

AN ORDINANCE TO AMEND IN ITS ENTIRETY CHAPTER 140 OF TITLE VIII OF THE CODE OF THE CITY OF GRAND RAPIDS ENTITLED "HOUSING CODE."

ORDINANCE NO. 00-

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:
Section 1. That Chapter 140 of Title VIII of the Code of the City of Grand Rapids be amended in its entirety to read as follows:

ARTICLE 1. GENERAL

Sec. 8.501. Title and Purpose

Title

This Chapter shall be known as the "Housing Code" of the City of Grand Rapids.

Purpose

The general purpose of this Chapter is to protect the public health, safety and general welfare of the people of the city, as authorized by Section 3(j) of the Home Rule Cities Act (MCL 117.3(j)) and Section 8 of the Housing Law of Michigan (MCL 125.408). The general purpose includes, among others, the following specific objectives:

- (1) To protect the character and stability of residential areas within the city.
- (2) To provide minimum standards for the maintenance of existing residential buildings and thus to prevent the spread of slums and blight.
- (3) To preserve the taxable value of lands and buildings throughout the city.

Sec. 8.502. Application of other Laws, Ordinances, Rules and Regulations.

Compliance with the requirements imposed by this Chapter shall not excuse compliance with other applicable laws, ordinances, rules or regulations and compliance with other applicable laws, ordinances, rules and regulations shall not excuse compliance with this Chapter.

8.503. - 8.504. Reserved

ARTICLE 2. DEFINITIONS

Sec. 8.505. Definitions

Interpretation:

Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms defined in other Chapters of the Grand Rapids Code of Ordinances: Where terms are not defined in this Chapter and are defined in the Grand

Rapids Code of Ordinances, such terms shall have the meanings ascribed to them as in those Chapters.

Terms not defined: Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Parts: Whenever the words "dwelling unit," "dwelling," "property," "building," "rooming house," or "rooming unit," are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof".

Terms Defined

- (1) *Abandoned Residential Structure* means a residential structure that has been vacant for 30 days and meets any of the following criteria:
 - (a) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
 - (b) Has been boarded for at least 60 days;
 - (c) Has taxes in arrears for a period of time exceeding 365 days;
 - (d) Has utilities disconnected or not in use;
 - (e) Is not maintained in compliance with this Code.
- (2) *Accessory building* means any structure other than a dwelling which is located upon the same property as a dwelling, or which is located upon a property which formerly contained a dwelling, and includes but is not limited to garages, sheds, swimming pools, walls, fences, sidewalks, steps, driveways, antennas and tanks.
- (3) *Administrator* means the City Manager or his/her designee charged with the responsibility for administering the provisions of this Chapter.
- (4) *Basement* means that portion of an enclosed space under a dwelling which is partially or wholly below grade and which has poured concrete, cinderblock, stone or similar durable bearing walls and a poured concrete floor.
- (5) *Basic structural element* means the parts of a building which provide the principal strength, stability, integrity, shape and safety 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 essential components of a building or structure.
- (6) *Cellar* means an enclosed space beneath a dwelling that is partially or wholly below grade and which has a wall or a floor of earth or of cement stuccoed earth.
- (7) *City* means the City of Grand Rapids and includes all authorized agents of the City when acting within the scope of their authority.
- (8) *Domestic animal* means an animal that the City determines is not likely to bite without provocation nor cause death, maiming or illness of a human, including but not limited to the following Animals:
 - (a) Bird (caged)
 - (b) Cat (domestic)

- (c) Chinchilla
- (d) Ferret
- (e) Dog (domestic)
- (f) Fish
- (g) Lizard (non-venomous)
- (h) Snake (non-venomous)
- (i) Spider (non-venomous or non-poisonous)

- (9) *Dwelling* means any building or structure occupied or intended to be occupied, in whole or in part, as a home, residing place or sleeping space for one (1) or more human beings, either permanently or transiently.
- (10) *Dwelling unit* means a room or group of rooms located within a dwelling that includes a bathroom, or bathrooms, sleeping accommodations and a kitchen or kitchenette for the exclusive use of one (1) family.
- (11) *Egress* means an opening through which an individual can safely exit a building in compliance with the Single State Construction Code.
- (12) *Emergency* means a condition of imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or the severe damaging of real or personal property.
- (13) *Family* means one (1) or more persons related by blood, marriage, legal adoption or a foster parent-child relationship who live together as a single housekeeping group in a dwelling unit, or up to four (4) unrelated persons, living together as a single housekeeping group in a dwelling unit.
- (14) *Farm animal* means any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck or turkey. Farm animal also means any other Animal, raised for commercial profit, slaughter, or more than 2 breeder rabbits.
- (15) *Finish surfaces* means the materials used as the final covering of basic structural elements. Finish surfaces shall include, but not be limited to, ceilings, walls, wainscoting, kick boards, moldings, stops and floor coverings.
- (16) *Garbage* means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable.
- (17) *Good repair* means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.
- (18) *Good workmanship* means completing a task of construction, repair or replacement to commonly accepted industry standards, using materials, finishes and design equal to or equivalent to those being repaired or replaced. The result shall be free of defects, operate as intended and create no unsafe conditions.
- (19) *Habitable floor area* means the square foot floor area of a habitable room or habitable rooms, excluding any part of a room where the ceiling is less than five (5) feet above the floor.

- (20) *Habitable room or Space* means any room or space which meets all light, ventilation and area standards of this Chapter excluding:
- (a) Any room or space that has an unfinished wall, ceiling or floor so that unfinished basic structural elements are exposed to view.
 - (b) Any room or space which is used as or is similar in use to a bathroom, kitchen, water closet room, hallway, stairway, foyer, closet, pantry, laundry room or mechanical room.
- (21) *Hazardous* means a condition which the Administrator has determined may potentially result in the death, injury or illness of a human or in severe damage to real or personal property.
- (22) *Hotel unit* means a room or group of rooms located within a dwelling which provides sleeping and bathroom accommodations for the exclusive use of a transient person or a transient family.
- (23) *Inspector* means a housing inspector, Code Compliance Officer, or any other employee of the City whose responsibilities include enforcement of the provisions of this Chapter.
- (24) *Interior fixtures* means those interior items and hardware which provide customary finished amenities and protection within a dwelling. Interior fixtures shall include, but not be limited to, doors, door knobs, latches, locks, hinges, handles, hooks, light fixtures, electric outlet or switch cover plates, vent or opening grates, railings, shelving, cabinetry and mirrors.
- (25) *Kitchen* means a room used or intended to be used for the preparation of food or for both the preparation and consumption of food, but not for any other living or sleeping purposes.
- (26) *Kitchenette* means a portion of a room used or intended to be used for the preparation of food or for both the preparation and consumption of food while the remainder of the room is used or may be intended partially for purposes other than cooking.
- (27) *Last known address* means the address or addresses that the responsible person or owner has placed in the registry of rental dwellings; the address of the residence of the responsible person or owner as shown on a public tax assessment roll or on the Grand Rapids Water Department records; the address of the responsible person or owner or occupant as shown in a telephone directory, an R. L. Polk Directory, or other public document published or public instrument provided during the last twelve (12) months.
- (28) *Occupancy, Occupy* mean the fact or act of a human being living or sleeping in a dwelling or unit within a dwelling, whether the human being is physically present or temporarily absent.
- (29) *Occupant* means a human being that occupies a dwelling or unit within a dwelling.
- (30) *Open window area* means the resulting square footage of open space to be outdoors when a window has been opened to its maximum distance as measured clear of the sash frame.

- (31) *Owner* means every person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entirety, in common, or as land contract vendee. Owner shall also mean:
- (a) Every person who in fact has been empowered to act on behalf of, or as agent of the owner, or
 - (b) Every person who has or exercises care, custody, dominion or control over any property, or
 - (c) Every person who is a record owner as demonstrated by a deed or other document of title recorded at the office of the Register of Deeds.
 - (d) Every person listed as the taxpayer by Assessor's records.

An owner shall not include any person who is a tenant.

- (32) *Person* means a human individual, an association of individuals, a public, private or not for profit corporation, a firm or partnership.
- (33) *Property* means any lot or parcel of land inclusive of any building or improvements located thereon.
- (34) *Regular mail* means that class of mail designated by the U. S. Postal Service as first class mail. Regular mail shall also include postcards and postal cards.
- (35) *Rental dwelling* means any dwelling, whether presently vacant or not, which contains a dwelling unit, rooming unit or hotel unit that is not occupied as a residence by the owner.
- (36) *Rental unit* means a unit within a rental dwelling or structure intended for occupancy by a person other than the owner, including hotel units and rooming units. A rental unit includes any unit occupied by a property manager, or agent of the owner.
- (37) *Responsible person* means a person or persons designated in this Chapter as being responsible for meeting the standards of this Chapter.
- (38) *Rigid Trash Container* means a container that is at least as large as the minimum capacity required by Chapter 25 of this Code and is constructed in such a way and of such materials as to be impenetrable by animals.
- (39) *Room* means a space within a dwelling or a Basement which is separated from other spaces by solid walls constructed to industry standards reaching from the floor to the ceiling or by cabinets which act as a wall and fill at least fifty (50) percent of the opening between the two (2) spaces.
- (40) *Roomer* means a person who is provided with living and sleeping facilities or quarters within a building, dormitory, or institutional group quarters containing rooming units for one (1) or more persons.
- (41) *Rooming unit* means a room or group of rooms located within a dwelling intended to accommodate roomers, and such dwelling does not provide a kitchen or kitchenette facilities for the exclusive use of each roomer.

