

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Environment, ch. 12; fire prevention and protection, ch. 14; solid waste management, ch. 20; streets, sidewalks and other public places, ch. 22; subdivisions and other divisions of land, ch. 24; utilities, ch. 28; zoning, ch. 30.

State Law References: State construction code act, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

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ARTICLE I.

IN GENERAL

Secs. 6-1--6-30. Reserved.

ARTICLE II.

TECHNICAL CODES

Sec. 6-31. Building code.

(a) *Adoption.* Pursuant to the authority of Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), the village council does hereby adopt the BOCA Basic Building Code, 1996 edition, as published by the Building Officials and Code Administrators International, Inc., the International Fire Code, and the Michigan Residential Building Code, 2012 edition, as the building code of the village. All provisions and terms of the BOCA Basic Building Code, the International Fire Code, and the Michigan Residential Building Code are hereby referred to, adopted and made a part of this section, as if fully set out in this subsection.

(b) *Enforcement.* The village council shall designate by motion a qualified individual, entity, or municipal authority to serve as the building inspector responsible for enforcement of the building code.

(c) *Fees.* All fees for permits or inspections required by the building code shall be established in a separate fee schedule.

(Ord. No. 92-3, §§ 1--3, 8-3-1992)

Sec. 6-32. Enforcement of plumbing; mechanical and electrical codes; fees.

(a) The village is hereby designated the enforcing agency for the Michigan Plumbing Code, as promulgated by the Michigan Construction Code Commission, pursuant to Public Act 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).

(b) The village is hereby designated the enforcing agency for the Michigan Mechanical Code, as promulgated by the Michigan Construction Code Commission, pursuant to Public Act 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).

(c) The village is hereby designated the enforcing agency for the Michigan Electrical Code, as promulgated by the Michigan Construction Code Commission, pursuant to Public Act 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).

(d) The village council hereby appoints the Construction Code Authority, Inc., of Lapeer County to serve as inspectors and enforcement officers for the plumbing, mechanical and electrical codes.

(e) All fees for permits and inspections required pursuant to the enforcement of the plumbing, mechanical and electrical codes shall be established by motion of the Construction Code Authority, Inc. Board. (Ord. No. 89-5, §§ 1--5, 7-17-1989)

Secs. 6-33--6-65. Reserved.

ARTICLE III.

DANGEROUS BUILDINGS*

* **Cross References:** Environment, ch. 12.

Sec. 6-66. Definitions.

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

Dangerous building means any building or structure which has any of the following defects:

- (1) Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the village building code for a similar new building or structure.
- (2) Whenever any portion of the building or structure is likely to fall or to become dislodged, or to collapse and thereby injure persons or damage property.
- (3) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose of which it is used.
- (4) Whenever the building or structure has been so damaged or deteriorated that the interior of the building is exposed to elements and is accessible to entrance by trespassers, and may become an attractive nuisance to children who might play therein to their danger.

- (5) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease or is likely to work injury to the health, safety or general welfare of those living in or near it.

(Ord. No. 90-3, § 1, 7-16-1990)

Cross References: Definitions generally, § 1-2.

Sec. 6-67. Inspection.

The building inspector shall inspect and file a report on all buildings and structures which he has reason to believe may be dangerous buildings.

(Ord. No. 90-3, § 2, 7-16-1990)

Sec. 6-68. Notice.

When the whole or any part of any building or structure is found to be in a dangerous condition, the building inspector shall issue a notice which shall specify the nature of the dangerous condition and the repair or demolition necessary to make the building or structure safe.

- (1) The notice shall be directed to the person in whose name the property appears on the most recent village tax assessment records.
- (2) The notice shall specify the time and place of a hearing before the village council at which the person to whom the notice was directed shall have the opportunity to contest the findings of the building inspector.
- (3) All notices shall be sent by regular mail or otherwise delivered at least ten days before the date of the hearing described in the notice.

(Ord. No. 90-3, § 3, 7-16-1990)

Sec. 6-69. Hearing.

The village council shall conduct a hearing reviewing the findings of the building inspector. All relevant information provided by the owners or other persons interested in the property and all relevant information provided by the building inspector shall be considered.

(Ord. No. 90-3, § 4, 7-16-1990)

Sec. 6-70. Decision.

- (a) If it is determined by the village council that the building or structure is not dangerous or unsafe, no further action shall be taken.
- (b) If it is determined by the village council that the building or structure should be repaired, demolished or otherwise made safe, it shall so order, fixing a time within which compliance must be completed.
- (c) A copy of the decision of the village council shall be sent by regular mail or otherwise delivered to the person to whom the original notice was sent.

