

DRAFT
THE CITY OF WATERVLiet
BERRIEN COUNTY, MICHIGAN
RENTAL REGISTRATION AND INSPECTION ORDINANCE:

Adopted: _____, ____ **by Resolution** _____

April 8, 2010

An ordinance to protect and secure the public health, safety and general welfare by regulating and controlling the condition of rental units within the City of Watervliet; to establish regulations, inspections, and standards for rental property maintenance; and to provide sanctions for violation of the provisions of this ordinance.

FOR 30-DAY
THE CITY OF WATERVLiet,
BERRIEN COUNTY, MICHIGAN
ORDAINS:

City Ordinance, Chapter 10 Article IV - Rental Units, is hereby repealed and replaced with the following ordinance to take effect twenty (20) days after adoption and publication. The repealed ordinance is indicated by strikethrough.

ARTICLE IV. RENTAL REGISTRATION AND INSPECTION

Sec. 10-91. Title.

This ordinance shall be known and cited as the City of Watervliet Rental Registration and Inspection ordinance.

Sec. 10-92. Purpose.

The purpose of this ordinance shall be to provide for the inspection of rental units within the City of Watervliet; to ensure that all existing rental structures and future rental structures shall meet minimum requirements and standards for occupancy; and to provide for the safe and sanitary maintenance of said property.

Sec. 10-93. 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:

City shall mean the department, officer or individual designated by the city manager or city commission to administer all or any part of the registration and inspection programs under this article.

Landlord means any owner, agent, lessor or other person having legal or equitable title to a rental unit.

Rental property shall mean any residential dwelling which is whole or in part occupied by one or more persons(s) pursuant to an oral or written agreement for monetary or any other consideration, but which persons are not acquiring an ownership interest in the dwelling. This shall include single-family, two-family and multiple-family dwellings, short-term rentals and rooming or boarding houses, but shall not include transient dwelling structures such as hotels, motels, or bed-and-breakfasts.

April 8, 2010

Rental unit certificate of occupancy shall mean the properly completed statement of the city affirming that all code deficiencies or violations identified on a provisional rental occupancy permit have been corrected.

Temporary rental unit certificate of occupancy shall mean a written statement of issued by the city indicating that the rental unit identified thereon is substantially but not entirely in compliance with the property maintenance code.

Tenant shall mean any person, other than a legal or equitable titleholder, occupying or possessing all or any part of a rental unit.

Sec. 10-94. Annual Registration Requirement.

No person shall hereafter occupy, allow to be occupied or let to another person for occupancy any residential rental property within the city for which an annual registration statement has not been properly made and filed with the city and for which a rental unit certificate of occupancy has not been issued. Registration shall be made annually upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

1. Name, address and phone number of the property owner.
2. Name, address and phone number of the designated local property manager if the property owner lives outside the municipal limits of the City of Watervliet, Michigan.
3. The street address of the rental property.
4. The number and types of units within the rental property (dwelling units or sleeping rooms).
5. The maximum number of occupants permitted for each dwelling unit or sleeping room.
6. The name, phone number and address of the person authorized to make or order made repairs or services for the property, if in violation of city or state codes if the person is different than the owner or local manager.

Sec. 10-95. Manner of Registering.

(a) The registration must be made annually on or before June 1 of each year, by the property owner or the designated local property manager in the Watervliet City Hall.

(b) The applicant/owner or his/her designated representative, by filing an application, shall be deemed to have given the consent to the city to enter each rental unit, as well as any other

portions of the structure, at reasonable times and upon reasonable notice, to inspect the premises at any time after the application is made or a rental unit certificate of occupancy is issued.

Sec. 10-96. Transfer of Property.

(a) Every new owner of rental property, whether as fee owner or contract purchaser, shall be required to furnish to the city the new owner's name, address and phone number and the name, address and phone number of the owner's designated local manager before taking possession of the rental property.

(b) No registration fee shall be required of the new owner during the year in which possession takes place provided that the previous owner has paid all registration fees and has complied with all requirements of this ordinance and any notices from the city concerning violations of health, zoning, and fire or safety codes of the city.