- (42) *Rubbish* means nonputrescible solid waste, excluding ashes, consisting of, but not limited to, combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
- (43) *Safe* means a condition that is not likely to do harm to humans or real or personal property.
- (44) *Sanitary* means free of grease, excrement, dirt, food residue, garbage, rust or similar matter that can harbor bacteria unsafe to humans or animals, or that produces strong odors or provides food for, or is an available source of food for, animals or insects.
- (45) *Secure* means all points of entry into the building have been: 1) closed effectively by use of windows and doors which are in proper working condition, intact, without holes, broken elements, and are locked; or 2) are boarded by use of exterior grade plywood in accordance with Chapter 151 of this Code.
- (46) *Service Walk* means any walkway or pathway including a hard surface, located on private property.
- (47) *Structure* means anything constructed or placed upon a property, which is supported by the ground or which is supported by any other thing except a vehicle, tent or travel trailer.
- (48) *Tenant* means an occupant of a dwelling unit other than the owner, who occupies the dwelling unit at the exclusion of the owner. A tenant does not include a guest residing in a dwelling for less than 30 days.
- (49) *Transient* means a person who occupies a dwelling, hotel unit or a part of a dwelling temporarily without establishing permanent residence.
- (50) *Unit* means a collective term for any dwelling unit, rooming unit or hotel unit and is used where a provision of this Chapter is meant to apply to all.
- (51) *Unsafe* means a condition that is reasonably likely to do harm to humans or property if not corrected or stopped.
- (52) *Vacant* means not occupied by a human or used for any purpose by a person.
- (53) *Verbal Notice* means notice of the existence of a violation of this Chapter given in person or by telephone to a responsible person.
- (54) *Vermin* means rodents, birds and insects that are destructive of real or personal property or injurious to health.
- (55) *Waste material* means those items, materials, debris, refuse, trash and other disposable material as defined in Chapter 25 of the City Code. These include recyclable material, rubbish, garbage, combustible waste, solid waste, and hazardous waste as defined in Chapter 25 of this Code.
- (56) *Wild animal* means any animal that is not a domestic animal or farm animal as defined in this Chapter.

- (57) *Window area* means the area of the glazing of a window through which light passes, including the area taken up by window pane dividers.
- (58) *Yard* means all parts of a piece of property lying between a dwelling foundation and the property lines, as well as that portion of public property or right-of-way lying between that piece of property and the street curb or pavement, or lying between the said piece of property and the centerline of an alley.

8.507. - 8.509. Reserved

ARTICLE 3. ENFORCEMENT STANDARDS

8.510. Basis of Inspections

Inspections will be made to obtain and maintain compliance with the Standards of this Chapter based upon one (1) of the following:

- (1) A complaint received by the City, indicating that there is a violation of the Standards of this Chapter.
- (2) An observation by the City of a violation of the Standards of this Chapter.
- (3) A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire damaged.
- (4) The registration and certification of a rental dwelling as required by Article 6 of this Chapter.
- (5) The need to determine compliance with a notice or an order issued by the City.
- (6) Designation by the City of an area where all dwellings, accessory building or yards are to be inspected uniformly or intensively or for specific violations.
- (7) An emergency observed or reasonably believed to exist.
- (8) A request for an inspection by an owner.
- (9) Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.
- (10) A violation of a health or safety standard is believed to exist in a vacant structure.

Sec. 8.511. Notice of Violation

The City shall send a Notice of Violation to the **owner or** responsible person upon observing the violation of the Standards of this Chapter. A copy of a Notice of Violation shall also be sent to the owner for information if the owner is not the responsible person. The Notice of Violation shall be sent to the last known address of the residence or business of the **owner or** responsible person.

- (1) Notices Required by this Chapter shall:
 - (a) Be in writing;

- (b) Include a description of the real estate sufficient for identification;
- (c) Specify the date of inspection;
- (d) Include a statement of the violation or violations;
- (e) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
- (f) Inform the owner or responsible person of their right to appeal to the Housing Appeal Board, where applicable.
- (g) State that each violation is a separate punishable offense.
- (h) State that failure to comply with the Notice may result in prosecution.

(2) Vacancy Required Until Violation(s) Corrected.

Any dwelling or unit that is vacant at the time a violation notice is issued for the shut-off of a required utility service or a hazardous, unsafe or unsanitary condition or which becomes vacant after a violation notice is issued for such a condition shall not be occupied until the cited violation has been corrected.

Sec. 8.512. Method of Service.

- (1) Notice of a violation of this Chapter shall be deemed to be properly served if a copy thereof is posted pursuant to Section 8.513, and served in at least one of the following ways:
 - (a) Delivered personally; or
 - (b) Sent by first-class mail addressed to the last known address of the responsible person; **or**
 - (c) If a notice is served by any other method authorized for the service of process by court rule or State statute.

(2) Personal Service

For the purposes of this section, if a Notice is handed by the City to the responsible person or to a person of suitable age and discretion found within the residence of the responsible person, it shall be deemed delivered.

(3) Service by First Class Mail

If a Notice is sent by regular mail to the last known address of the person, or to an address where the person has been observed to reside, it shall be considered delivered.

Sec. 8.513. Posting Notice of Violation.

After issuing a Notice of Violation the City shall post a copy of the Notice at the property. If there is a dwelling on the property, the Notice shall, if access is available, be posted on or near the dwelling. The City shall also post a placard on the property reading in part: "NOTICE OF VIOLATION." The placard shall state the address of the property, the name of the responsible person ordered to make repairs and the date by which violations are to be corrected. The placard shall state how additional information can be obtained. The posting of the placard may be waived when:

- (1) Posting would create an unsafe condition, or
- (2) Posting would be impossible, unduly difficult, ineffective or hazardous due to the condition of the property.

Sec. 8.514. Entry For Inspection.

(1) Inspection Authorized

Authorized inspections inside a dwelling, dwelling unit or accessory building shall be made during reasonable hours. Entry without consent of an owner or an occupant shall require an order of the court as provided by State law and as further limited by City Commission policy.

(2) Failure to Permit Entry for Inspection

Failure of an owner or responsible person to arrange for an initial inspection or a re-inspection to determine compliance with notices issued under this Chapter shall be deemed a violation of this Chapter.

Sec. 8.515. Transfer of Ownership.

An owner or responsible person of a property notified as being in violation of a provision of this Chapter shall notify the City in writing within ten (10) days of transferring ownership of the cited property to another person. The City shall be supplied with a written statement including the name, address and telephone number of the new owner and the effective date of the transfer of ownership. The City shall issue a new Notice of Violation to any person assuming the ownership or the status of responsible person for any dwelling, which has been cited in a Notice of Violation.

Sec. 8.516. Time to Correct Violations.

All notices issued under this Chapter shall provide a specified time for achieving compliance. The following time limits shall be used:

- (1) Notice of violations issued between October 15 and April 1 for exterior painting, cement work, reroofing or similar exterior work affected by cold temperatures shall provide additional time for the completion of such work provided that temporary measures are taken to avoid injury or structural damages.
- (2) The Administrator may extend the time to correct violations cited in a written notice where the responsible person has made substantial progress toward compliance or where there are clearly established extenuating circumstances delaying compliance which are beyond the control of the responsible person.

- (3) In addition to the authority granted to the Administrator to grant extensions in subsection (2) of this section, upon receipt of an appeal authorized by this Chapter, the Administrator may approve an administrative extension to correct violations cited in a written notice in any of the following circumstances:
- (a) The extension will not adversely affect adjacent property nor pose a health or safety hazard to the occupants or others.
 - (b) The responsible party has undertaken extensive rehabilitation of a vacant unit or other unoccupied part of a dwelling is making clear progress with the task(s) involved.
 - (c) The responsible party is a resident owner whose income is insufficient to make the necessary repairs and correction and the provisions of 3(a) above are met.
- (4) Any extension of time granted by the Administrator shall not exceed six (6) months. Any extension of time granted by the Housing Appeal Board shall not exceed one (1) year per owner per property when added to other time limits imposed pursuant to the provisions of this Chapter. In computing the one (1) year, the time shall include the time allowed in the original notice or order from the City and any administrative extensions granted by the City. This provision shall be interpreted so that time set out for repair in the original order, any administrative extensions, and the time granted by the Board shall not exceed a total of one (1) year.

Sec. 8.517. Prosecution.

Upon failure of a responsible person to comply with any provision of this Chapter, the Administrator may refer the matter to the City Attorney for prosecution or other appropriate action.

8.518. - 8.519. Reserved

Article 4. Emergency Orders

Sec. 8.520. Emergency Orders Generally.

If the City determines that a condition exists or is likely to exist which is an emergency, the City shall immediately attempt to verbally inform the responsible person and all occupants of the dwelling of the nature of the condition. The City shall immediately attempt to verbally order the responsible person to correct the condition. Such an order shall be effective immediately. Written notice called for by this Chapter shall be prepared and mailed to the responsible person as soon as practicable after the verbal notice herein referred to has been attempted. Failure to comply with an emergency order is a violation of this Code.

Sec. 8.521. Abatement of Emergency.

If the responsible person cannot be contacted or fails to correct an emergency condition within the time ordered, the City Manager or a representative of the City Manager may authorize corrective actions to

abate the emergency as provided for by State law, the Grand Rapids City Charter or Grand Rapids City Code.

Sec. 8.522. Emergency Entry Authorized.

When there is a probable cause to believe that an emergency exists within a unit, dwelling or accessory building, the City shall have the right to enter immediately and at any time without a warrant or without requesting permission. Entry must be for the sole purpose of determining that an emergency exists or to abate an emergency condition known to exist.