(Ord. No. 90-3, § 5, 7-16-1990)

Sec. 6-71. Compliance with decision.

Complying with a village council decision to require the repair, demolition or making safe of a building or structure shall be the responsibility of the duly notified persons having an interest in the property.
(Ord. No. 90-3, § 6, 7-16-1990)

Sec. 6-72. Failure to comply; lien.

If the responsible persons do not comply with the village council's decision within the time specified, the village may arrange to have the required repair, demolition or other work completed. The cost of such required repair, demolition or other work shall be a lien against the real property on which the building or structure is located and shall be assessed against such real property on the next tax roll. In addition, the village may commence legal action against the owner of the premises for recovery of the full cost of the required repair, demolition or other work. A judgment in an action brought pursuant to this section may be enforced against the assets off the owner other than the building or structure.

Sec. 6-73. Appeal to circuit court.

A person affected by a village council decision requiring the repair, demolition or other work on a building or structure, in which such person has an interest, may appeal the decision to the circuit court by filing an action within 20 days from the date of the decision by the village council.
(Ord. No. 90-3, § 8, 7-16-1990)

Secs. 6-74--6-105. Reserved.

ARTICLE IV.

NUMBERING BUILDINGS*

* **Cross References:** Streets, sidewalks and other public places, ch. 22.

Sec. 6-106. Purpose of article.

The purpose of this article is to establish minimum regulations governing the acquisition and posting of address numbers to assist ambulance, police, the fire department and other public service agencies to locate those in need of assistance in the village.
(Ord. No. 94-4, § 1, 4-4-1994)

Sec. 6-107. Definitions.

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

Assigned address number means an address number which has been so designated by the enforcing agent after the effective date of the ordinance from which this article derives. Any designations made prior to the enactment of this article, under authority, shall be given full force and effect.

Principal building means the main building located on a parcel or lot. A building in which is conducted the principal use of the lot upon which it is situated. Garages, pole barns and other accessory structures are not deemed principal and shall not be designated as such.

(Ord. No. 94-4, § 3, 4-4-1994)

Cross References: Definitions generally, § 1-2.

Sec. 6-108. Civil infraction; penalty.

Any property owner who fails to acquire, post or maintain the posting of an address number shall be guilty of a civil infraction. Upon conviction, the violator shall be liable for a fine of not more than \$500.00, plus costs of enforcement and prosecution.

(Ord. No. 94-4, § 12, 4-4-1994)

Sec. 6-109. Address number required.

Each dwelling and each principal building within the village shall obtain and display an assigned address number. Address numbers shall be issued or designated for those dwellings and principal buildings which are located on either public or private roads.

(Ord. No. 94-4, § 2, 4-4-1994)

Sec. 6-110. Application for number.

All applicants for building permits for construction of a dwelling or other principal building shall apply for an address number. The number shall be issued by the designated agent of the village as soon as all required information is provided by the applicant.

(Ord. No. 94-4, § 4, 4-4-1994)

Sec. 6-111. Posting.

Each dwelling or other principal building on a parcel of land within the village shall post the assigned address number. The number must be plainly visible from the road. Whenever a dwelling or principal building is located more than 100 feet from the center of a public or private road, or is otherwise difficult to see from the road, the owner shall post the address number at the point at which the driveway enters the public or private road.

(Ord. No. 94-4, § 5, 4-4-1994)

Sec. 6-112. Numeral specifications.

Each posted address shall consist of numerals at least three inches in height and of a contrasting color to the attached surface. Address numbers shall be arabic numerals or alphabet letters.

(Ord. No. 94-4, § 6, 4-4-1994)

Sec. 6-113. New construction.

Whenever a new dwelling or other principal building is constructed, the address number shall be posted in compliance with this article at the time construction is commenced. However, if the address number has not been issued prior to the commencement, the address number shall be posted within 24 hours after issuance. (Ord. No. 94-4, § 7, 4-4-1994)

Sec. 6-114. Multiple address numbers.

Developments which need individual address numbers for locations within the site shall comply as follows:

- (1) *Mobile home parks.* The mobile home park shall be assigned a singular number for the public road on which the park is located. Individual home sites within the park shall be designated by that address number plus the lot of the site. Lots shall be consecutively numbered. Each internal street shall have a continuously maintained sign indicating the range of lot numbers on that street.
- (2) *Multiple-family dwellings.* Each building shall receive an address number. Each unit within that building shall receive a number which includes the building address number, plus additional numbers indicating floors or the unit.
- (3) *Multiple unit dwellings.* All other principal buildings containing more than one unit shall receive an address number. The individual unit number shall be determined by the enforcement agent based upon the layout and location of the structure.