(c) If any change in the type of occupancy as originally registered is contemplated by the new owner, a new rental registration statement will be required.

Sec. 10-97. Initial Inspection; Orders; Power to Vacate.

(a) After registration, an initial compliance inspection of the rental unit(s) shall be conducted as soon as time and inspection manpower shall permit. If the rental unit(s) is/are not in compliance with the rules, regulations, laws or housing codes of the city and/or the state, the city shall furnish the applicant with a written list of the specific violations which shall be corrected before the rental unit certificate of occupancy is issued, provided further, that the violation(s) does/do not render the unit(s) unfit for occupancy or is of a nature which if not corrected would result in further deterioration and subsequent danger to human life, safety or welfare. However, if occupancy can continue safely, the city shall issue a temporary rental unit certificate of occupancy allowing occupancy to continue while the violations are being corrected.

(b) No certificate of occupancy shall be issued if occupancy will endanger the health, safety, or welfare of the public. In such cases, an order to vacate shall be issued.

(c) The City of Watervliet may require the owner of a rental unit to do one (1) or more of the following:

1. Provide the city access to the rental unit if the lease provides the owner a right of entry.
2. Provide access to areas other than a rental unit or areas open to public view, or both.
3. Notify a tenant of the city's request to inspect the rental unit, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a rental unit after the city has requested to inspect that leasehold, an owner of the leasehold shall notify the city of that fact within ten (10) days after the leasehold is vacated.
4. Provide access to the leasehold if a tenant of that leasehold has made a complaint to the city.

Sec. 10-98. Issuance of Certificate of Occupancy.

If, after the initial inspection conducted pursuant to this ordinance, the dwelling unit is found to be in compliance with the rules, regulations, laws, and ordinances of the city and/or the state, the city shall issue a rental unit certificate of occupancy for the unit(s) in the name of the owner or designated representative.

Sec. 10-99. Reinspection; Revocation.

(a) No later than 60 days after the initial inspection, a follow-up inspection shall be conducted, if necessary, to verify that all the violations listed pursuant to Section 10-97 of this ordinance have been corrected. If not corrected, either a second reinspection shall be scheduled, or, if in the opinion of the inspector, a good faith effort to correct the code violations has not been made, the temporary rental unit certificate of occupancy, issued pursuant to Section 10-97 of this ordinance, shall be revoked and the unit(s) vacated.

(b) The landlord shall have the right to request additional inspections at no fee. This subsection does not apply to the initial compliance inspection or to any follow-up compliance inspections.

Sec. 10-100. Fees.

(a) An annual fee shall be charged and be payable at the time of making the annual registration required under this ordinance to offset the city's cost for the annual compliance inspection, follow-up inspections, and administrative costs. In addition, there shall be an additional fee assessed for late registration.

(b) There shall be a fee assessed against the property, property owner or designated local property manager for each additional inspection required because violations have not been corrected. Additional inspections shall mean inspections required after the initial and follow-up compliance inspections.

(c) Fees shall be adopted by the city commission in a schedule of fees relating to this ordinance and amended from time to time.

Sec. 10-101. Certificate of Compliance.

(a) After the initial inspection of the rental unit(s), pursuant to Section 10-97, no single unit dwelling, multiple unit dwelling, boarding house, lodging house, or other rental property offered to let or hire shall be occupied unless the city has issued a certificate of occupancy for the single unit dwelling, multiple unit dwelling, boarding house or lodging house in the name of the owner or his/her designated representative.

(b) Each rental unit certificate of occupancy shall be effective until revoked by the city; however, all units must be registered annually as set forth herein.

Sec. 10-102. Maintenance of Records.

All records, files, and documents pertaining to the rental registration and rental unit inspection

program shall be maintained by the city and made available to the public as allowed or required by state law or city ordinance.

Sec. 10-103. Appeals.