Sec. 8.523. - 8.524. Reserved.

ARTICLE 5. HOUSING APPEAL BOARD

Sec. 8.525. Purpose.

A Housing Appeal Board is established for the purpose of hearing and deciding appeals concerning the application or interpretation of the provisions or the Standards of this Chapter as provided herein. (Ord. No. 80-75, 10/14/1980)

Sec. 8.526. Process for Appeal.

All appeals shall be filed, heard and decided in accordance with the provisions of this Article. Failure of the person filing the appeal to complete the Claim of Appeal form or to comply with the provisions of this Article or of the Housing Appeal Board Rules of Procedure shall constitute grounds for denial of the appeal.

Sec. 8.527. Standing, Qualified Applicant

Except as otherwise provided in this Chapter, any person issued a Notice of Violation by the City in the course of enforcement of the provisions of this Chapter; any person with an ownership interest in the property that is the subject of the Notice of Violation; or any person acting on behalf of an owner or responsible person may appear before the Housing Appeal Board for the purpose of appealing a notice issued, or an interpretation made, by the City pursuant to this Chapter. Such person will be considered a qualified applicant for purposes of this Chapter.

Submission of an appeal shall constitute acknowledgement of service in accordance with Section 8.512.

Sec. 8.528. Time Period for Filing an Appeal.

An appeal shall be filed within twenty (20) days of the date of any notice, order, or ruling being appealed. However, if a notice, order, or ruling requires the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period. The Housing Appeal Board shall not have the power to extend the time limits provided for in this Section. The City Attorney shall have the discretion to extend the time period for filing an appeal provided in this Section upon a showing of good cause, and upon the recommendation of the Administrator.

Sec. 8.529. Effect of Appeal on Correction Time Limits.

A responsible person who has been ordered to correct a violation within a specified period of time shall not be held accountable for any time which elapses between the time of filing an appeal and the time a decision is made by the Housing Appeal Board. Suspension of repair dates shall not apply to violations deferred pursuant to Section 8.516(1) unless specifically requested by the applicant on the appeal form.

Sec. 8.530. Procedure for Filing an Appeal.

Any person wishing to make an appeal must fully complete a Claim of Appeal form setting forth the notice, order, or ruling being appealed. The appellant must file the form with the City at a place to be designated by the City. The appeal will be considered by the Administrator without hearing by the Housing Appeal Board pursuant to Section 8.516 of this Chapter if it meets the standards set out for administrative extensions in this Code. If an appeal is to be heard by the Housing Appeal Board, the City will send a notice to the appellant regarding the date the appeal will be heard. Notice of the hearing date will be by regular mail sent to the address stated on the Claim of Appeal. The Claim of Appeal form shall set out the Standards for Appeal Board decisions set out in this Chapter.

Sec. 8.531. Appeal Fee.

The appeal fee shall be submitted with any Claim of Appeal. The appeal fee shall be waived for an applicant whose annual income is below the poverty level as established and modified from time to time in the Annual Poverty Income Level established by the Department of Housing and Urban Development of the United States. The Housing Appeal Board may also authorize the return of a fee to an appellant if the Board determines that an error by the City caused an unnecessary appeal to be submitted.

Sec. 8.532. Procedures Prior to Hearing.

Prior to hearing an appeal, the following procedures shall take place:

- (1) The City shall forward copies of the Claim of Appeal and a copy of the notice or order being appealed to members of the Housing Appeal Board.
- (2) The Housing Appeal Board may arrange for a Committee composed of a member or members of the Housing Appeal Board to make an investigation of the property that is the subject of the appeal in those cases where an on-site viewing of the property would aid the Board in making its decision;

or

the Housing Board of Appeals may arrange for staff or others to prepare a video tape or photographic presentation of the property subject to appeal. This presentation shall include, as elements, the exterior view of the dwelling, from all sides, the exterior view of adjoining properties, specific illustration of the issue(s) of the appeal, and interior illustration as needed to make a determination.

- (3) The City shall notify the owner and all occupants of the property that is the subject of the appeal. The City shall also notify, to the extent possible, all taxpayers of record

of properties which are within three hundred (300) feet of the property being appealed.

- (4) Failure of the owner or other responsible person to permit access to any portion of the property where a cited violation is located and which is not clearly visible from a public street or alley shall constitute grounds for denial of an appeal.

Sec. 8.533. Meetings.

Meetings of the Housing Appeal Board shall be scheduled monthly or more often as deemed necessary.

Sec. 8.534. Hearing on Appeals.

All hearings on appeals shall take place either at a regular or special meeting of the Housing Appeal Board. The City shall have a minimum of fifteen (15) days after the Claim of Appeal is filed to issue the required notices. The appeal shall be heard at the first available meeting of the Board following the fifteen-day period. A hearing may be held at a special meeting called by a majority vote of the Board.

Sec. 8.535. Hearing Procedures.

At any hearing of the Housing Appeal Board, the Board shall provide that:

- (1) Testimony of the appellant, the City and any witnesses shall be heard. All such testimony shall be recorded.
- (2) The appellant, or authorized agent of the appellant, and the City inspector or a representative of the inspector who issued the order, notice or ruling shall be present.
- (3) At least five (5) members of the Housing Appeal Board shall be present.
- (4) Summary minutes shall be prepared which show all motions and actions of the Board.

Sec. 8.536. Decision by the Appeal Board.

After all evidence and testimony has been presented, the Housing Appeal Board shall affirm, modify or reverse the notice, order, or ruling being appealed. Any decision of the Housing Appeal Board modifying or reversing an order or ruling by the City shall require the concurring vote of five (5) members. A motion to sustain or affirm a notice, order, or ruling of the City shall become the decision of the Housing Board of Appeal upon a majority vote of the Board members present and voting. A hearing, once begun, may be tabled at the discretion of the Board for a period of not more than one hundred (100) days.

Sec. 8.537. Standards for Appeal Board Decisions.

A decision by the Housing Appeal Board shall include the reasons for the decision in the language of the decision. Any decision of the Board not complying with this Section shall be void. Any decision to reverse or modify any order or ruling of the City shall:

- (1) Include any necessary special conditions required in order to carry out the intent of the provisions being appealed, and

- (2) Determine that the decision is necessary due to an economic hardship, a physical or health problem, construction skills of the appellant, contractual restraints beyond the control of the appellant, extensive rehabilitation of part of a dwelling, or substantial progress toward compliance; or extenuating circumstances beyond the control of the appellant; and there is no significant adverse effect on adjacent property and no health or safety hazard.
- (3) Determine whether the notice, order, or ruling was an incorrect interpretation or an incorrect application of a Standard of this Chapter; and
- (4) Determine whether an alternative proposed by an appellant meets the minimum standards for housing as expressed in this Chapter.

Sec. 8.538. Appeals Prohibited.

Appeals of the following orders, notices or rulings are prohibited:

- (1) A Notice of Violation - Emergency
- (2) A Notice of Utility Interruption
- (3) A Notice of Violation - Hazard
- (4) A Condemned for Human Occupancy Notice or a Notice to Vacate Condemned Dwelling
- (5) A ruling, decision, opinion or action of the City Attorney or a Court of Law.

Sec. 8.539. Interest Conflicts.

No member of the Housing Board of Appeals shall speak or vote on any appeal in which the member has any direct personal or financial interest nor shall any member participate in any matter where participation is prohibited by the City Charter or State law.

Sec. 8.540. Membership and Appointment.

The Housing Appeal Board shall consist of nine (9) regular members and three (3) alternate members appointed by the Mayor and confirmed by the City Commission. No elected officer or employee of the City shall be appointed to or serve on the Board. Members shall be appointed for three-year overlapping terms so that the terms of three (3) regular members and one (1) alternate member expire at the end of each calendar year. A regular member shall not serve more than two (2) consecutive terms but may be appointed thereafter as an alternate member. The City or the President may request an alternate member to sit on the Board in place of an absent or abstaining regular member provided no more than nine (9) members shall vote on a matter before the Board. Board membership shall be comprised of residents of the City.

Sec. 8.541. Appeal Board Officers.

Housing Appeal Board members shall annually elect a President, a Vice-President, and such other officers as are deemed desirable by the Board.

Sec. 8.542. Appeal Board Compensation.

Housing Appeal Board members shall receive ten dollars (\$10.00) for each Housing Appeal Board meeting attended where a quorum of the members are present, and for each day, or part of a day, devoted to inspections relating to an appeal.

Sec. 8.543. Housing Appeal Board Rules of Procedure.

The Housing Appeal Board may adopt rules of procedure as required to carry out its responsibilities and the provisions of this Article.

Sec. 8.544. Compliance with Housing Appeal Board Decisions.

It shall be a violation of this Code for a responsible person to fail to comply with an extended repair date or special conditions that are a part of a Housing Appeal Board decision modifying or reversing an order or ruling of the City.

Sec. 8.545. Summary of Rulings.

The Housing Appeal Board shall report a summary of its findings and ruling to the City Commission annually. The report shall include a summary of recurrent appeals or recurrent problems along with resultant recommendations for modifications to this Chapter.

Sec. 8.546. Waiver.

The Housing Appeal Board may grant a waiver from a specified provision of the Chapter provided:

- (1) The Board has determined there is undue hardship as set forth in Section 8.537 (2), and,
- (2) The Board finds there is an original structural arrangement that cannot be brought into compliance without substantial reconstruction, and
- (3) The Board determines that the continuation of the existing condition will not constitute a threat to the health of the occupants.