(Ord. No. 94-4, § 8, 4-4-1994)

Sec. 6-115. Private roads.

If the dwelling or principal building is located on a private road, there shall also be erected a road sign identifying the name of the private road, where the private road enters the public road. If a private drive or easement is upgraded to a private road, any existing numbers shall be replaced with address numbers based on the private road location. Easements and private drives shall not be deemed private roads.

(Ord. No. 94-4, § 9, 4-4-1994)

Sec. 6-116. Enforcement agencies.

The building inspector or an individual or entity designated by resolution of the village council shall have full authority to enforce the provisions of this article, including the issuance of citations for failure to comply herewith.

(Ord. No. 94-4, § 10, 4-4-1994)

Sec. 6-117. Number assignment fee.

The village council may establish an address number assignment fee in order to defray the inherent costs associated with administration and assignment procedure.

(Ord. No. 94-4, § 11, 4-4-1994)

Secs. 6-118--6-150. Reserved.

ARTICLE V.

RENTAL HOUSING CONTROL

Sec. 6-151. Purpose of article.

The village recognizes the importance to the general health, safety and welfare of all of its citizens including its citizens who rent residential rental structures. The village also recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures and residential rental units in the village. This article is designed to promote the continued maintenance of quality for safe rental properties and to enhance and maintain property value of all properties, and to reduce the causes of blight and other deleterious factors affecting neighborhoods.

(Ord. No. 99-1, § 6-151, 5-3-1999)

Sec. 6-152. Definitions.

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

Boardinghouse means a dwelling where meals, or lodging and meals, are provided for compensation to four or more persons by prearrangement for definite periods of not less than one week. A boardinghouse is to be distinguished from a hotel, motel or a convalescent or nursing home.

Certificate of compliance means a certificate issued by the department of building inspection which certifies compliance with this article and the date of such certification.

Convalescent or nursing home means a home for the care of children, the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. Such home shall also conform to, and qualify for license under, applicable state laws.

He/his. The word "he" in this ordinance shall be used synonymous with the words "she," "it," and "they," and the word "his" is synonymous with the words "her," "its" and "their."

Hotel means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms, occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten sleeping rooms.

Housing and building codes means the standards of construction and maintenance for all residential property and any specific residential rental property as adopted by the council of the village.

Inspection guidelines means those guidelines as adopted by the council of the village to be used by the building official in conducting inspections, setting forth the minimum requirements for dwellings inspected under this article.

Lease means any written or oral agreement that sets forth conditions concerning the use and occupancy of residential rental structures or residential rental units by a person paying rent or for whom rent is paid.

Manager means a person, partnership, firm or corporation that actively operates or manages a residential rental property for the owner.

Motel means a series of attached, semidetached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the village planning commission, with the exception of units for use of the manager and/or caretaker.

Occupants mean tenants, lessees and/or persons residing in a residential rental structure or residential rental unit.

Owner means any person, agent, firm or corporation having a legal or equitable interest in a residential rental structure or a residential rental unit.

Person means an individual, partnership, firm or corporation.

Premises means any lot or parcel of land that includes a residential rental structure or a residential rental unit.

Rent means to let, to lease, to barter or to pay a consideration to another for the privilege of residing in a residential rental unit for any period of time.

Rental housing official means the inspector, enforcing officer, or authorized representative appointed by resolution of the village council.

Residential rental structure means any building that contains one or more residential rental units.

Residential rental unit means any apartment, room, dwelling house or portion thereof or any condominium unit for which a person or group of persons pays rent directly or indirectly to the owner thereof for the purpose of a person or persons to reside therein. This definition includes one-family and two-family dwellings, multifamily dwellings, apartment units, boardinghouses, roominghouses, flats and condominium units. This definition does not include hotels and motels licensed and inspected by the state.

Rooming unit means a room or enclosed floor space in a roominghouse or boardinghouse used or intended to be used for living and sleeping and which does not contain cooking areas or bathrooms.

Roominghouse means a dwelling house where lodging, rooms or housekeeping or living accommodations are provided for compensation to four or more persons by prearrangement for definite periods of not less than one week. A roominghouse is to be distinguished from a hotel, motel or a convalescent or nursing home.