Any person who is aggrieved by a decision of the city or whose rental unit certificate of occupancy has been revoked or if the unit(s) is/are found to be unfit for occupancy, shall be entitled to reconsideration by appealing the decision to the construction board of appeals as provided in the property maintenance code then in effect.

Sec. 10-104. Distribution.

A rental unit certificate of occupancy shall be given to the owner or his/her designated representative and a copy shall be retained by the City Building Department.

Sec. 10-105. Transferability.

A rental unit certificate of occupancy shall not be transferred to any other dwelling or unit for which it was originally issued.

Sec. 10-106. Tenant Responsibility.

In the event a violation exists or occurs which prevents the issuance of a rental unit certificate of occupancy or violates the currently approved property maintenance code due to the actions or failure to act by the tenant, then the tenant may also be cited for the violation and subject to punishment under Section 10-107.

Sec. 10-107. Penalties; Separate Offense.

Any person, owner or designated representative admitting responsibility or found guilty of violating any provisions of this ordinance, shall be guilty of a misdemeanor, and punished in accordance with the City of Watervliet Code of Ordinances, Chapter 1, Section 1-7.

Sec. 10-108. Severability.

This ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Sec. 10-109. Effective Date.

This ordinance shall take effect twenty days following adoption by the city commission and publication.

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ARTICLE IV. RENTAL UNITS

DIVISION 1. GENERALLY

Sec. 10-91. 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:

—*Housing code* means the 2003 International Property Maintenance Code. A copy of this code is available at city hall and the city district library. The code establishes reasonable minimum standards for the maintenance and use of existing structures, inclusive of dwellings.

—*Inspection department* means that administrative department of the city headed by the chief building inspector as the building official.

—*Landlord* means any owner, agent, lessor or other person having legal or equitable title to a rental unit.

—*Rental unit* means any dwelling unit occupied as a home consisting of one or more rooms in a boardinghouse, dormitory, multifamily apartment house, one family dwelling or two family dwelling, rented or leased, or any dwelling unit occupied as a home or family unit containing one or more rooms in excess of those occupied as a home or family unit by the landlord, which is leased or rented to one or more persons outside the family of the landlord. The definition of the term "rental unit" does not include:

—(1) Motels which advertise daily and weekly rates and offer temporary housing accommodations for transient persons.

—(2) Farm labor units employed in an active farming operation and which are governed by state and county regulations for housing transient farm laborers.

—*Tenant* means, any person, other than a legal or equitable title holder, occupying or possessing any rental unit. Landcontract vendees shall be considered equitable title holders.

Sec. 10-92. Sanitary conditions.

—No person shall vacate or move from any dwelling or dwelling unit without first removing therefrom all ashes, garbage, rubbish, dirt, glass, paper and refuse of every kind and nature.

DIVISION 2. REGISTRATION AND INSPECTION

Sec. 10-111. Annual registration of rental units.

—(a) Every landlord shall register all rental units annually with the city clerk. All rental units existing in the city as of November 14, 1993, shall be registered prior to January 1, 1994. Thereafter, all new rental units within the city shall be registered by the landlord ten days after

~~the date of acquiring control of the rental unit.~~

~~—(b) To register a rental unit, the landlord shall:~~

~~—(1) Provide the following information on a form provided by the city clerk:~~

~~a. The name, address and telephone number of the property owner and the same information for any agent, lessor or other person representing the property owner and registering the rental unit.~~

~~b. The street address of the rental unit, along with other identification if more than one rental unit has the same street address.~~

~~c. The number of bedrooms in the rental unit and the intended number of occupants.~~

~~d. Such other information as is reasonably required by the inspection department.~~

~~—(2) Pay an annual rental registration fee to the city in the amount prescribed in section 10-112.~~

~~**Sec. 10-112. Annual rental registration and inspection fees.**~~

~~—(a) Prior to January 1, 1994, rental registration is on a no charge basis. After January 1, 1994, there shall be a annual rental registration charge in the amount established by resolution per rental unit.~~