A waiver granted pursuant to this Section shall remain in effect until there is a major reconstruction of the structure.

Sec. 8.547. - 8.549. Reserved.

ARTICLE 6. REGISTRATION OF DWELLINGS

Sec. 8.550. Registration of Rental Dwellings Required.

The owner of any rental dwelling as defined in this Chapter shall register such dwelling with the Neighborhood Improvement Department at least every four (4) years.

Sec. 8.551. Registration of Newly-Constructed Rental Dwellings.

The owner of a newly constructed rental dwelling shall register the rental dwelling with the Neighborhood Improvement Department within thirty (30) days of issuance of a Use and Occupancy Permit.

Sec. 8.552. Change in Register Information.

The owner of rental dwellings already registered with the City shall re-register the same within thirty (30) days of any change in the original registration information.

Sec. 8.553. Change in Ownership

A new owner of a rental dwelling shall register the dwelling within thirty (30) days of assuming ownership.

Sec. 8.554. Registry of Rental Dwellings.

The Neighborhood Improvement Department shall maintain a registry of all rental dwellings and rental units, within the City of Grand Rapids that contains the following information:

- (1) The address of the rental dwelling.
- (2) The number and type of rental units in the dwelling.
- (3) The name, residence address and birth date of the owner.
- (4) The name, residence address and birth date of the Manager or other responsible person designated by the owner.
- (5) The address and telephone number where the owner and or other responsible person will accept notices and calls from the City.

Sec. 8.555. Inaccurate or Incomplete Register Information.

It shall be a violation of this Code for an owner or a responsible person to provide inaccurate information for the register of rental dwellings or to fail to provide information required by the City for the register. In those cases in which the owner is not a natural person, the owner information shall be that of the President, General Manager, resident agent, or other chief executive officer of the organization. Where more than one (1) natural person has an ownership interest, the required information shall be provided for each owner.

Sec. 8.556. Registration of Abandoned Residential Structures Required.

Owners of abandoned residential structures as defined by this Chapter shall be required to register such properties. Registration requirements shall not preclude the City from taking appropriate actions to secure the property; or to issue notices of violation or notices to abate; or from acting upon imminent hazard(s).

Sec. 8.557. Registration Information Regarding Abandoned Residential Structures

Every abandoned residential structure within the City of Grand Rapids shall be registered with the City by the owner. Such owner shall

register such structure with the City, and shall provide the following information:

- (1) The name, residence address and birth date of the owner.
- (2) The name, residence address and birth date of the Manager or other responsible person designated by the owner.
- (3) The address and telephone number where the owner and or other responsible person will accept notices and telephone calls from the City.
- (4) Statement which shall contain the following data:
 - (a) estimated length of time property is expected to remain unused,
 - (b) reason for abandonment, and
 - (c) plans for restoration, reuse or removal. This must be accompanied by a timeline or work schedule.
- (5) Additional information as requested.

Sec. 8.558. - 8.559. Reserved.

ARTICLE 7. CERTIFICATES OF COMPLIANCE

Sec. 8.560. Certificate of Compliance Required.

Dwellings containing more than one (1) rental unit, hotel unit, or rooming unit, shall be in substantial compliance with the provisions of this Chapter, as demonstrated by the issuance of a Certificate of Compliance by the City of Grand Rapids Neighborhood Improvement Department.

No rental unit, hotel unit or rooming unit shall be occupied prior to the issuance of a Certificate of Compliance.

State Law Reference: Michigan Housing Code, MCL 125.529

Sec. 8.561. Standards for Issuance of Certificate of Compliance.

The City shall issue a Certificate of Compliance for a rental dwelling where the City finds that the structure, rental dwelling, its units, accessory buildings and yards are in compliance with the provisions of this Chapter.

State Law Reference: Michigan Housing Code, MCL 125.530

Sec. 8.562. Validity of Certificate of Compliance.

(1) Three-Year Certificate of Compliance

A Certificate of Compliance shall be valid for no more than three (3) years; provided, however, that should state law [MCL

§125.526] be amended to permit such Certificates to be valid for a period of time in excess of three (3) years, then the Certificates issued under this Chapter shall be valid for that longer period of time, not to exceed four (4) years. Each Certificate shall contain an expiration date.

(2) Issuance of Three-Year Certificate of Compliance

A three-year Certificate of Compliance shall be issued for all dwellings if:

- (a) The property owner contacts the Neighborhood Improvement Department for a Certificate of Compliance inspection within ninety (90) days prior to the current Certificate of Compliance expiration date; and
- (b) The property is registered prior to the Certificate of Compliance expiration date; and
- (c) The property is brought into compliance either prior to the Certification expiration date or within the time frame provided in the Notice of Violation, including deferred due dates. The Notice of Violation shall be issued before the Certificate of Compliance expires and shall serve as a temporary Certificate of Compliance.

(3) Certification of Newly-Constructed Rental Dwellings

A three-year Certificate of Compliance may also be granted for a newly-constructed rental dwelling, which has been granted a Use and Occupancy Permit by the City.

(4) Two-Year Certificate of Compliance

A two-year Certificate of Compliance shall be issued if all of the conditions of a three-year Certificate required pursuant to Section 8.562(2) have not been met.

(5) Certification Inspections

All units shall be inspected in multiple dwellings that contain sixteen (16) or more units within a building and/or each multiple dwelling containing four (4) or more buildings, except where:

- (a) The property owner contacts the Neighborhood Improvement Department for a Certificate of Compliance inspection within ninety (90) days prior to the expiration of the current Certificate; and
- (b) The property owner registers the property prior to the current Certificate of Compliance expiration date.

If both of the above conditions are met, only fifty (50) percent of the units shall be inspected. The units inspected shall be chosen at random by the inspector. For each unit where a violation is discovered, an additional unit shall be added to the total number of units inspected.

(6) Transfer of Certificate of Compliance

A Certificate of Compliance is valid only while the owner that is applying for the Certificate owns the property. A Certificate of Compliance may be transferred if: 1) the sale occurs within ninety (90) days of the issuance of the

Certificate of Compliance to the seller, and 2) the buyer notifies the City of the transfer in ownership within thirty (30) days of the sale. Such transferred Certificate will expire upon the date stated on the Certificate.

State Law Reference: Michigan Housing Code MCL 125.526

Sec. 8.563. Suspension of Certificate of Compliance.

- (1) A Certificate of Compliance may be suspended when the City has cited a substantial violation of the provisions of this Chapter, and shall be suspended if a hazard to health or safety is found to be present. If a Certificate of Compliance is suspended, the suspension shall be noted in the Notice of Violation.
- (2) Failure of a buyer to notify the City of the change in ownership pursuant to the requirements of Section 8.562(6) shall result in suspension of the Certificate of Compliance. A new Certificate issued subsequent to a suspension shall be retroactive to the date of sale, with the owner responsible for all applicable fees from that date.
- (3) Where a Certificate of Compliance has been suspended, or when the premises have not been issued a Certificate of Compliance, the City may seek to suspend payments of rent, with such rents paid into an escrow account established pursuant to State law.

State Law Reference: Michigan Housing Code MCL 125.530

Sec. 8.564. Expiration of Certificate of Compliance

A Certificate of Compliance shall expire on the date stated on the Certificate. It shall be a violation of this Chapter for any unit in a rental dwelling to be occupied sixty (60) days after the expiration of the Certificate of Compliance.

Sec. 8.565. Renewal of Certificate of Compliance

The owner shall be responsible for registering a rental dwelling and arranging a compliance inspection prior to the expiration date on the Certificate of Compliance. When a Certificate of Compliance is reissued in accordance with this Chapter, it shall have a two-year or a three-year expiration date with the same month and day as shown on the previous Certificate regardless of the date that the new Certificate is actually issued.

Sec. 8.566. Certificate of Compliance Not Required

A Certificate of Compliance shall not be required for living or sleeping accommodations in jails, hospitals, skilled care facilities, school dormitories, assisted living facilities, foster homes, or where periodic inspections by the City are not otherwise required by law.

8.567. - 8.569. Reserved.

ARTICLE 8. HEALTH AND SAFETY STANDARDS

Sec 8.570. Sanitary and Safe Conditions Required

All dwellings, dwelling units, accessory buildings and yards shall meet or exceed the Standards of this Article.

Sec. 8.571. Responsibility for Compliance

Unless otherwise specified in this Article, the owner of the property shall be responsible for meeting all of the requirements of this Article.

Sec. 8.572. Interior Sanitation

All interior areas, rooms, room surfaces, systems, interior fixtures, facilities, equipment, appliances and furnishings within a structure shall be sanitary and free of trash and garbage, and shall meet or exceed the Standards of this Article.

Sec. 8.573. Responsibility for Interior Sanitation Requirements

With regard to that portion of the dwelling within the occupant's possession and control, each occupant of a dwelling shall be responsible for complying with the Interior Sanitation and Interior Storage requirements of this Article while occupying any unit.

Sec. 8.574. Exterior Sanitation.

All exterior surfaces of a structure and all yards shall be sanitary and free of trash and garbage.

Sec. 8.575. Trash and Garbage Removed.

All rubbish, waste materials, recyclable material and garbage shall be removed from a property, structure or yard at least every seven (7) days in a manner permitted by Chapter 25 of this Code. Containers and dumpsters for collection of trash or garbage shall not be located between the street and a dwelling, on a front porch or closer than three (3) feet to a property line for more than one (1) day, provided that containers for the sole removal of construction materials may be located in any yard for the duration of the construction or reconstruction. The owner of every rental dwelling subject to Certificate of Compliance requirements shall provide a rigid trash container as defined by this Chapter for each such dwelling unit which is equivalent or larger than the minimum capacity offered by the City in accordance with Chapter 25 of this Code.