To secure means to board up or otherwise make the premises inaccessible by anyone other than the owner or the village rental housing official.
(Ord. No. 99-1, § 6-152, 5-3-1999)

Cross References: Definitions generally, § 1-2.

Sec. 6-153. Registration required.

The owner of any residential rental structure or residential rental unit shall register each residential rental structure and all residential rental units contained within the residential rental structure with the village and shall designate a person, pursuant to section 6-154 as the responsible local agent who shall be legally responsible for operating the registered residential rental structure or residential rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to ensure compliance with the terms of this article and all applicable codes and ordinances adopted by the village. A certificate of compliance shall not be issued unless an applicant complies with the registration provisions of this section.
(Ord. No. 99-1, § 6-153, 5-3-1999)

Sec. 6-154. Responsible local agent.

The responsible local agent shall be an individual person who represents the owner, having a place of residence in the state and within 45 miles of the village limits. The responsible local agent shall be designated by the owner as legally responsible for operating such premises in compliance with all the provisions of the applicable village codes and ordinances. The owner may act as the responsible local agent provided he resides in the state and within 45 miles of the village limits. All official notices of the village may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record.
(Ord. No. 99-1, § 6-154, 5-3-1999; Ord. No. 99-1A, § 4, 12-6-1999)

Sec. 6-155. Period for registration of residential rental structures.

Residential rental structures required to be registered pursuant to this article shall comply with the following provisions:

- (1) All existing residential rental structures shall be registered on or before _____. Registration shall commence on _____.
- (2) All newly constructed residential rental structures shall be registered prior to the issuance of the certificate of occupancy by the village.
- (3) A residential rental structure which is sold, transferred, or conveyed shall be reregistered by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance.
- (4) All existing nonrental dwellings which are converted to residential rental structures shall be registered prior to the date on which the property is first occupied for rental purposes.

(Ord. No. 99-1, § 6-155, 5-3-1999; Ord. No. 99-1A, § 5, 12-6-1999)

Sec. 6-156. Registration forms and fees.

(a) Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the village housing official and shall include at least the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The names, addresses, telephone numbers and dates of birth of all owners of the residential rental structures.
- (3) The name, local address, telephone number and date of birth of the responsible local agent.
- (4) The number of residential rental structures at each site and the address of, and number of, residential rental units in each residential rental structure and the number of occupants in each residential rental unit.
- (5) An authorization appointing a responsible local agent signed by both the owner and the responsible local agent.

(b) A registration fee for each site where residential rental structures are located shall be paid at the time of registration. No post office boxes will be accepted as a legal address. Upon registration, the building official or authorized representative shall inform applicants of certificate of compliance requirements. The fee for each registration shall be established by resolution of the village board annually. The owner shall be responsible for notifying the village of any change of address of either the owner or the responsible local agent. (Ord. No. 99-1, § 6-156, 5-3-1999)

Sec. 6-157. Registration term and renewal.

Registration shall be made prior to the use or occupancy of any residential rental structure or residential rental unit except as otherwise provided by this article. The term of the registration shall be valid as long as ownership remains unchanged. (Ord. No. 99-1, § 6-157, 5-3-1999)

Sec. 6-158. Transfer of ownership.

It shall be unlawful for the owner of any residential rental structure or residential rental unit who has received a notice of violation of any code or ordinance of the village, including notices that the number of residential rental units exceeds that permitted by chapter 30, Zoning, to transfer, convey, lease or sell, including by land contract, his ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee, lessee, vendee or transferee a true copy of any notice of violation and shall have furnished to the building official a signed and notarized statement from the grantee, vendee, lessee or transferee acknowledging the receipt of such notice of violation and acknowledging legal responsibility for correction of the violation. (Ord. No. 99-1, § 6-158, 5-3-1999)

Sec. 6-159. Certificate of compliance required.

No person shall lease, rent or cause to be occupied a residential rental structure or residential rental unit

unless there is a valid certificate of compliance issued by the village rental housing official in the name of the owner and issued for the specific residential rental structure and each residential rental unit. The certificate shall be displayed in a conspicuous place in each residential rental structure and residential rental unit at all times and in a common area shared by all occupants of a residential rental structure. The certificate shall be issued after an inspection by the rental housing official which may include inspections by the building inspector, mechanical inspector, housing inspector, electrical inspector, plumbing inspector and fire department inspectors (in instances where fire inspectors have jurisdiction) or other building officials to determine that each rental dwelling and rental unit complies with the provisions of the codes and ordinances of the village. Such inspections shall be commenced after May 3, 1999, and shall continue until all rental dwellings and all rental units in the village have been inspected. A certificate of compliance shall expire two years from the date of issuance. The inspection process will then be continued for all such units on a periodic basis of not more than once every two years or as provided for in section 6-161.
(Ord. No. 99-1, § 6-159, 5-3-1999)

Sec. 6-160. Applicability to existing residential rental structures.