~~—(b) One inspection of each rental unit shall be made on a no charge basis in any calendar year. All additional inspections each year, including reinstallations, shall be for a fee established by resolution. If the rental unit is tenant occupied when the initial inspection occurs, the inspection fee shall be in the amount established by resolution.~~

~~**Sec. 10-113. Annual certificate of occupancy.**~~

~~—(a) No rental unit shall be occupied unless the inspection department has annually issued a certificate of occupancy for the rental unit in the name of the landlord. The issuance of all such certificates shall be based upon the standards of the applicable building, housing, zoning and new and existing structures codes. Each certificate of occupancy shall be a certification that the rental unit is registered from January 1 in the year of issuance and expires December 31 of the same year.~~

~~—(b) A certificate of occupancy shall be issued when no significant housing code defects are known to be present.~~

~~—(c) A provisional certificate of occupancy shall be issued when some housing code defects are known to be present. The landlord to whom the certificate is issued shall be required to correct the defects by a date certain, and further, to execute and return to the inspection department an affidavit of completion indicating the stated defects have been corrected. Upon the~~

~~timely execution and return of an accurate affidavit of completion, the provisional certificate of occupancy shall be deemed a certificate of occupancy. If the affidavit of completion is either not executed and returned or fraudulently executed and returned to the inspection department by the date certain, the provisional certificate of occupancy shall be canceled and void.~~

~~—(d) A temporary certificate of occupancy shall be issued when several and/or significant housing code defects are known to be present, but in the opinion of the building inspector, such defects do not render the rental unit uninhabitable. Such a certificate shall enumerate the defects to be corrected and indicate a date certain by when the defects are to be corrected. A reinspection is required. If the described defects are not corrected by the date certain, the temporary occupancy certificate shall be canceled and void.~~

~~—(e) No landlord shall permit any rental unit to be occupied by any person without having a valid temporary, provisional or certificate of occupancy for that rental unit.~~

~~—(f) Each temporary certificate of occupancy, provisional certificate of occupancy and certificate of occupancy shall indicate the maximum permitted number of occupants of the rental unit. No landlord shall allow and/or permit a rental unit to be occupied by more persons than that stated on the applicable certificate of occupancy.~~

~~—(g) Failure to comply with the conditions of the occupancy permit voids the permit. It is a misdemeanor to permit a rental unit to be occupied without a valid certificate of occupancy, provisional certificate of occupancy or temporary certificate of occupancy.~~

~~Sec. 10-114. Annual rental unit inspections.~~

~~—(a) Before a certificate of occupancy is issued, a rental unit inspection shall be completed by the inspection department. To arrange an inspection, the landlord shall telephone or contact the city clerk at city hall. Annual inspection fees shall be established from time to time by resolution of the city commission.~~

~~—(b) Before issuing a temporary certificate of occupancy, provisional certificate of occupancy or certificate of occupancy, personnel of the inspection department shall inspect the rental unit.~~

~~—(c) If it is determined by the building inspector that an inspection by the electrical, mechanical and/or plumbing inspector is required, the applicable electrical, mechanical and/or plumbing inspection fee shall be charged according to the applicable city commission resolution.~~

~~—(d) No temporary certificate of occupancy, provisional certificate of occupancy or certificate of occupancy shall be valid until all registration and inspection fees are paid.~~

~~Sec. 10-115. Appeal.~~

~~—(a) All administrative actions, including the assessment of registration and/or inspection fees, may be appealed to the board of appeals, and the Uniform Building Code is hereby amended to so provide.~~

~~—(b) Any person taking an appeal shall first pay the applicable administrative fee, as set by~~

resolution of the city commission.

~~—(c) In the event of an appeal, all related enforcement action is stayed pending a decision by the board of appeals.~~

~~Sec. 10-116. Assessment of fees and charges.~~

~~—Fees and charges not paid upon notice given by the city may be charged a lien against the real estate and collected in the usual manner as real estate taxes.~~

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APR 8, 2010

FOR 30-DAY PUBLIC REVIEW & INPUT