Sec. 8.576. Indoor Storage of Materials.

Indoor storage of materials shall be safe and sanitary and not obstruct any window, doorway, hall or stairway. In addition to the forgoing requirements, household caustic materials including cleaners, paints, and similar materials shall be stored in their original containers. The indoor storage of fuels, including but not limited to gasoline, propane, kerosene and butane, is prohibited within any residential structure.

Sec. 8.577. Outdoor Storage of Materials.

Outdoor storage of materials of value shall not be permitted on a porch, in a front yard or closer than three (3) feet to a dwelling, accessory building or to side or rear lot line. Materials of value kept

outside shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings that may provide harborage for vermin.

Sec. 8.578. Dwelling Required.

No person shall occupy nor allow the occupancy of a structure, vehicle, or property that is not designed, constructed, or approved as a permanent dwelling.

Sec. 8.579. Safe Exits.

- (1) All exterior doorways shall open upon a porch, stairway or paved area. No doorway, stairway or porch intended to provide egress shall be removed or sealed from use as an exit unless approved by the City.
- (2) Every dwelling unit shall have two (2) separate and remote means of egress that lead to a safe and open outdoor area without passing through another unit. Any window on the grade floor of a dwelling shall have an open window area of at least five (5) square feet, with a minimum width of twenty (20) inches, a minimum height of twenty-four (24) inches, and a maximum sill height of forty-four (44) inches.
- (3) Any window on a basement or upper story must have an open window area of at least five and seven-tenths (5.7) square feet, and meet the minimum dimensional requirements of the preceding paragraph.
- (4) Any door required for egress shall have an open area of at least six (6) feet in height and thirty-two (32) inches in width.

Sec. 8.580. Infestation and Rodent Harborage.

All structures and exterior property shall be kept free from rodent harborage and insect and pest infestation. Where rodents, insects, or pests are found, they shall be promptly exterminated by approved processes which will not be injurious to human health, and the bodies of dead rodents, insects, or pests shall be removed from the property. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Sec.8.581. Responsibility for Removal of Infestation or Rodent Harborage

The owner shall be responsible for removing any rodent harborage or insect and pest infestation from any dwelling.

Sec. 8.582. Animals.

(1) Domestic Animals

If an occupant or owner keeps or allows domestic animals within a dwelling, in a yard, in a structure, or upon a property, the occupant or owner shall remove any odorous or unsanitary condition. The property owner shall be responsible for the repair any damage to the dwelling, structure or yard caused by the animals and shall be responsible for any unsafe condition.

(2) Farm Animals

No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within one hundred (100) feet of any dwelling, dwelling unit, well, spring, stream, drainage ditch or drain.

(3) Wild Animals

Any animal not a domestic animal or farm animal, as defined by this Chapter, is a wild animal, and shall not be kept or allowed on any property in the City of Grand Rapids.

Sec. 8.583. Exits Unblocked

No exterior exit shall be totally or partially blocked. An exit or egress from a dwelling, unit or a habitable room shall open easily and shall not have a locking device that requires a key or knowledge of a combination lock or code to unlock from the inside. Hasp hardware is prohibited on any exit door of a unit, dwelling unit, or habitable room.

Sec. 8.584. Utilities and Facilities to be Maintained.

No owner shall cause, permit or allow any of the following utilities, services, facilities or equipment to be shut off, disconnected, removed or otherwise terminated or interrupted. This Section shall not apply to the necessary temporarily interruption of service required for maintenance, repair, or replacement nor of any interruption necessary to act upon an emergency or hazardous condition. No dwelling may be occupied without these required facilities and utilities that include:

- (1) Water service
- (2) Sewage service
- (3) Heating Fuel supply
- (4) Heating equipment or facilities
- (5) Ventilation or air conditioning facilities or equipment
- (6) Hot water facilities or equipment
- (7) Electrical facilities or equipment.

Sec. 8.585. Kitchen Appliances.

Every occupied dwelling unit shall contain a stove, an oven and a refrigerator maintained in good repair by the owner of the appliance.

Sec. 8.586. Cooking.

Food preparation and cooking shall be done only in a kitchen or kitchenette. A hotel may provide convenience food heating facilities in a joint use area approved by the City. Coffee makers and microwave ovens are allowed in individual hotel rooms. Hot plates are not allowed in individual hotel rooms.

Sec. 8.587. Loose Paint Particles.

(1) Loose Paint Particles, Removal Required

The owner of a dwelling or dwelling unit shall not allow loose paint particles in the interior or exterior of a dwelling or

dwelling unit. If the loose paint on the cited surface can be satisfactorily demonstrated to not contain lead, no hazardous condition shall exist.

(2) Bare Soil

From May 1 through October 31, bare soil located within thirty (30) inches of the foundation wall of any structure is prohibited and shall be presumed to be a hazardous condition. Such presumed hazardous condition shall be corrected by proper installation of dense vegetation, permanent paving material, or a minimum six-inch deep cover of loose material such as bark, wood chips, or stone, unless the owner provides testing performed by a Risk Assessor or Lead Paint Inspector that the cited soil does not contain lead hazards.

(3) Remodeling, Repair or Painting

Any remodeling, repair or painting of residential structures constructed prior to 1978 is to be conducted in compliance with the Lead Safe Work Practices as established by the United States Environmental Protection Agency and/or the United States Office of Housing and Urban Development.

Sec. 8.588. Single Room Occupancy.

Single room occupancy means a room in a building containing not less than fifty (50) one (1) room occupancy units, and which rooms are designed and intended for a single individual's permanent or long-term non-transient accommodation and not for hotel purposes, and which provide sleeping facilities as well as bathroom or kitchen facilities or both bathroom and kitchen facilities. A single room occupancy shall comply with all provisions of this Chapter except:

- (1) The bathroom facilities required by this Chapter, if provided within the single room occupancy unit, need not include a lavatory sink if there is available, within the single room occupancy unit, another sink that may be used for personal hygiene.
- (2) The kitchen appliances requirement set out in this Chapter may be met if the single room occupancy contains a single kitchen appliance which includes a refrigerator and a cooking surface and which is not equipped with an oven.
- (3) The floor space requirement of this Chapter may be met by a single room occupancy unit of one hundred twenty (120) square feet which may include the area of any bathroom.

Sec. 8.589. Responsibility Before Occupancy

The owner of any unit shall be responsible for meeting the Health and Safety Standards of this Article prior to allowing the unit to be occupied.

Sec. 8.590. Responsibility for One-Family Dwelling

Unless otherwise stated in this Article, each occupant of a one-family dwelling shall be responsible for maintaining the Health and Safety requirements of this Article for the entire property.

Sec. 8.591. Responsibility for Other Dwelling Units

Unless otherwise stated in this Article, each occupant of any dwelling unit shall be responsible for maintaining the Health and Safety requirements of this Article within that dwelling unit as well as within or upon any other portion of the property under the exclusive control of said occupant.

Sec. 8.592. - Sec. 8.594. Reserved.

ARTICLE 9. LIGHT, VENTILATION, AND AREA STANDARDS

Sec. 8.595. Responsibility for Light, Ventilation and Area Standards.

The owner of a dwelling shall be responsible for complying with the Light, Ventilation and Area Standards prior to allowing, and while allowing, occupancy of a unit.

Sec. 8.596. Conditions for Human Occupancy.

Every occupied dwelling, dwelling unit, rooming unit or hotel unit shall meet or exceed the Standards of this Article.

Sec. 8.597. Required Dwelling Unit Floor Area.

Every dwelling unit shall contain at least one hundred twenty (120) square feet of habitable floor area for the first occupant and at least one hundred (100) additional square feet of habitable floor area for each additional occupant.

Sec. 8.598. Required Sleeping Area.

Every bedroom, rooming unit or hotel unit shall contain at least seventy (70) square feet of habitable floor area provided that there shall be at least fifty (50) square feet of habitable floor area for each person who sleeps in that room.

Sec. 8.599. Habitable Room Required.

Every unit shall have one (1) or more habitable rooms which together contain the habitable floor area required by this Chapter.

Sec. 8.600. Habitable Sleeping Room Required.

Any room used as a bedroom or for sleeping purposes shall be a habitable room or space, and shall include a means of safe egress pursuant to Section 8.579.

Sec. 8.601. Ceiling Height for a Habitable Room.

At least one-half (1/2) of a habitable room shall have a ceiling which is more than seven (7) feet above the floor, and no portion of the required floor area shall have a ceiling height of less than five (5) feet.

Sec. 8.602. Prohibited Occupancy.

Kitchens and spaces that do not meet the definition of habitable space shall not be used for sleeping purposes.

Sec. 8.603. Basement Units.

Units, habitable rooms and bedrooms shall not be located in a cellar, but may be located in a basement if all of the following requirements are met:

- (1) Ceilings, ducts, pipes and other obstructions shall be at least seven (7) feet above the floor in every part.
- (2) Walls and floors shall be waterproof and free of dampness and all floors shall be well drained and dry.
- (3) All habitable rooms in a basement shall have at least one (1) openable window or door, and shall include a means of safe egress pursuant to Section 8.579. Windows shall have an open window area of at least five point seven (5.7) square feet, and shall have an open space at least twenty four (24) inches wide and at least twenty-four (24) inches high for emergency egress. Window sills shall be no higher than forty-four (44) inches above the floor. Doors shall have an open area of at least six (6) feet in height and at least twenty-four (24) inches in width.
- (4) Mechanical, utility or heating facilities serving the rest of the dwelling must be separate from the unit, bedroom, habitable rooms or unit exits by an unbroken wall.

