

TITLE 13

BUILDINGS AND CONSTRUCTION

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BUILDINGS AND CONSTRUCTION

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Chapter 13.01

MINIMUM DWELLING STANDARDS

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13.01.005 Town Council Review. That all persons including firms and corporations covered by Ordinance No. 1-94, shall present a written plan, photograph and schematic for construction and/or placement of all dwellings within the Town of Holland to the Town Council of the Town of Holland at their regular meeting prior to placement and/or construction of the dwelling(s) and prior to connection to utilities provided by the Town of Holland for the purpose of allowing the Town Council of the Town of Holland, Indiana the opportunity to make sure the said plan complies with this ordinance. An agent or an individual designated by the Town of Holland shall be authorized to inspect the site to determine whether the proposed project complies with this ordinance prior to placement and/or construction of said dwelling(s). (Ord. 1-94, Aug. 8, 2001)

13.01.010 Dwellings affected. That all persons including firms and corporations owning, controlling, or letting property for occupancy for dwelling purposes in the Town of Holland shall be subject to the requirements of this Ordinance and shall conform to its provisions and the subject to the penalties imposed by it. (Ord. 1-94, S13.01.010, 1994) (Ord. 4-93, S13.01.010, May 5, 1993)

13.01.015 Definitions. Unless the context otherwise requires, words used in this chapter shall have the following meanings:

- (1) "Apartment" shall mean the same as dwelling unit as defined under (6) below.

- (2) "Basement" shall mean a portion of the building located partially underground but having less than Fifty Percent (50%) of its clear floor to ceiling height below the average grade of the adjoining ground.
- (3) "Cellar" shall mean a portion of the building located partially or wholly underground, and having Fifty Percent (50%) or more of its clear floor to ceiling height below the average grade of the adjoining ground.
- (4) "Deterioration" shall mean the condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting, or other evidence of physical decay or neglect, lack of maintenance or excessive use.
- (5) "Dwelling" shall mean any building or structure which contains a dwelling unit as defined in definition (6) below; and dwelling shall also include mobile homes as defined in (12) below and rooming houses as defined in (21) below; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (6) "Dwelling Unit" shall mean any room or group of rooms located within a building and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking and eating.
- (7) "Enforcement Authority" shall mean the Holland Town Council.
- (8) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food and similar animal and vegetable refuse.
- (9) "Habitable Room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.
- (10) "Lessee" shall mean any person who by written contract or lease or by any week to week or month to month tenancy agreement shall have the right to occupy a dwelling or dwelling unit.
- (11) "Lot" shall mean a piece, parcel, or plot of land occupied or be occupied by one dwelling and its accessory buildings, and shall include the open spaces required by this Chapter.
- (12) "Mobile Home" shall mean any vehicle or structure constructed in such manner as to permit occupancy thereof for use as a dwelling unit, for the conduct of any business, trade or occupation, use as a

selling or advertising device, or for the storage or of personal or commercial goods; and is so designed that it is or may be propelled by motor power other than its own.

- (13) "Multiple Dwelling" shall mean any dwelling containing more than one dwelling unit.
- (14) "Occupant" shall mean any person, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (15) "Nuisance" shall mean a public nuisance as known at common law or in equity. Anything that is dangerous to human life or health in, under, over, around, or about a dwelling unit, or that renders the air or human food or drink therein unwholesome; and any dwelling or unit, or part thereof, that is not sufficiently supported, ventilated, drained, cleaned or lighted, are also nuisances.
- (16) "Operator" shall mean any person having charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (17) "Owner" shall mean any person who, alone or jointly or severally with others:
 - A. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or,
 - B. Shall have charge, care, or control of any dwelling or dwelling unit, as owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with provisions of this Ordinance imposed upon the owner.
- (18) "Person" shall mean and include any individual, firm, corporation, association or partnership.
- (19) "Plumbing" shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drain vents, and any other similar supplied, fixtures together with all connections to water, sewer, or gas lines.
- (20) "Rooming Unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