(a) This applies to all residential rental structures and residential rental units within the village existing on December 6, 1999, and to those subsequently constructed or created. For residential rental structures and residential rental units existing on December 6, 1999, which have been registered in accordance with the provisions of section 6-155, the prohibitions against leasing, renting and occupying contained in section 6-158 and the posting requirements of section 6-159 shall be inapplicable to such dwellings or units until 60 days after the village makes its initial inspections of such dwellings or units. This will permit the owner time to make necessary repairs and obtain a certificate of compliance while maintaining occupancy of the rental unit; however, if the defects which must be corrected pose an imminent threat to the health, safety and welfare of the occupants, the inspector shall commence procedures to vacate the dwelling, and the provisions of section 6-159 prohibiting occupancy shall be immediately applicable.

(b) Any residential rental structure which is a new construction or renovation which required a comprehensive inspection and which is issued a certificate of occupancy pursuant to an inspection after December 6, 1999, will also be issued a certificate of compliance simultaneous with the certificate of occupancy and an inspection fee pursuant to section 6-162 shall not then be required. Residential rental structures which are new constructions shall comply with registration requirements pursuant to section 6-155.
(Ord. No. 99-1, § 6-160, 5-3-1999; Ord. No. 99-1A, § 10, 12-6-1999)

Sec. 6-161. Inspections.

(a) The enforcing officer for the village inspection department shall inspect residential rental units on a periodic basis pursuant to this article or under any of the following circumstances:

- (1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this article.
- (2) Upon receipt of a report or a referral from the police department, other public agencies or departments or any individual indicating that the premises are in violation of this article and which is based on the personal knowledge of the person making the report.

- (3) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this article.
- (4) Upon receipt of information by the enforcing officer that a rental unit is not registered with the village as required by this article.
 - (b) Scheduling of inspections shall be as follows:
 - (1) The inspector shall notify the owner of a residential rental structure of the date and time such structure is to be inspected. Such notice may be personally delivered or may be sent by first class mail.
 - (2) Upon receipt of the notice, the owner must either:
 - a. Appear at the date and time scheduled for the inspection; or
 - b. Object within ten days of the mailing or delivery of the notice and:
 1. Schedule an alternative date for the appointment. The alternative date must be within 30 days from the date identified in the initial notice; or
 2. Direct the inspector to contact the occupant of the rental unit directly to schedule the inspection and provide the occupant's name and address.
 - (3) If an owner of a residential rental structure asks the inspector to schedule the appointment with the occupant, the inspector shall notify the occupant of the residential rental unit of the date and time such unit is scheduled to be inspected. Such notice may be personally delivered or may be sent by first class mail. Upon receipt of the notice, the occupant must either:
 - a. Appear at the date and time scheduled for the inspection; or
 - b. Object within ten days and schedule an alternative date for the appointment. The alternative date must be within 30 days from the date identified in the initial notice.
 - (4) If an owner or occupant subsequently learns he will not be present for a scheduled appointment, the individual must provide the inspector with at least 24 hours' advance notice and must schedule a second inspection date within 30 days from the scheduled appointment. Failure to appear for a scheduled appointment without providing the advance notice shall be a violation of this subsection and a municipal civil infraction. Failure to appear for a scheduled second inspection date shall be a violation of this subsection and a municipal civil infraction.
- (c) If an owner or occupant refuses to allow a village rental housing official entry to a residential rental structure or unit, the inspector shall:
 - (1) Prior to seeking a warrant, advise the owner or occupant of the village's intention to obtain a warrant and request entry for purposes of conducting an inspection.

(2) If entry is not permitted under the circumstances set forth in subsection (c)(1) of this section, the inspector shall request the assistance of the village attorney in obtaining a warrant. The warrant request shall be on the standard form used by the court and shall state the basis for requesting the warrant.

(3) If a warrant is obtained, the inspector shall use the warrant to obtain entry through the least objectionable means possible and with the assistance of a court officer or police officer as may be required. The warrant shall only be used to conduct an inspection pursuant to this article and for no other purpose.

(d) Failure to permit entry after notification that a warrant for entry has been obtained by the inspector shall be a municipal civil infraction and subject the violator to the penalty provisions indicated in section 6-179.