Sec. 8.604. Lighting.

Every habitable room shall have at least one (1) window or skylight which faces directly outdoors and which has no structure or obstruction located directly in front of the window for a distance of at least three (3) feet, unless artificial lighting is provided as required by the applicable building code.

Sec. 8.605. Common Halls and Stairways.

Every common hall and stairway shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty (30) linear feet. Every exterior means of egress stairway shall be illuminated.

Sec. 8.606. Area of Required Windows.

- (1) Required windows in a habitable room shall have a combined window area equal to or exceeding eight (8) percent of the floor area of the room, unless artificial lighting is provided as required by the applicable building code.
- (2) Wherever any permanent interior obstructions are located less than three (3) feet from the window and extend to a level equal to that of the ceiling of the room, such a window shall not be included as contributing to the required minimum total window area for the room.
- (3) Where natural light for rooms or spaces without exterior window areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or

space, but not less than twenty-five (25) square feet. The exterior window area shall be based on the total floor area being served.

Sec. 8.607. Insect Screens Required

During the months of May through October, an insect screen in good repair shall be installed by the owner over every operating window. Every window required for ventilation must have a screen that is permanently installed to industry standards. Slide type screens or other temporary screens that provide protection against insect entry are permitted for windows not required for ventilation.

Sec. 8.608. Ventilation.

At least one (1) window in a habitable room must open safely, readily and directly to the outdoors unless mechanical ventilation meeting the requirements of this Article is provided.

Sec. 8.609. Mechanical Ventilation.

Permanent mechanical cooling or fresh air ventilation, installed in accordance with the standards applicable under Michigan Mechanical Code requirements, controlled by the occupant, may be used in place of required natural ventilation in any habitable room provided that the requirements of Section 8.604 of this Article are met.

Sec. 8.610. Bath and Kitchen Ventilation.

Bathrooms, shower rooms, toilet rooms, kitchens and kitchenettes shall either have either: 1) a window opening directly to the outdoors or to an enclosed exterior porch or stairway, or 2) an alternative ventilation system which meets the requirements of the applicable building code.

Sec. 8.611. - 8.614. Reserved.

ARTICLE 10. ELECTRICAL STANDARDS

Sec. 8.615. Electrical System Required

Every dwelling and unit shall have an electrical system that is properly installed and in good repair. All electrical systems, components and safety devices shall be properly installed and in good repair. Notwithstanding any provision of this Article, all new installations, service upgrades, or additions to existing electrical systems must meet the standards of the Michigan Electrical Code.

Sec. 8.616. Electrical Wires

Electrical wiring must be used according to the manufacturer's intended purpose and installed in a manner consistent with the Michigan Electrical Code. No electrical wire or cable shall be fastened to or run through any partition, wall, ceiling, floor, baseboard or casing unless such wire is designed and approved for such purpose. No electrical wire or cable shall be run through or across any doorway or walking area, placed under a rug or coiled so as to cross over itself. No appliance with a heating element or with an electric motor requiring a dedicated circuit shall be connected to an extension cord.

Sec. 8.617. Ground-Fault Circuit-Interrupters (GFCI's)

- (1) Receptacle outlets within six feet (6') of a sink or water location or any exterior installed outlets shall be provided with ground-fault circuit-interrupter (GFCI) protection with the exception of dedicated outlets for the exclusive use of a refrigerator, stove, freezer, dishwasher, garbage disposal, washer, dryer or similar appliance(s) that are not easily moved. Receptacle outlets that are not readily accessible are also excluded from the GFCI requirement.
- (2) The requirements of this Section include but are not limited to outlets in any kitchen, bathroom, garage, any outdoor area, cellars, crawl space and unfinished basements. Service upgrades require GFCI protection for all kitchen receptacles installed to serve the countertop surfaces.

Sec. 8.618. Light Fixtures and Switches.

All light fixtures shall be in good working order, fully functional, with all parts intact, safe, and operable, and each lighting fixture shall be equipped with light bulbs that are operable and do not exceed the maximum allowed wattage.

Sec. 8.619. Habitable Spaces, Receptacle Outlets

Every habitable space or room shall have at least two (2) duplex receptacle wall outlets.

Sec. 8.620. Habitable Spaces, Lights

Every habitable space or room shall be equipped with a wall or ceiling mounted light. A wall switch controlled receptacle outlet may be used in lieu of a light fixture.

Sec. 8.621. Bathrooms, Receptacle Outlets.

For purposes of this Section, a bathroom is defined as a room with a sink and one or more of the following: a toilet, tub, or shower. Each bathroom shall have a ground-fault circuit interrupter (GFCI) receptacle located within three (3) feet of the outside edge of the sink.

Sec. 8.622. Bathrooms, Lights.

Each bathroom or toilet room shall be equipped with a wall switch controlled light fixture. Such light fixtures shall be wall-mounted or ceiling mounted. The wall switch shall be located adjacent to the entry but not obstructed by the door or any obstacle.

Sec. 8.623. Kitchen, Receptacle Outlets.

Every kitchen shall have at least two (2) GFCI protected duplex receptacle outlets for small appliances, and one (1) additional dedicated outlet for each large kitchen appliance. Receptacles for large appliances not easily moved and receptacles not readily accessible are excluded from GFCI requirements.

Sec. 8.624. Kitchen, Lights.

Each kitchen shall be equipped with a wall switch controlled light fixture. Such light fixtures shall be wall-mounted or ceiling mounted. The wall switch shall be located adjacent to the entry but not obstructed by the door or any obstacle.

Sec. 8.625. Entry/Exits.

Each entry or exit from or to the exterior shall be equipped with an exterior wall or ceiling mounted light fixture. Basement entries that are not typically used for a common entry into the building are excluded. Such exterior fixtures shall be controlled by a wall-mounted switch located on the interior of the same entry or exit. The location of the switch shall not be obstructed by the door or any obstacle. Motion-activated or photocell lighting is acceptable in place of a wall-mounted switch located on the interior of the same entry or exit.

Sec. 8.626. Service.

All dwelling units shall have an existing electrical service that is not less than sixty (60) ampere three-wire capacity. New service or service upgrades must comply with the locally-approved Michigan Electrical Code.

Sec. 8.627. Extension Cords

Electrical extension cords shall not be used unless they are of sufficient gauge pursuant to manufacturer's specifications. Extension cords shall not be placed under rugs or carpeting, placed across or through doorways, nailed or stapled to any surface, or placed in a position so as to cause it to coil upon itself. Extension cords shall not be used in place of permanent wiring. No appliance with a heating element or with an electric motor requiring a dedicated circuit shall be connected to an extension cord.

Sec. 8.628. - Sec. 8.639. Reserved.

ARTICLE 11. MECHANICAL AND PLUMBING STANDARDS

Sec. 8.640. Heating System Required.

Every dwelling or dwelling unit shall have a heating system. Every heating system shall be permanently installed with good workmanship and be in good repair.

Sec. 8.641. Heat Supply.

Every heating system shall provide sufficient heat to maintain a temperature of at least sixty-eight (68) degrees Fahrenheit in every bathroom, kitchen and required habitable room as measured three (3) feet above the floor. Any heating system or heating appliance not owned by the occupant of a unit shall be inspected and serviced by a licensed heating contractor at least every four (4) years.

Sec. 8.642. Water System Required.

Every dwelling shall have a water system, which is in good repair, and free of leaks. The water system shall connect each sink, water closet,

basin, and bathtub and shower facility present in the dwelling to a public water supply or to a private water supply approved by the City.

Sec. 8.643. Water Supply.

Every water system shall supply water to each sink, water closet, basin, and bathtub and shower facility at a rate of at least one (1) gallon per minute when all such facilities are being used at the same time.

Sec. 8.644. Bathroom, Kitchen and Plumbing Facilities.

- (1) Every dwelling, each dwelling unit, and any dwelling containing more than two (2) roomers shall contain the following plumbing facilities and such facilities shall be in good repair:
 - (a) A toilet
 - (b) A lavatory sink
 - (c) A bathtub or shower
 - (d) A kitchen or kitchenette containing a sink, cabinets or storage shelves and a counter or table.
- (2) Bathroom facilities, including a toilet, sink, and tub or shower, shall be located within a completely enclosed room or rooms, used for no other purpose except laundering.
- (3) Kitchen facilities, including a sink, cabinets or shelves, or a counter or table used for food preparation or storage, shall not be permitted within rooming units or within any sleeping room.

Sec. 8.645. Hot Water.

Every dwelling shall have a hot water heating system in good repair, which supplies water at a temperature of at least one hundred ten (110) degrees Fahrenheit to each sink, basin, bathtub and shower present in the dwelling.

Sec. 8.646. Sewer System Required.

Every dwelling shall have a sewage disposal system, which is in good repair, and free of leaks. A sewage disposal system shall connect each sink, water closet, basin, bathtub, shower and floor drain to a public sanitary or combined sewer or to a private sewage disposal system approved by the City.

Sec. 8.647-8.654. Reserved.

ARTICLE 12. DOOR AND WINDOW STANDARDS

Sec. 8.655. Windows and Doors Unblocked.

- (1) No window or door in an occupied dwelling or unit shall be covered with any material that blocks emergency egress. Security bars are permitted on windows or doors of a room that

does not contain a bed. Windows of basements not used as sleeping areas may be permanently secured. Devices designed and manufactured to prevent children from falling out of windows and which are easily removable by an adult without special knowledge or tools do not violate this section.