- (21) "Rooming House" shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is, let by the occupant to one or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the occupant.
- (22) "Rubbish" shall mean combustible or non-combustible waste materials except garbage; the term shall include, but not be limited to, residue from the burning of wood, coal, and coke.
- (23) "Rubbish Storage Facilities" and "Garbage Storage Facilities" shall mean outside containers in which rubbish and garbage are temporarily stored for collection.
- (24) "Supplied" shall mean paid for, furnished, or provided by control of the owner or operator.
- (25) "Temporary Housing" shall mean any trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or any utility system on the same premises for more than Thirty (30) days.
- (26) "Unfit Dwelling" shall mean any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located in which there exists any condition that endangers life, limb, health, property, safety, or welfare of the public or the occupants thereof.
- (27) "Vacant Structure" shall mean any structure that has been uninhabited or unoccupied for a period of greater than Ninety (90) days. (Ord. 1-94, S13.01.015, 1994) (Ord. 4-93, S13.01.020, May 5, 1993)

13.01.020 Minimum Lot Area, Minimum Lot Width, Yard Requirements and Driveways. A dwelling within the municipal boundaries of the Town of Holland shall be constructed or situated upon lot containing at least 6,000 square feet, and said lot shall be at least 60 feet wide along its street frontage. A dwelling shall be constructed or situated upon a lot so that it has a front yard depth of at least 25 feet, a rear yard depth of at least 25 feet, and side yards having a minimum width of 8 feet and an aggregate side yards width of at least 20 feet.

All driveways with access to a public roadway shall be constructed in such a manner that it will not direct the flow of surface water drainage upon a public roadway, and will not impede the flow of surface water drainage along gutters and/or ditches that run parallel to such roadways and provide drainage from said roadways. All driveways so installed must be inspected and approved by the Holland Town Council or its representatives. (Ord. 1-94, S13.01.020, 1994)

13.01.025 Minimum Living Area. A dwelling within the municipal boundaries of the Town of Holland shall have a minimum living area, exclusive of open porches, attached garages and accessory structures, of 720 square feet. (Ord. 1-94, S13.01.025, 1994)

13.01.030 Sanitary Fixtures, Water Supply, Sewage Disposal and Premises Sanitation. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (1) There shall be a safe and potable supply of running water into each dwelling unit.
- (2) Each dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with an inside flush water closet and lavatory basin. Each dwelling unit shall also contain a kitchen sink. Each dwelling unit shall contain a bathtub or shower installed in a room affording privacy. Every flush water closet shall be connected to cold water lines and an approved sewer or approved individual sewage disposal system. Every kitchen sink, every lavatory basin, every bathtub, and every shower shall be connected to hot and cold water lines and to an approved sewer or approved individual sewage disposal system. All plumbing fixtures and fittings shall be in good working conditions. Water shall be piped to all plumbing fixtures for the proper operation of the fixtures.
- (3) Every dwelling unit shall be furnished with water heating facilities capable of heating water to such temperature as to permit water to be drawn in each fixture at a temperature of not less than One, Hundred Twenty Degrees Fahrenheit (120°). Water heating facilities, shall be properly connected to hot and cold water lines. If gas is used as a fuel, it shall be vented to the outside atmosphere.
- (4) Every dwelling unit shall have at least one flush water closet, one lavatory basin, and one bathtub or shower.
- (5) Every dwelling unit shall be supplied with adequate rubbish and garbage storage facilities and rubbish and garbage disposal systems, the type and location of which shall be in accordance with regulations prescribed by the Enforcement Authority. In the case of dwellings consisting of four (4) or more dwelling units, rubbish storage and garbage storage facilities shall be supplied by the owner, unless the rental agreement provides otherwise. In the case of dwellings consisting of fewer than four (4) units, the rubbish storage and garbage storage facilities shall be supplied by the occupants, unless the rental agreement provides otherwise.

