molotky, and TeSlaa. The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with all members voting in favor and no members voting in opposition. A Notice of Adoption of the Ordinance was published in the *Holland Sentinel* on April 21, 2021.

Terry Nienhuis, Township Supervisor

Michael Dalman, Township Clerk