(e) During the inspection, the village rental housing official shall note any violations of this article or other provisions of the this Code and give notice of such violations to the responsible local agent in accordance with section 6-155. The enforcing officer shall direct the responsible local agent and owner to correct violations within the time set forth in the notice. A reasonable time for correcting violations shall be determined by the enforcing officer in light of the nature of the violations and all relevant circumstances, but shall not exceed 60 days. Upon request of the person responsible for correcting violations, the enforcing officer may extend the time for correcting violations if the enforcing officer deems such action appropriate under all relevant circumstances, but not to exceed an additional 60 days.

(Ord. No. 99-1, § 6-161, 5-3-1999; Ord. No. 99-1A, § 11, 12-6-1999)

Sec. 6-162. Inspection fees.

(a) The operating fees for periodic inspection of each residential rental unit shall be established by resolution of the village council.

(b) If the village rental housing official determines that a complaint was filed without a factual basis, and such inspection is made on a complaint basis, a \$60.00 fee shall be charged to the complainant, or if in such a case the enforcing officer believes the complaint was maliciously or vexatiously filed, he may seek a warrant. (Ord. No. 99-1, § 6-162, 5-3-1999)

Sec. 6-163. Late fees and liens.

(a) An administrative late fee of ten percent of the unpaid balance shall be paid to the village by the person obligated to pay an inspection fee under subsection 6-162(a) if such fee is not paid within 60 days from the billing date. After 90 days from the date of billing, those fees shall become a lien on the property pursuant to subsection (b) of this section and may be collected in the same manner as real property taxes.

(b) When any fee is unpaid or expense incurred by the village upon or in respect to any separate or single lot, parcel of land or premises, the village council is authorized to charge and collect as a lien against any separate or single lot, parcel of land or premises, an account of the fees, labor or services for which the expense was incurred. The village rental housing official shall notify the village council as they proscribe, the expenses

incurred, the fees, the name of the owner or person chargeable therewith, and the cost of labor or services performed.

(c) The village council shall review the rental inspection and determine what amount or part of every reported expense shall be charged, and the premises upon which the charge shall be levied as a lien against the property. The village council shall then notify the village assessor who shall include such chargeable amounts against the rental property chargeable therewith on the next tax roll for the collection of general village taxes.

(Ord. No. 99-1, § 6-163, 5-3-1999; Ord. No. 99-1A, § 13, 12-6-1999)

Sec. 6-164. Issuance or renewal of certificate of compliance.

(a) Between 30 and 60 days before the expiration date on the certificate of compliance issued for a rental property, every owner shall apply to the village inspection department for the issuance of a new certificate of compliance for that residential rental structure.

(b) Upon receipt of a timely application for issuance or renewal of a certificate of compliance, the village shall inspect the premises before the certificate of compliance expires or is initially issued. Upon failure of the village to conduct an inspection prior to occupancy or expiration of the certificate of compliance, the owner may rent the property until the village has conducted an inspection, and the owner will not be deemed in violation of section 6-159 during that time. If, however, the village's failure to inspect is due to the owner's or operator's action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner shall not rent the property without a current certificate of compliance as required by section 6-159.

(Ord. No. 99-1, § 6-164, 5-3-1999; Ord. No. 99-1A, § 14, 12-6-1999)

Sec. 6-165. Notices and orders.

(a) *Notice of violation.* Whenever the building official or enforcing officer determines that there has been a violation of this article, he shall give notice of such alleged violation and orders for correction of violation as provided, except this section shall not apply in any way to the prosecution of violations of section 6-162 or section 6-167 or violations of the registration requirements set forth in section 6-153 as such may be prosecuted without notice. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the conditions that constitute violations of this article;
- (3) State the date of the inspection, the name of the inspector, the address of the dwelling and the date set for reinspection;
- (4) Specify a time limit for the performance of any act it requires;
- (5) Notify the responsible local agent, or the occupant as the case may require, of his right to appeal from the notice or order to the rental housing board of appeals;
- (6) Be served upon the owner or the occupant as the case may require, and on the responsible local

agent and that such notice shall be deemed to be properly served if a copy thereof is:

- a. Served personally;
- b. Sent by certified mail to the last known address; or
- c. Posted on the land or attached to the property with a copy sent by first class mail to the last known address. Notice given the responsible local agent is deemed as notice given to the owner.