- (6) There shall be for each dwelling unit a safe unobstructed means of egress leading to a safe open space at ground level without going through another dwelling unit.
- (7) Every dwelling and dwelling unit shall be permanently connected to the Town of Holland's public sanitary sewer system and public water system within 10 days of occupancy. When service from a public or semi-public sewage and water system is not available or feasible, an individual system of water supply and sewage disposal may be considered adequate, provided it is installed in accordance with the requirements of the Holland Town Council. When an approved sewer is not available and where conditions are such as to prevent safe and sanitary subsurface disposal of waterborne sewage, then at the discretion of the Holland Town Council, certain variances in the requirements of this Section may be permitted.
- (8) All courts, yards or other areas on the premises of every dwelling shall be properly graded and drained to the satisfaction of the Holland Town Council. (Ord. 1-94, S13.01.030, 1994) (Ord. 4-93, S13.01.030, May 5, 1993)

13.01.040 Heating, Lighting and Ventilation. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (1) Every habitable room in a dwelling or dwelling unit shall contain a window or windows or a door opening directly to the outside air and the total area of such a window or windows or door shall not be less than Five Percent (5%) of the floor area of such room, and shall be capable of being opened for ventilation.
- (2) Every bathroom and every water closet compartment shall have a window or skylight opening directly to the outside air having a total window area of no less than Five Percent (5%) of the floor area and providing an openable area for outside ventilation; except where there is supplied some other device affording equivalent mechanical ventilation vented to the outside atmosphere, which is acceptable to the Enforcement Authority.
- (3) All window sashes shall be glazed and provided with suitable hardware for opening to afford ventilation. This requirement may be waived in dwelling units which are so designed and equipped as to be dependent upon mechanical ventilation, heating and cooling, except this requirement may not be waived for bedrooms.
- (4) Every dwelling and every dwelling unit shall be weather-proofed and capable of being adequately and safely heated, and the heating equipment in every dwelling or dwelling unit shall be properly

vented and shall be maintained in good order and repair by the occupant unless the rental agreement provides otherwise. Such heating equipment shall be capable of maintaining the unit at Sixty Eight Degrees Fahrenheit (68°), when the outside temperature is Zero Degrees Fahrenheit (0°).

- (5) Every habitable room and non-habitable room in a dwelling or dwelling unit shall be furnished with electric power and shall be wired in accordance with the 1990 Edition of the National Electric Code, (NFPA - #70, 1990) with Indiana Amendments as it now exists or may hereafter be amended. Minimum requirements per room shall be one (1) light and two (2) receptacles.
- (6) Every public hallway and stairway shall be provided with a safe and adequate type of artificial light controlled by convenient switches. Where the public hallways, and stairways of a dwelling or dwelling unit are not provided with windows opening directly to the outside air, the owner shall keep a proper light burning in the public hallways and stairways of every dwelling unit and dwelling unit near the stairs, upon all floors, every night from sunset to sunrise throughout the year.
- (7) Every dwelling unit shall be provided with suitable screens for protection against insects at every window used for ventilation and door thereof. This requirement may be waived in dwelling units which are designed and equipped to be dependent upon mechanical ventilation heating and cooling.
- (8) The basement of every dwelling shall be dry and ventilated and shall be kept free from rubbish and garbage accumulation and rodent and insect infestations, all openable windows shall be screened.
- (9) No room in any basement shall be occupied as a habitable room unless:
 - A. The basement's inner height is at least Six (6) feet, and;
 - B. The floors and walls are water proof and damp proof in accordance with the accepted building methods and standards; and,
 - C. Every basement habitable room must, in all cases, comply with all of the minimum standards set out in this ordinance.
- (10) No cellar space shall be used as a habitable room or dwelling and shall be kept free of accumulated garbage and rubbish and rodent and insect infestation. (Ord. 1-94, S13.01.040, 1994) (Ord. 4-93, S13.01.040, May 5, 1993)