- (2) All windows, other than those specifically manufactured and designed to be non-opening windows, shall be easily openable and capable of being held in position by window hardware.

Sec. 8.656. Window Maintenance.

All window openings shall be fitted with window frames, sash, glazing and other components that are weathertight and in good repair. Every storm window or screen shall be in good repair.

Sec. 8.657. Window Security.

All windows of a unit that are accessible to the public shall be installed and equipped as follows:

- (1) An opening window or a transom shall be equipped with a locking device in good repair. A locking device requiring a key or otherwise not allowing ready emergency egress is not permitted.
- (2) Every opening single or double hung sash window that is on the ground floor of a dwelling or which is otherwise readily accessible to the public shall be equipped with easily removable window pinning or other window stop devices in good repair which will secure the window in a closed position and in a partially open position of four (4) to six (6) inches for ventilation.

Sec. 8.658. Exterior Doors.

- (1) All exterior door openings shall be fitted with sturdy, stable exterior grade doors or other appropriate devices in good repair. All lock strike plates, latch plates, assemblies and other hardware components shall be in good repair.
- (2) Every storm or screen door shall be in good repair and have a self-closing device in good working condition.

Sec. 8.659. Unit Doors and Door Locks.

All doorways providing interior access to a unit from a common area or hallway, or from the outdoors, shall be fitted with a door in good repair. All doors providing interior access to a unit, including French doors and sliding doors, shall be installed and equipped as follows:

- (1) A key operated deadbolt lock shall be installed on any such swinging door including French doors. The deadbolt lock shall be either a horizontal dead bolt lock with a one (1) inch throw or a surface-mounted deadbolt lock with a vertical throw. A sliding door shall be equipped with a locking device in good repair. A locking device requiring a key for egress or

otherwise not allowing ready emergency egress is not permitted. Double-key dead-bolt locks are prohibited.

- (2) Every main entry swinging door to a dwelling unit, that is accessible to the public from the outdoors, or from a common area or hallway, shall be equipped with a peep-hole door viewer, installed not more than five (5) feet from the floor and in good repair unless the door is equipped with a window or there is a window immediately adjacent to the door.

Sec. 8.660. Dwelling Entry Doors and Door Locks.

All doors providing access from the outside to a common or shared hallway or other common or shared space within a dwelling containing more than one unit shall be fitted with a lock in good repair.

Sec. 8.661. Interior Doors

All interior doors, door assemblies and hardware shall be in good repair.

Sec. 8.662. Door Frames.

Every door frame and other components shall be kept weathertight and in good repair.

Sec. 8.663. - Sec. 8.669. Reserved.

ARTICLE 13. STRUCTURAL MAINTENANCE STANDARDS

Sec. 8.670. Responsibility for Structural Maintenance.

The owner of a dwelling shall be responsible for complying with the Structural Maintenance Standards set forth in this Article.

Sec. 8.671. Structural Maintenance Required.

All dwellings and accessory buildings, whether occupied or unoccupied, shall meet or exceed the Standards of this Article.

Sec. 8.672. Protection of Interior Surfaces.

All interior finish surfaces shall be in good repair, maintained to industry standards and shall not have any holes, cracks or deterioration. All floors and walls in rooms in which a water faucet is present shall be protected by a waterproof or water-resistant covering or material.

Sec. 8.673. Protection of Exterior Surfaces.

All exterior surfaces made of wood, iron, plaster or any other material or materials that deteriorate from exposure to water shall be protected from the weather by a properly applied water-resistant paint or waterproof finish. All exterior finish surfaces shall be weathertight and in good repair and shall not have any holes, cracks or deterioration which allow water or vermin to reach any basic structural element or to enter the interior of any dwelling.

Sec. 8.674. Structural Elements.

Basic structural elements including, but not limited to, roofing, siding, window and door frames, stairs, eaves, chimneys, flashing and masonry shall be in good repair.

Sec. 8.675. Exterior Attachments.

Exterior attachments to basic structural elements including, but not limited to, gutters, downspouts, screening, vents, antennas, awnings and utility connections shall be in good repair.

Sec. 8.676. Steps.

Any walkway, passageway or stairway with a vertical drop of more than seven (7) inches shall be provided with a step or steps meeting the requirements of the applicable locally-adopted construction code.

Sec. 8.677. Handrails.

A handrail in good repair shall be provided for any interior or exterior stairway with four (4) or more stair risers. Stairs with steps having a tread depth of more than three (3) feet need not have a handrail. Spindles meeting the requirements of the applicable locally-adopted construction code are required on handrails except for basement steps leading to an unfinished basement.

Sec. 8.678. Guardrails.

Any side of an open stairway, stairwell, porch, stoop, patio or floor which is thirty (30) inches or more above the immediate adjacent step, floor or ground, shall be provided with a guardrail at least thirty six (36) inches high for one and two family dwellings or forty two (42) inches high for multi-family dwellings. Such guardrails shall be in good repair, fitted with vertical balusters, horizontal rails, masonry or other approved structural material, so that the narrowest dimension of any opening below the guardrail is not greater than four (4) inches. Any such balusters or rails shall be securely anchored and in good repair. Components of wooden balusters or rails shall have a minimum thickness of at least one-half (1/2) inch. Guardrails and baluster spacing of differing dimensions located within an Historic District or upon a designated Historic Landmark may be approved by the City Historic Preservation Commission to preserve original construction designs.

Sec. 8.679. Installation, Maintenance and Repairs.

All materials, fixtures, equipment, appliances or facilities required by this Article or otherwise present in a dwelling shall be in good repair and maintained with good workmanship.

Sec. 8.680. - 8.684. Reserved.

ARTICLE 14. YARD MAINTENANCE STANDARDS

Sec. 8.685. Responsibility for Yard Maintenance Standards.

The owner shall be responsible for meeting Yard Maintenance Standards.

Sec. 8.686. Yard Maintenance Required.

The yard of every dwelling or structure must meet or exceed the Yard Maintenance Standards of this Article, as well as Chapter 151 Nuisance Code.

Sec. 8.687. Improvements.

All improvements located in a yard, including, but not limited to, structures, including attached or detached garages, walkways, driveways, parking spaces, steps and fences, or walls that abut the public right-of-way, shall be kept in good repair, structurally sound, properly drained, and maintained free from hazardous conditions.

Sec. 8.688. Service Walks and Driveways.

All service walks, stairs, driveways, parking spaces and similar areas shall be kept in a good repair, properly drained, and maintained free from hazardous conditions, and shall comply with the specific requirements of Article 13 of this Chapter.

Sec. 8.689. Trees and Shrubs.

Trees or plants which have damaged or which touch a dwelling or an accessory building shall be trimmed or removed.

Sec. 8.690. - 8.699. Reserved.

ARTICLE 15. CONDEMNATION STANDARDS

Sec. 8.700. Authorization to Condemn.

The City may declare a dwelling, a unit or an accessory building to be condemned as unfit for human occupancy or entry when:

- (1) An emergency condition is present.
- (2) A hazardous condition has not been corrected as ordered in a Notice of Violation.
- (3) A utility or facility required by this Chapter has not been provided or has been shut off, disconnected, removed or otherwise terminated.
- (4) The City has issued a Notice to Repair or Demolish to the owner.
- (5) The dwelling, unit or accessory building is occupied without all cited violations being re-inspected and approved.
- (6) The Administrator has determined that a dwelling does not provide safe, sanitary or secure living quarters as intended by the purpose of this Chapter due to the extent of damage or deterioration or the unusually large number of violations found in a dwelling, a unit or a portion of a dwelling.

Sec. 8.701. Occupancy Prohibited.

No person shall enter or occupy or allow another person to enter or occupy any dwelling, unit or accessory building which has been condemned as unfit for human occupancy or entry until it has been certified by the

City as being in compliance with this Chapter. Entry for the limited purpose of making repairs ordered by the City is not prohibited.

Sec. 8.702. Notice of Unfit Building, Structure, Dwelling, Unit or Accessory Building.

Upon finding a building, structure, dwelling, unit or accessory building or structure to be unfit for human occupancy or entry, the City shall issue a Condemned for Human Occupancy Notice to the owner by regular mail and by posting. The Notice shall inform the owner of the basis for the finding and order the owner to secure the dwelling, unit or accessory building against occupancy and unauthorized entry within ten (10) days or within five (5) days of the dwelling or unit becoming vacant, whichever is longer, as authorized by Chapter 151 of the City Code.

Sec. 8.703. Notice to Vacate.

Upon declaring a structure, dwelling or dwelling unit to be unfit for human occupancy and entry, the City shall issue a Notice to Vacate to the occupants by regular mail and by posting the Notice to Vacate at an entry of each dwelling unit. The Notice shall inform the occupants of the basis for the finding and order the occupants to vacate the affected dwelling or unit:

- (1) Within twenty-four (24) hours if an emergency condition is present.
- (2) Within ten (10) days if hazardous conditions are present.
- (3) Within ten (10) days for a lack of a utility or facility required by this Chapter.
- (4) Within fifteen (15) days under all other conditions.

Sec. 8.704. Appeal Prohibited.

A Condemned for Human Occupancy Notice, Notice to Repair or Demolish and/or a Notice to Vacate cannot be appealed to the Housing Board of Appeals, since the life, health or safety of the occupants has been determined to be threatened, or the structural integrity of the building has been greatly compromised.

Sec. 8.705. Posting of Building.

