

CITY OF DURAND

ORDINANCE NO. 2015-0303-1

An ordinance to repeal **Chapter 14 BUILDINGS AND BUILDING REGULATIONS** and establish in its place, **Chapter 14 RENTAL PROPERTY REGISTRATION AND MAINTENANCE, AN ORDINANCE OF THE DURAND CITY CODE TO REQUIRE THE REGISTRATION OF ALL RENTAL DWELLING UNITS IN THE CITY OF DURAND; TO PROVIDE FOR THE INSPECTION OF RENTAL DWELLING UNITS; TO ADOPT STANDARDS; TO ENFORCE STANDARDS; TO PROVIDE NOTICE OF VIOLATIONS; TO SET FEES; RIGHT TO APPEAL; HEARING; TO REQUIRE REPAIRS; LEIN; EFFECTIVE DATE**

THE CITY OF DURAND ORDAINS:

Title: RENTAL PROPERTY REGISTRATION AND MAINTENANCE

Sec. 14-1. Purpose.

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the city as an important factor for the general health, safety and welfare of all of its citizens. This article is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property values.

This article supplements and augments the existing International Property Maintenance Code in protecting and promoting the health, safety and welfare of the citizens of the City of Durand by requiring the registration of all rental dwelling units in the city. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the International Property Maintenance Code, which sets minimum allowable standards for adequate maintenance of habitable dwellings. This article is not intended nor shall it be used for the purpose of including the city in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

Sec. 14-2. Definitions.

“Dwelling unit” means a building, or portion thereof, designed for occupancy for living purposes and having cooking facilities and sanitary facilities, including single family residences.

“Landlord” means any person who owns or controls a dwelling, Dwelling Unit, or Rental Unit and rents such unit, either personally or through a designated agent, to any person.

“Owner” means the legal title holder of a Rental Unit or the Premises within which the Rental Unit is situated.

“Rental unit” means any Dwelling Unit or a unit containing sleeping quarters, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, sleeping rooms, residential, commercial or industrial property, including structures which are leased or rented by the Owner or other Person in control of such units, to any tenant, whether by day, week, month, year or any other term, except for jails, hospitals, nursing homes, convalescent homes, foster homes or temporary group shelters provided by legal nonprofit agencies which are inspected, certified and/or licensed by the state.

Sec. 14-3. Registration Required.

An Owner or Landlord shall register their Rental Unit at least once every three years, in accordance with the applicable inspection cycle, as follows:

(1) All existing Rental Units shall be registered within ninety (90) days of the effective date of this ordinance.

(2) All newly constructed Rental Units shall be registered prior to any use or occupancy as a rental dwelling unit.

(3) A new Owner or Landlord shall register a Rental Unit, which is sold, transferred or conveyed, within thirty (30) days of the date of the closing of such sale, transfer or conveyance.

(4) All existing non-rental dwelling units, which are converted to Rental Units, shall be registered prior to the date on which the property is first occupied for rental purposes.

Sec. 14-4. Registration Forms.

Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the building inspector designated by the city manager and shall include at least the following information:

(1) The name, address and telephone number of the Owner and/or Landlord (no post office box shall be accepted).

(2) The name, address and telephone number of the Owner's representative, if the rental property owner has opted to appoint a representative. This representative must be located within 40 miles of the premises.

(3) Upon registration, the Owner shall be responsible for notifying the building inspector of any change of address of either the Owner or Owner's representative.

Included with the registration application shall be an agreement, signed by the Owner, permitting inspections of his/her rental properties by officials or agents of the city and affirming that all tenants of the subject properties have been informed of the regulations contained in this article and of inspections of the rental properties, including common areas, by authorized City officials. All leases executed after the effective date of this article shall contain a provision requiring the tenant(s) to consent to such inspection upon notice as provided in this article.

An authorized City official may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this Article.

At the time of registration of the Rental Unit, there will be a prescribed fee for registration and the initial inspection, as adopted by resolution. Any unpaid registration fees shall become a lien on the property immediately and collected as an assessment pursuant to city ordinance.

Sec. 14-5. Inspections.

The Building Official shall cause a periodic inspection to be made of every Rental Unit at least once every three years, with more frequent inspections for Rental Units that are found to have deficiencies, said inspection frequency to be in accordance with the procedural rules adopted by the City council. Such inspection shall include a thorough examination of all parts of such Rental Unit and the premises connected therewith.

The Owner shall be notified of the date and time of a rental inspection via first class mail at least 30 days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law.

Any Rental Unit, even though not previously scheduled for inspection, may be inspected without prior notice to the Owner and/or tenant if an authorized city official has probable cause to believe that there exists on the property any condition which makes it or any portion thereof substandard or unsafe, or there is evidence that a violation of a code may exist.