13.01.050 Building Maintenance. No person shall occupy as owner, occupant or let to another person for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, water-tight and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair.
- (2) Every window, exterior door, and basement hatchway shall be reasonably weather-tight, water-tight, and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair.
- (3) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that the normal use may cause to be replaced thereon; and shall be kept in good condition and good repair.
- (4) Every plumbing fixture and waste water pipe within a single family dwelling unit and used principally by occupants of the dwelling unit shall be maintained in good sanitary working condition free from defects, leaks and obstructions, by the occupant of the dwelling unit. Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (5) The floor and walls of every water closet compartment shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor and walls to be easily kept in a clean and sanitary condition.
- (6) Every mobile home that meets the requirements of a dwelling pursuant to this Chapter shall be supported under the I-beams with a foundation that is permanently affixed to the ground, and shall be skirted on all sides with a permanently attached, substantial material, such as painted metal, fiberglass, concrete, or masonry, that will not detract from the appearance of the dwelling. The installation of such foundation and skirting shall be completed within 90 days of the date the mobile home is placed upon its lot.
- (7) All dwellings, fences, and outbuildings, in a dilapidated or unsafe condition shall be removed or repaired. All yard structures, privies, fences and rubbish, as well as abandoned automobiles incapable of operation, inoperable appliances of any sort, materials or supplies which obstruct light and air, harbor rats and vermin and create an undesirable environment shall be removed.
- (8) All occupants shall keep every dwelling and yard clean and free from accumulation of filth, rubbish, or similar matter and shall keep

same free from vermin and rodent infestation. This shall apply to that portion of the property which the occupant occupies or over which the occupant has exclusive control. (Ord. 1-94, S13.01.050, 1994) (Ord. 4-93, S13.01.050, May 5, 1993)

13.01.060 Occupancy. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall contain at least One Hundred Fifty (150) square feet of floor space for the first occupant thereof and at least One Hundred (100) additional square feet of floor space for each additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- (2) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by an occupant shall contain at least Seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least Fifty (50) square feet for each occupant thereof.
- (3) At least one-half of the floor area of every dwelling unit shall have ceiling height of at least Six (6) feet.
- (4) No residence building or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. (Ord. 1-94, S13.01.060, 1994) (Ord. 4-93, S13.01.060, May 5, 1993)

13.01.070 Cleanliness of Premises.

- (1) Every owner of a dwelling containing Two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the exterior of said dwelling units and the shared or public area of the dwelling premises thereof.
- (2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, facilities, yard and otherwise, all of the premises which he and his family occupies, uses and controls. (Ord. 1-94, S13.01.070, 1994) (Ord. 4-93, S13.01.070, May 5, 1993)

13.01.080 Minimum Standards for Rooming Houses.

- (1) Every rooming house and every room unit shall be in compliance with the following: Minimum standards for lighting, sanitary fixtures, water supply, sewage disposal and premises sanitation, heating and ventilation, occupancy and minimum standards for safe and sanitary maintenance as provided for above.
- (2) Every rooming house shall be equipped with at least one flush water closet, one lavatory basin, and one bathtub or shower for each Six (6) persons or fraction thereof within the rooming house including the members of the facility of the owner or operator if they share the use of the facilities.
- (3) Every water closet, lavatory basin, bathtub, or shower shall be located within the rooming house in a room or rooms which:
 - A. Afford privacy and are separate from the habitable rooms;
 - B. Are accessible from a public hall and without going outside the rooming house; and,
 - C. Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.
- (4) Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.
- (5) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings in the rooming units and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- (6) Every provision of this chapter which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provisions may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency. (Ord. 1-94, S13.01.080, 1994) (Ord. 4-93, S13.01.080, May 5, 1993)

13.01.090 Minimum Standards for Vacant Structures. The Holland Town Council recognizes that vacant structures are a hazard to the community and are public nuisances. The Town Council shall direct the Enforcement Authority to enforce the following guidelines when a structure has been classified as a vacant structure:

- (1) Vacant structures must be maintained in a manner compatible to surrounding structures such as but not limited to the following:
 - A. The exterior of every structure shall be maintained in good repair. The same shall be maintained free of broken glass (boarding will not be permitted), loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate property maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences.
 - B. The outside building walls shall not have any holes or loose boards.
 - C. All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes danger to health or safety, it shall be repaired, replaced or removed.
- (2) Structures must be secured to prevent entry by animals, rodents, or persons. (Ord. 1-94, S13.01.090, 1994) (Ord. 4-93, S13.01.090, May 5, 1993)