Upon issuing a Condemned for Human Occupancy Notice, the City shall place a sign or signs upon or near the entryways to any dwelling, unit or accessory building cited in the notice. The sign shall read, in part: "UNFIT FOR HUMAN OCCUPANCY-UNLAWFUL TO ENTER AFTER (date)." The sign shall state the address or unit number of the dwelling or unit and the name of the owner. It shall inform the public that it is a violation of this Code to enter the building or unit unless authorized in writing by the City.

Sec. 8.706. Securing by the City.

Where the owner has failed to comply with a Notice to Secure, the City may abate the nuisance and secure the dwelling, unit or accessory building. The cost of such action plus an administrative fee shall be a personal debt of the owner to the City and may be assessed as a lien against the property until paid.

Sec. 8.707. Compensation for Occupants.

Occupants of a dwelling or unit at the time a dwelling or unit is declared by the City to be unfit for human occupancy and entry may be eligible to receive moving expenses from the City as provided for by law or as set forth by official action of the City Commission. The amount paid by the City to the occupants for relocation expenses shall become a personal debt of the owner to the City and may be assessed as a lien upon the property until paid.

Sec. 8.708. Prosecution Not Delayed.

Nothing in this Article shall delay or be a cause for terminating the prosecution of a responsible person for failure to correct violations of this Chapter noted in a Notice of Violation or an emergency order.

Sec. 8.709. - 8.714. Reserved.

ARTICLE 16. ABANDONED RESIDENTIAL STRUCTURE STANDARDS

Sec. 8.715. Registration

Owners of abandoned residential structures as defined by this Chapter shall be required to register such properties pursuant to Section 8.557 of this Chapter.

Sec. 8.716. Abandoned Residential Structure Fees.

A fee may be charged to defray the City's cost of monitoring abandoned residential structures. Times noted commence upon the sending of the initial Notice to Register. No fee shall be assessed for the first sixty (60) days after such notice. Monitoring fees shall be established from time to time by resolution of the City Commission.

Sec. 8.717. Time Limit to Secure Structure.

A Notice to Abate issued pursuant to Section 9.118 of Chapter 151 as to an abandoned structure shall be complied with in not more than seventy-two (72) hours. If the securing has not been completed, is incomplete, or does not comply with the requirements for boarding, the City shall proceed pursuant to Article 9 of Chapter 151.

Sec. 8.718. Right of Entry.

If the owner has failed to secure a property and it has been secured by the City, the City may enter or re-enter the structure to conduct necessary inspections to assure compliance with the requirements of this Code and to determine if there are emergency or hazardous conditions.

Sec. 8.719. Notice, Order and Posting of Abandoned Residential Structures.

A Notice to Register each abandoned residential structure shall be sent to the owner, and shall advise the owner that an abandoned structure shall not be occupied until inspected and found to be in full compliance with this Code. The City may post a Notice on each abandoned structure which sets forth the requirements of this Chapter.

An abandoned residential structure shall not be occupied until all violations have been corrected in accordance with the applicable

requirements of the Michigan Building Code, Michigan Electrical Code, Michigan Mechanical Code, Michigan Plumbing Code and applicable provisions of the Grand Rapids City Code. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair.

Sec. 8.720. - 8.724. Reserved.

ARTICLE 17. STANDARDS FOR DEMOLITION OF STRUCTURES

Sec. 8.725. Standards for Demolition Orders.

A Notice to Repair or Demolish shall be issued for a structure instead of a Notice of Violation in any of the following circumstances:

- (1) Where a City estimate of the cost of the repair for compliance with the requirements of this Chapter is greater than a City Assessor estimate of the resale value of the dwelling after being brought to compliance.
- (2) Where a City estimate of the cost of repair for compliance with the requirements of this Chapter is greater than twice the City Assessed Valuation of the dwelling alone.
- (3) Where a structure has been condemned as unfit for human occupancy pursuant to Section 8.700(6) of this Chapter.
- (4) Where the City has declared a structure hazardous.

Sec. 8.726. Standards of Repair.

After a Notice to Repair or Demolish has been issued, a dwelling shall not be occupied until all violations have been corrected in accordance with the applicable requirements of the Building Code, Electrical Code, Mechanical Code, Plumbing Code and applicable provisions of the Grand Rapids City Code. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair.

Sec. 8.727. Historic Value Considered.

Historic Preservation Ordinance requirements shall be complied with prior to the demolition of any dwelling by the City.

Sec. 8.728. Posting Notice to Repair or Demolish.

When a Notice to Repair or Demolish has been issued for a dwelling, the City shall place a sign on or near the dwelling reading, in part: "REPAIR OR DEMOLITION ORDERED BY CITY." The sign shall state the address of the cited dwelling, the name of the owner, the date the Notice was issued, and where further information can be obtained.

Sec. 8.729. Failure to Comply.

Failure to comply with a Notice to Repair or Demolish issued pursuant to the provisions of this Article shall be a violation of this Code.

Sec. 8.730. - 8.734. Reserved.

ARTICLE 18. COURT ORDERS, PENALTIES AND FINES

Sec. 8.735. Violations Separate.

A person may be charged with more than one (1) violation of the provisions of this Chapter in a single complaint or appearance ticket provided that each violation so charged relates to the same property. Each violation so charged shall be denominated as a separate count on the complaint or appearance ticket and on any warrant issued pursuant thereto. Each count shall be submitted separately to the court or jury for its determination as to the defendant's guilt. Upon conviction, the court shall sentence the defendant separately on each count.

Sec. 8.736. Penalties and Sentencing

Upon conviction for a violation of any provision of this Chapter, the court shall sentence the defendant to pay a fine of up to Five Hundred Dollars (\$500.00) or up to ninety (90) days in jail or both. In no case shall the sentence be less than the minimum sentence provided for in Section 8.737. The court may, in addition to such fine and/or imprisonment, place the defendant on probation for any period of time and subject to any conditions permitted by State law. The court may also, in appropriate cases, suspend all or part of any fine or term of imprisonment imposed on such terms and conditions as the court deems appropriate. The court shall exercise its authority to sentence the defendant to a term of probation and to prescribe the conditions therefor and its power to suspend all or part of any term of imprisonment so as to bring about compliance with the terms of this Chapter and to prevent further violations.

Sec. 8.737. Fines and Jail Sentences.

Fines and jail sentences shall reflect the seriousness of each offense as well as the previous history of recurrent violations of the provisions of this Chapter by the person convicted. Fines and jail sentences shall not be less than the following amounts for each separate offense:

- (1) One hundred fifty dollars (\$150.00) and/or fifteen (15) days in jail for each failure to comply with an emergency order.
- (2) One hundred dollars (\$100.00) and/or ten (10) days in jail for each hazardous condition.
- (3) Fifty dollars (\$50.00) and/or five (5) days in jail for each failure to remove trash or garbage, for each failure to comply with the other Standards of this Chapter or for failure to comply with a Notice to Vacate.
- (4) One hundred dollars (\$100.00) and/or ten (10) days in jail for each rental unit which has not been registered by an owner or which has been occupied in violation of the provisions of this Chapter.
- (5) Fifty dollars (\$50.00) and/or five (5) days in jail for failure to comply with any other provision of this Chapter or any order or notice issued in accordance with the provisions of this Chapter.

Sec. 8.738. City Costs.

Upon conviction for violation of any provision of this Chapter, the court may order the defendant to reimburse the City for all of the costs of enforcement of this Chapter attributable to the violations for which the defendant was convicted including, but not limited to, the costs of inspection, prosecution and administration.

Sec. 8.739. - 8.744. Reserved.

ARTICLE 19. FEE SCHEDULE

Sec. 8.745. Fees Required

Fees required for the enforcement of this Article shall be established from time to time by resolution of the City Commission.

Sec. 8.746. Fee Schedule

The fees for the following inspection services shall be established from time to time by resolution of the City Commission.

- (1) Administrative hourly rate
- (2) Special Inspections conducted after business hours, on weekends or holidays, per hour
- (3) Registration of Rental Property, per building
- (4) Certificate of Compliance issued before expiration date
- (5) Certificate of Compliance issued after expiration
- (6) New Construction - Certificate of Compliance
- (7) Notice of Violation
- (8) Notice to Vacate
- (9) Inspection fee for every additional inspection, including but not limited to: court requested, attorney requested, progress inspection at request of owner/manager and/or Housing Appeal Board, Housing Rehab request
- (10) Failure to keep appointment, arrange for inspection, or provide entry for scheduled inspection
- (11) Failure to call for a Certificate of Compliance Inspection prior to expiration OR Occupied without a Certificate
- (12) Occupied without a Certificate of Compliance or vacant unit under orders occupied prior to compliance approval inspection
- (13) Administrative or Progress Extension
- (14) Housing Appeal filed by last appeal date; Housing Appeal filed after last appeal date

- (15) Ownership Research for any property not occupied by the property owner includes, but not limited to returned mail processing & lack of current registration
- (16) Title Search
- (17) Attorney Warning Letter
- (18) Issuance of Relocation Payment (plus relocation amount)
- (19) Monitoring Fee for Vacant/Abandoned Residential Structure and/or Prosecution Cases
- (20) Notice to Repair or Demolish
- (21) Demolition, per structure
- (22) Contact Request
- (23) Search Warrant
- (24) Prosecution Preparation
- (25) Recording document at Kent County Register of Deeds
- (26) Condemned for Human Occupancy
- (27) Collection Services Fee, as Charged by the City Treasurer

Sec. 8.747. - Sec. 8.799. Reserved.