If access to a structure, premises or area for the purpose of inspection authorized by this section is refused, an authorized city official, upon showing that probable cause

exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this article with respect to such rental dwelling or rental unit, may petition and obtain such order from a court which has jurisdiction.

Except for probable cause inspections, a Rental Unit may only be inspected during reasonable hours upon presentation of proper identification by an authorized city official.

Sec. 14-6. Standards.

The standards used to determine Rental Unit and Dwelling Unit compliance with city codes and ordinances shall be the International Property Maintenance Code, as adopted and amended by the city council.

The building official is hereby empowered to make such rules and regulations as shall be necessary for the enforcement of this article, subject, however, to the approval of the city council. When the rules and regulations made under this article have been adopted and promulgated by the building official and approved by the city council, they shall be deemed to be as complete and binding a part of the article as if such rules were specifically set forth in this article. The violation of any of such regulations so adopted shall be deemed a violation of this article. Copies of such rules and regulations shall be placed on file in the office of the city clerk for inspection by interested parties at any reasonable time.

Sec. 14-7. Noncompliance with code.

Violations not imminently dangerous. Upon inspection by an authorized city official, if a violation of a code is discovered, but the violation is deemed by the official not to be immediately dangerous to health, welfare or safety, a violation notice shall be issued to the owner. The owner shall be advised of the time period to correct the violation.

Violations that threaten life, limb or property. If upon inspection of a rental property the authorized city official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, the official shall demand that the violation(s) be corrected immediately and/or the rental property be vacated immediately.

Sec. 14-8. Notices.

The building inspector shall issue a written report in accordance with Section 107 of the International Property Maintenance Code, noting any violations of this article or any other provision of the city's ordinances and shall provide a copy of the report to the owner or owner's representative.

The building inspector shall direct the owner or owner's representative to correct violations within the time set forth in the report. A reasonable time for correcting violations shall be determined by the building inspector in light of the nature of the violations and all relevant circumstances, which shall not exceed sixty (60) days, unless correction of the violation within a 60-day period is impossible due to seasonal considerations.

Upon request of the person responsible for correcting violations, the building inspector may extend the time for correcting violations, but not to exceed an additional thirty (30) days.

Re-inspections of a rental property shall occur on the date specified on the violation notice, or sooner if requested by the owner and city scheduling permits such inspection. It shall be the owner's responsibility to coordinate the access to all areas of their rental properties. A fee as established by resolution of the City Council shall be charged for each re-inspection after the first re-inspection.

Sec. 14-9. Violations.

A violation of this ordinance shall be a misdemeanor and shall be punishable by a fine of up to \$500.00 or imprisonment for up to 90 days, or any combination of said fine or imprisonment..

Any structure not in compliance with this article is deemed a nuisance per se.

The building inspector, building official, code enforcement officer and any other person designated by the city manager is hereby designated as the authorized individual to issue municipal civil infraction citations or pursue any other lawful remedy for violations of this Article.

In addition to any penalties imposed by law, upon a finding of responsibility by the court for a violation of this Article, the City may immediately revoke the registration and order the immediate eviction of all persons and property upon the premises until a certificate of compliance is issued by the city.

Sec.14-10. Fees.

The City shall, by resolution, establish the fees for registration and inspections of Rental Units and the City Clerk shall make the fee schedule available to the public during regular office hours. Any unpaid inspection fees shall become a lien on the property and collected as delinquent property taxes as allowed by law.

Sec. 14-11. Appeals.

Any person aggrieved by an order or decision of any official charged with the enforcement of this Article may appeal that order or decision to the Construction Appeals Board provided that appeal is taken no later than twenty (20) days from the date of the order or decision being appealed. The appellant shall file with the official from whose decision such appeal is taken and with the City Clerk, a notice of appeal specifying the ground therefor. The official from whom the appeal is taken shall forthwith transmit to the City Clerk a summary report of all previous action taken. The Construction Appeals Board may at its discretion call upon the official from whom the appeal is taken, to explain his/her action. The final disposition of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or the determination appealed from. To this end, the Construction Appeals Board shall have all the powers of the official from whom the appeal is taken.

Sec.14-12. Hearings.

The Construction Appeals Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to interested parties and decide the same within a reasonable time.

Sec.14-13. Cost.

The cost of the demolition, making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the city to bring the property into compliance with this article shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

Sec. 14-14. Lien.

The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the costs of the demolition, making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost to the city, the city shall have a lien for the cost incurred to bring the property into conformance with this article. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Act No. 206 of the Public Acts of Michigan of 1893 (MCL 211.1 et seq.), as amended.

Sec. 14-15. Separate legal action; judgment.

In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this section. The lien provided for in this section shall not take effect until notice of the lien is filed or recorded as provided by law.

Section 2. Effective Date.

This Ordinance shall take effect 15 days following publication.

Date Enacted: _____

Date Published: _____

Deborah L. Doyle
Mayor

Amy J. Roddy
City Clerk