13.01.100 Other Actions. Nothing in this ordinance shall prevent the Town from taking action under any of its Town fire, housing, zoning or other health or safety codes, for violations thereof, to seek injunctive relief or criminal prosecution of such violations in accordance with the terms and conditions of the particular ordinance or code under which the Town would proceed against the property owner, designated operator or occupant of any dwelling unit covered by this ordinance. (Ord. 1-94, S13.01.100, 1994) (Ord. 4-93, S13.01.100, May 5, 1993)

13.01.110 Exemptions. This ordinance shall not apply to:

- (1) Hospital units.
- (2) Nursing units or retirement home units located within the Town.
- (3) Dwellings, buildings, structures and uses licensed and inspected by the State. (Ord. 1-94, S13.01.110, 1994) (Ord. 4-93, S13.01.110, May 5, 1993)

13.01.120 Inspections. The Holland Town Council shall designate as its agent an individual or individuals, who shall be authorized and directed to make inspections of dwellings, dwelling units, rooming units and the premises upon which they are located within the corporate limits of the Town of Holland for the purpose of assuring that the provisions of the foregoing minimum requirements are complied with. For the purpose of making such inspections, the authorized

agent is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and the premises upon which they are located. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the operator thereof, shall give the authorized agent free access to such dwelling, dwelling unit, or rooming unit and the premises upon which they are located at all reasonable times for the purpose of such inspection examination and survey. (Ord. 1-94, S13.01.120, 1994) (Ord. 4-93, S13.01.120, May 5, 1993)

13.01.130 Violations and Penalties. Any person, firm, corporation or other entity that violates a provision of this chapter shall be required to pay a penalty of Fifty Dollars (\$50.00) for each violation. A separate violation shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1-94, S13.01.130, 1994) (Ord. 4-93, S13.01.130, May 5, 1993)

Chapter 13.02

BUILDING STANDARDS

Sections:

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| 13.02.010 | Indiana Code 36-7-9 |
| 13.02.020 | Definitions |
| 13.02.030 | Building Inspector |
| 13.02.040 | Penalties for Violation |

13.02.010 Indiana Code 36-7-9. The terms, provisions, standards and procedures set forth in Chapter 36-7-9 of the Indiana Code are hereby adopted in their entireties, as the terms, provisions, standards and procedures of the Town of Holland, Indiana, to be used for the enforcement of appropriate and safe building standards within the jurisdictional limits of said Town of Holland. (Ord. 3-84, S1, 1984)

13.02.020 Definitions. That all terms, definitions and procedures as defined in I.C. 36-7-9 as they now exist or may hereafter be amended or expanded are adopted by the Town of Holland, and incorporated herein by reference. (Ord. 3-84, S2, 1984)

13.02.030 Building Inspector. That the Building Inspector of the Town of Holland, Indiana, is hereby designated as the Executive Department and Enforcement Authority responsible for the administration and enforcement of the terms, provisions, standards and procedures adopted by this Chapter. (Ord. 3-84, S3, 1984)

13.02.040 Penalties for Violation. Any person who

- (1) remains in, uses, or enters a building in violation of an order made under and pursuant to this Chapter and the Chapter of the Indiana Code incorporated by reference herein;
- (2) knowingly interferes with or delays the carrying out of an order made under this Chapter or the Chapter of the Indiana Code adopted by reference herein;
- (3) knowingly obstructs, damages persons engaged or property used in performing any work or duty under this Chapter or the Chapter of the Indiana Code adopted by reference herein; or,
- (4) fails to comply with I.C. 36-7-9-27 as adopted by reference herein shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each violation hereof. Each day that the violation continues shall constitute a separate offense. (Ord. 3-84, S4, 1984)

Chapter 13.08

TAX ABATEMENT

Sections:

- 13.08.010** **Establishment of Program of Tax Abatement**
- 13.08.020** **Designation of Economic Revitalization Areas**
- 13.08.030** **Application for designation of an Economic Revitalization Area**
- 13.08.040** **Time limitation for filing applications**