(b) *Final notice of violation.* Upon observing the continued existence of a violation of this article as stated in the notice to repair, the building official or enforcing officer shall send a final notice of violation and order to vacate to the responsible local agent. Such notice shall be sent by certified mail to the last known address of the responsible local agent and shall:

- (1) Specify the date of the inspection;
- (2) Specify the address where the violation was found;
- (3) Include the name, telephone number and signature of the inspector;
- (4) Include a description of each violation observed by the inspector;
- (5) State that each violation is a separate punishable offense;
- (6) Order the premises to be vacated within a time to be set by the inspector, the length of which shall be determined by the extent of the danger to the occupants but in no case shall it exceed 30 days, or alternatively:
 - a. Order correction of all violations within a time period not to exceed 15 days;
 - b. State that a reinspection will be made to determine whether all violations have been corrected by the specified date. A reinspection fee in an amount established by the village council will be required paid prior to a reinspection;
 - c. State that failure to comply with the notice will result in prosecution; or
 - d. Employ any other additional or optional corrective or enforcement measure as provided for under the village ordinances or by law.

(c) *Posting final notice of violation.* Upon issuing a final notice of violation for a residential rental structure or residential rental unit, or its accessory building, the village shall affix a copy of the notice on the residential rental structure or unit and deliver a copy of the notice to the occupants, if any.

(d) *Nuisance per se.* Notwithstanding any provision in this article to the contrary, any residential rental structure or unit that is found to be in such condition as to preclude habitation or threaten the health,

safety or welfare of the occupants or community shall be considered a nuisance per se, and, as such, subject to abatement in a manner prescribed by the village Charter, state statute and/or law.
(Ord. No. 99-1, § 6-165, 5-3-1999; Ord. No. 99-1A, § 15, 12-6-1999)

Sec. 6-166. Inspection guidelines.

The village rental housing official shall prepare a list of inspection guidelines to be used in inspections relating to the enforcement of this article. The inspection guidelines are incorporated in this article by reference and shall be effective on December 6, 1999. The adoption of such inspection guidelines shall not be construed to relieve the owner from compliance with any other requirements of codes adopted by the village including, but not limited to, housing, electrical, building, plumbing, mechanical, fire codes and zoning requirements.
(Ord. No. 99-1, § 6-166, 5-3-1999; Ord. No. 99-1A, § 16, 12-6-1999)

Sec. 6-167. Harassment.

(a) Any tenant or other person who shall maliciously or vexatiously cause an inspection to be made for the purpose of harassing any individual, corporation or governmental agency when no violation is present or is de minimis shall be guilty of a misdemeanor punishable upon conviction by up to 90 days in jail and/or a \$250.00 fine.

(b) Village rental housing officials are duly authorized to inspect properties in conjunction with this chapter. Inspectors shall not be harassed, stalked, threatened, hindered, assaulted or otherwise interfered with in the performance of their duties. Notwithstanding any other provision in this article, a violation of this section shall be a municipal civil infraction and subject the violator to the penalty provisions indicated in section 6-179.
(Ord. No. 99-1, § 6-167, 5-3-1999; Ord. No. 99-1A, § 17, 12-6-1999)

Sec. 6-168. Appeal process.

If the owner disagrees with the opinion of the building official as to either the existence of an alleged violation or the period of time that will be reasonably required for the owner to correct the alleged violations as set forth in the notice of violation and order to repair, the owner may appeal to the rental housing board of appeals, who is hereby designated to hear such appeals. An occupant of a dwelling shall have standing to appeal any notice or order to vacate the dwelling. The rental housing board of appeals shall consist of three persons appointed by the village president and confirmed by the village council. The members of the rental housing board of appeals shall consist of persons who are qualified by experience to pass on matters pertaining to this article, which will be one member of the council, one member of the planning commission and one member shall be an elector of the village. The initial rental housing board of appeals shall adopt rules of procedure to conduct meetings which shall be made available to all persons upon request.

- (1) Any owner or occupant requesting such appeal shall file a written request therefor to the village inspection department within ten days after the date of receipt of the notice of violation or within the time for taking any action indicated on a notice or order, whichever time is shorter, and on a form designated by the building inspection department.
- (2) As soon as practicable, the rental housing board of appeals shall fix a time, date and place for a hearing and shall hear testimony and argument from the owner and the building official or

enforcing officer and shall, by a majority vote determine the question at hand. The decision of the rental housing board of appeals shall be binding upon the owner and the village.
(Ord. No. 99-1, § 6-168, 5-3-1999; Ord. No. 99-1A, § 18, 12-6-1999)

Sec. 6-169. Revocation of certificate of compliance.