13.08.010 Establishment of Program of Tax Abatement. There shall be available within the town limits of the Town of Holland a program of personal and real property tax abatement in accordance with I.C. 6-1. 1-12. 1-1 et. seq., as amended from time to time, for the redevelopment and/or rehabilitation of commercial and/or industrial property, and for the acquisition and installation of new manufacturing equipment in an area within the town limits of said Town which may be hereafter designated by the Town Board of said Town as an "economic revitalization area." The terms "economic revitalization area," "new manufacturing equipment," "property," "redevelopment," and "rehabilitation," as used herein, shall have the same meaning as said terms are defined by I.C. 6-1. 1-12. 1-1. (Ord. 3-85, S1, 1985)

13.08.020 Designation of Economic Revitalization Areas. The Town Board of the Town of Holland may, on its own initiative, or upon application by a property owner, adopt a declaratory resolution designating a particular area within the town limits of the Town of Holland as an economic revitalization area. The resolution shall contain a description of the affected area. The resolution may establish general standards having a reasonable relationship to the development objectives of the affected area, including the requirements set forth in the definition of an "economic revitalization area." Two sets of standards may be established, one relative to the deduction allowed for improvements to real property, and the other relative to the deduction allowed for manufacturing equipment. The resolution may also impose appropriate limitations or restrictions as provided in I.C. 6-1. 1-12. 1-2 (g).

Upon adoption of a declaratory resolution designating an area an economic revitalization area, a public hearing will be conducted to hear any remonstrances and objections from interested persons, and the Town Clerk-Treasurer shall publish notice of the adoption and substance of the declaratory resolution and the time and date for the public hearing in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's Office.

At the public hearing, the Town Board will receive and hear any remonstrances and objections from interested persons regarding the declaratory resolution designating an area to be an economic revitalization area. Thereafter, the Town

Board will determine whether the qualifications for an economic revitalization area have been met and may confirm, modify and confirm, or rescind their previous declaratory resolution. (Ord. 3-85, S2, 1985)

13.08.030 Application for Designation of an Economic Revitalization Area.

The owner or owners of property which is located within the town limits of the Town of Holland may apply to the Town Board for tax abatement consideration by filing an application with the Town Clerk-Treasurer.

The application shall set forth the following information:

- (1) The name and address of the applicant;
- (2) A description of the redevelopment, rehabilitation and/or new manufacturing equipment that the applicant proposes to implement in his project of economic revitalization;
- (3) The name and address of the owner or owners of real property for which tax abatement is being sought or the real property where new manufacturing equipment will be installed, and any other persons leasing, intending to lease, or having any option to buy such property;
- (4) The legal description and commonly known address of the real property for which real property tax abatement is being applied for, and/or the legal description and commonly known address of the facility in which the new manufacturing equipment will be installed for which the personal property tax abatement is being petitioned;
- (5) A map or plat designating the area in question for consideration;
- (6) The assessed value of the real property and its improvements before rehabilitation or redevelopment, and/or the assessed value of the tangible personal property in use at the facility before the acquisition of new manufacturing equipment;
- (7) The applicant's good faith estimate of the market value of the real property improvements after the rehabilitation or redevelopment, and/or the applicant's good faith estimate of the market value of the proposed new manufacturing equipment;
- (8) A statement describing how the public health and welfare will be benefited by this particular rehabilitation, redevelopment, or acquisition of new manufacturing equipment, including a statement describing the proposed use;
- (9) A statement indicating the level of employment that will be maintained or the number of new permanent jobs will be created by the project;

- (10) A statement indicating whether a building permit has been issued for construction on the property in connection with the improvements in question, and/or a statement indicating whether the new manufacturing equipment in question has been purchased or installed;
- (11) A statement indicating that the area sought to be found an economic revitalization area has become undesirable for or impossible of normal development and has experienced a cessation of growth, deterioration of improvements or character because of lack of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevents normal development of the property or property use; and,
- (12) For tangible personal property tax abatement applicants, a statement indicating that any existing manufacturing equipment is technologically, economically, or energy obsolete and that such obsolescence may lead to a decline in employment and tax revenues, and that the proposed new manufacturing equipment is to be used in the direction production, manufacture, fabrication, assembly, processing, refining or finishing of other tangible personal property.
- (13) For real property tax abatement applicants, a statement indicating that any existing facility or group of facilities are technologically, economically, or energy obsolete and that such obsolescence may lead to a decline in employment and tax revenues, and that the rehabilitation or redevelopment of said facility or group of facilities will curb or eliminate any further decline in employment and tax revenues.

Upon receipt of the application by the Clerk-Treasurer and an application fee in the sum of Seventy-Five Dollars (\$75.00) to defray the processing and administrative costs, the Town Clerk-Treasurer shall refer the application to the Town Board for the purpose of investigation and consideration in accordance with the foregoing provisions of this Chapter. (Ord. 3-85, S3, 1985)

13.08.040 Time limitation for filing applications. This Chapter and the terms and procedures contained herein shall only apply to and be limited to economic revitalization projects for which an application for the designation of an Economic Revitalization Area, pursuant to Section 13.08.030, has been filed with the Clerk-Treasurer of the Town of Holland on or before December 31, 1987. (Ord. 3-85, S4, 1985)

Chapter 13.10

FAIR HOUSING CODE

Sections:

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13.10.005 Purpose. In accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin. (Ord. 3-94, Whereas, May 4, 1994)

13.10.010 Policy Statement. It shall be the policy of the Town of Holland to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq. (Ord. 3-94, S1, May 4, 1994)

13.10.020 Definitions. The definitions set forth in this Section shall apply throughout this ordinance:

- (1) "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8). (Ord. 3-94, S2(a), May 4, 1994)
- (2) "Family" includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (8) of this Section. (Ord. 3-94, S2(b), May 4, 1994)

- (3) "Person" (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. (Ord. 3-94, S2(c), May 4, 1994)
- (4) "To rent" (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant. (Ord. 3-94, S2(d), May 4, 1994)
- (5) "Discriminatory Housing Practice" means an act that is unlawful under Sections 13.10.040, 13.10.050, 13.10.060, 13.10.070 or 13.10.080 of this Ordinance or I.C. 22-9.5-5. (Ord. 3-94, S2(e), May 4, 1994)
- (6) "Handicap" means, with respect to a person:
 - A. A physical or mental impairment which substantially limits one or more of such person's major life activities,
 - B. A record of having such an impairment, or
 - C. Being regarded as having such an impairment,
 - D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
 - E. Any other impairment defined under I.C. 22-9.5-2-10.

The term "handicap" shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 nor does the term "handicap" include an individual solely because that individual is transvestite [I.C. 22-9.5-2-10(c)]. (Ord. 3-94, S2(f), May 4, 1994)

- (7) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):
 - A. Claims to have been injured by a discriminatory housing practice; or
 - B. Believes that such person will be injured by a discriminatory housing practice that is about to occur. (Ord. 3-94, S2(g), May 4, 1994)
- (8) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- A. A parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. (Ord. 3-94, S2(h), May 4, 1994)

- (9) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq. (Ord. 3-94, S2(i), May 4, 1994)
- (10) "Complaint" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 3-94, S2(j), May 4, 1994)

13.10.030 Unlawful practice. Subject to the provisions of subsection (2) of this Section, Section 13.10.090 of this Code and I.C. 22-9.5-3 the prohibitions against discrimination in the sale or rental of housing set forth I.C. 22-9.5-5-1 and in Section 13.10.040 of this Code shall apply to:

- (1) All dwellings except as exempted by subsection 13.10.030(2) and I.C. 22-9.5-3. (Ord. 3-94, S3(a), May 4, 1994)
- (2) Other than the provisions of subsection 13.10.030(3) of this Section, nothing in section 13.10.040 shall apply to:
 - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 - 1. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or

renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and

2. without the publication, posting or mailing, after notice of advertisement or written notice in violation of section 13.10.040(3) of this Code, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - B. rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. (Ord. 3-94, S3(b), May 4, 1994)
- (3) For the purposes of subsection 13.10.030(2), a person shall be deemed to be in the business of selling or renting dwellings if:
 - A. he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - B. he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - C. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 3-94, S3(c), May 4, 1994)