If the owner does not correct a violation of any provision of this article, the building official shall revoke any existing certificate of compliance and may bring an action to seek the enforcement of this article by abatement, mandatory injunction to cause correction of a violation or enjoinder of the violation to prevent an act or violation, or the vacation of the premises by all occupants and its discontinuance as a residential rental structure, or such other action as provided for under this article. Any structure not in compliance with this article is deemed a nuisance per se.
(Ord. No. 99-1, § 6-169, 5-3-1999)

Sec. 6-170. Vacating and securing buildings.

The village building official may declare a residential rental structure or residential rental unit to be unfit for human occupancy or entry when:

- (1) A condition exists that constitutes an immediate threat to life or an immediate threat of serious injury to the person or any occupant.
- (2) An emergency or hazardous condition has not been corrected as ordered.
- (3) A vacant dwelling or vacant unit has not been secured as ordered in a notice to repair.
- (4) As otherwise provided for in this article.
- (5) Any other hazardous or dangerous condition exists as defined in any other code or ordinance adopted by the village.

(Ord. No. 99-1, § 6-170, 5-3-1999)

Sec. 6-171. Occupancy prohibited.

No person shall occupy or permit or allow another person to occupy any residential rental structure which has been declared to be unfit for human occupancy or entry.
(Ord. No. 99-1, § 6-171, 5-3-1999)

Sec. 6-172. Notice to vacate.

Upon declaring a residential rental structure to be unfit for human occupancy and entry, the village shall issue a notice to vacate to the occupants by certified mail and by posting the notice to vacate at an entry of each dwelling unit. The notice shall order the occupants to vacate the affected residential rental structure no later than 72 hours after such notice.
(Ord. No. 99-1, § 6-172, 5-3-1999; Ord. No. 99-1A, § 22, 12-6-1999)

Sec. 6-173. Notice to secure.

Upon declaring a residential rental structure as unfit for human occupancy and entry, the village shall issue a notice to secure to the owner. The notice to secure shall order the owner to secure the residential rental structure. The notice shall order the securing of a vacant building or unit within 48 hours and the securing of an occupied dwelling or unit within 48 hours of becoming vacant.
(Ord. No. 99-1, § 6-173, 5-3-1999; Ord. No. 99-1A, § 23, 12-6-1999)

Sec. 6-174. Posting of building unfit for human occupancy.

Upon issuing a notice to vacate or a notice to secure, the village shall place a sign upon or near the entryways to any dwelling or unit cited in the notice. The sign shall state the address or unit number of the structure 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 village.
(Ord. No. 99-1, § 6-174, 5-3-1999)

Sec. 6-175. Securing by the village.

If the owner has failed to comply with a notice to secure, the village may secure the structure or unit. The cost of such action shall be a personal debt of the owner to the village and may be assessed as a lien against the property as in a single lot special assessment and may be collected as in a special assessment as set forth in section 6-163(b).
(Ord. No. 99-1, § 6-175, 5-3-1999)

Sec. 6-176. Defacing of certificate of compliance.

No person shall damage, destroy or cause to be damaged or destroyed the certificate that is required by this article to be prominently displayed on the rental premises.
(Ord. No. 99-1, § 6-176, 5-3-1999)

Sec. 6-177. Reliance on certificate of compliance.

(a) Issuance of a certificate of compliance shall not constitute a guarantee or warranty of the habitability or complete compliance of the building or structure to code requirements and the occupant of any residential rental structure or residential rental unit shall not rely on any certificate as such a guaranty or warranty. The certificate of compliance shall contain a notice to this effect.

(b) The village shall not assume any liability to any person by reason of the inspections required by this article or issuance of a certificate of compliance.
(Ord. No. 99-1, § 6-177, 5-3-1999)

Sec. 6-178. Authority of building official.

(a) This article shall not impair or diminish the authority of the building official or duly authorized representative to employ any alternative action or corrective measure provided for under any housing or building codes as adopted or recognized by the village, where applicable.

(b) This article shall not be construed so as to limit the application and enforcement of the village zoning ordinance, or housing and building codes adopted or recognized by the village which touches upon the maintenance of residential dwellings, or the health, safety, and welfare of occupants residing in residential dwellings, where applicable.
(Ord. No. 99-1, § 6-178, 5-3-1999)

Sec. 6-179. Penalty.

A violation of this article shall be punishable as provided in section 1-12.
(Ord. No. 99-1, § 6-181, 5-3-1999)