13.10.040 Discrimination in the sale or rental of housing. As made applicable by Section 13.10.030 and except as exempted by Sections 13.10.030(2) and 13.10.090, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin. (Ord. 3-94, S4(a), May 4, 1994)
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin. (Ord. 3-94, S4(b), May 4, 1994)

- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination. (Ord. 3-94, S4(c), May 4, 1994)
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available. (Ord. 3-94, S4(d), May 4, 1994)
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin. (Ord. 3-94, S4(e), May 4, 1994)
- (6) A. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of--
 - 1. that buyer or renter;
 - 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. any person associated with that person.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - 1. that person; or
 - 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. any person associated with that person.
- C. For purposes of this subsection, discrimination includes:
 - 1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises

occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--
 - (a) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) all premises within such dwellings contain the following features of adaptive design:
 - i an accessible route into and through the dwelling;
 - ii lights, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

D. Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National

Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph C.3.(c).

- E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 3-94, S4(f), May 4, 1994)

13.10.050 Discrimination in residential real estate-related transactions.

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin. (Ord. 3-94, S5(a), May 4, 1994)
- (2) As used in this section, the term "residential real estate-related transaction" means any of the following:
 - A. The making or purchasing of loans or providing other financial assistance:
 - 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - 2. secured by residential real estate.
 - B. The selling, brokering, or appraising of residential real property. (Ord. 3-94, S5(b), May 4, 1994)
- (3) Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 3-94, S5(c), May 4, 1994)

13.10.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 3-94, S6, May 4, 1994)

13.10.070 Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or

enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 13.10.030, 13.10.040, 13.10.050, or 13.10.060 of this chapter. (Ord. 3-94, S7, May 4, 1994)

13.10.080 Prevention of intimidation in Fair Housing cases. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, or attempts to injure, intimidate or interfere with:

- (1) any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
(Ord. 3-94, S8(a), May 4, 1994)
- (2) any person because he is or has been or in order to intimidate such person or any other person or any class of persons from:
 - A. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any subsection 15(a); or
 - B. affording another person or class of persons opportunity or protection so to participate; or
(Ord. 3-94, S8(b), May 4, 1994)
- (3) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 13.10.080(1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate, shall be subject to the civil and criminal penalties as provided by the Civil Rights Act of 1968, as amended, the Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et seq. (Ord. 3-94, S8(c), May 4, 1994)

13.10.090 Exemptions.

- (1) Exemptions defined or set forth under I.C. 22-9.5-3 et. seq. shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections 13.10.090(2) and 13.10.090(3) of this Section. (Ord. 3-94, S9(a), May 4, 1994)

- (2) Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. 3-94, S9(b), May 4, 1994)

- (3) A. Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.

- B. As used in this section, "housing for older persons" means housing:
 - 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - 2. intended for, and solely occupied by, person 62 years of age or older; or
 - 3. intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 3-94, S9(c), May 4, 1994)

13.10.100 Administrative Enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this Code and referral of complaints hereunder to the Commission as set forth in subsection 13.10.100(2) hereof shall be vested in the Town Council of the Town of Holland, Indiana. (Ord. 3-94, S10(a), May 4, 1994)

- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Holland, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Code, herein elects to refer all formal complaints of violation of the provisions of this Code by Complainants to the Indiana Civil Rights Commission ("Commission")

for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the Town Council of the Town of Holland, under subsection 13.10.100(1) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6. (Ord. 3-94, S10(b), May 4, 1994)

- (3) All executive departments and agencies of the Town of Holland, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Code and shall cooperate with the Holland Town Council and the Commission to further such purposes. (Ord. 3-94, S10(c), May 4, 1994)
- (4) The Town Council of the Town of Holland, Indiana, or its designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 3-94, S10(d), May 4, 1994)

13.10.0120 Separability of Provisions. If any provision of this Code or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Code and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 3-94, S12, May 4, 1994)