

16-066 Moved by Sikes, seconded by Mayor Patricia Odette, to approve the following amendment to Woodhaven Code of Ordinances:

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF WOODHAVEN**

AN ORDINANCE AMENDING WOODHAVEN CODE OF ORDINANCES CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ADDING NEW ARTICLE XIII, RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS, SECTIONS 18-421 THROUGH 18-437.

THE CITY OF WOODHAVEN ORDAINS:

CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, IS AMENDED TO ADD NEW ARTICLE XIII, RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS, SECTIONS 18-421 THROUGH 18-437.

ARTICLE XIII. - RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS

Sec. 18-421. - Purpose.

The Woodhaven City Council adopts this Article to help protect the health, safety and welfare of the citizens by attempting to prevent blight, avoid the creation and maintenance of nuisances, and insure minimum maintenance of residential rental dwellings and rental units, recognizing how the conditions set forth in this article can affect the general well-being and property values of residents, and identifying procedures for enforcement and providing penalties for violation.

Sec. 18-422. - Definitions.

As used in this Article, the following terms shall have the following meanings respectively ascribed to them in this section:

Building Official. The appointed administrative officer referred to and created in Chapter 2, Article II, Division 5, being Sections 2-131 to 2-132, of the Woodhaven City Code.

Certificate of compliance. A certificate issued by the building department which certifies compliance with the provisions of the codes and ordinances of the City of Woodhaven and any applicable state statute.

Lease. Any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of residential rental dwellings or rental units.

Multi-rental dwelling. Any rental dwelling containing three or more rental units.

Multi-rental common area. Area common to each group or rental units served by one water meter, including, but not limited to mechanical rooms, storage rooms, exit facilities, recreational areas, parking lots, sidewalks and other public spaces within or connected to the building.

New rental dwelling. Any structure, building or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence or sleeping unit which has never been occupied and excluding any addition or modification of an existing structure, this definition includes, but without limitation, multiple family dwellings, apartment units, boarding houses, rooming houses, hotels, motels, flats and rented or leased mobile home units.

Notice of violation. A notice issued to the owner or responsible local agent stating that there has been a violation of a provision of this Article or any other applicable codes, ordinances, rules or regulations concerning said premises.

Occupancy or occupants. Includes all tenants, lessees and persons residing within a rental dwelling or rental unit.

Owner. Any person, agent, firm or business organization having a legal or equitable interest in or to the premises.

Premises. Any lot or piece of land inclusive of the rental dwelling or rental unit.

Rental dwelling. Any structure, building or other facility offered for lease, promised and/or leased to a residential tenant or tenants for use as a single family home, residence or sleeping unit or two-family homes, residences or sleeping units and is not owner occupied. This definition includes, without limitation, multiple family dwellings, apartment units, boarding houses, rooming houses, hotels, motels, flats and rented or leased mobile home units. It specifically excludes housing cooperatives and any rental dwelling that is currently licensed and inspected by the State of Michigan.

Rental unit. Any one area, room, structure, flat, apartment, mobile home unit or facility or a rental dwelling that is being leased or rented to only one tenant, group of tenants or family under one lease and is not owner occupied.

Sec. 18-423. - Registration of rental dwelling and units.

The owner of any residential rental dwelling or rental unit shall register each rental dwelling with the city and shall designate a person, as defined in Section 18-426, as the responsible local agent who shall be legally responsible for operating the registered rental dwelling or rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to insure compliance with the terms of this Article and all applicable codes and ordinances adopted by the City of Woodhaven and applicable state statutes. Each responsible local agent shall maintain a current list of the number of occupants of each rental unit for which such agent is responsible, as defined in section 18-424. A "certificate of compliance" shall not be issued unless the building department finds the premises is in compliance with each of the provisions of this article. The building department shall, as part of this process, provide for the following:

- (a) A registry of owners and premises shall be maintained by the building department. Such registry will be kept as a public record and shall be available for public inspection.
- (b) Any change in address of owner, agent or representative shall be noted in the registry within 30 days of any change of said owner, agent or representative.
- (c) If any rental dwelling is sold (including by land contract) in the City of Woodhaven, it shall be the obligation of the seller to notify the building department within 15 days of the sale. Seller shall provide the name and address of the purchaser, and the information shall be noted in the registry.
- (d) Any person failing to register any residential rental dwelling or rental unit within 15 days of purchasing a rental dwelling or rental unit with the building department as required by the section shall be charged an additional \$50.00 for each unregistered rental dwelling or rental unit. Said \$50.00 will be payable at the time of registration. Any person failing to register a rental dwelling or rental unit within 15 days after the issuance of a violation notice from the code enforcement officer shall be charged \$75.00 for each unregistered rental dwelling or rental unit. Said \$75.00 will be payable at the time of registration and is in addition to the \$50.00 penalty already provided for herein. The fees charged in this subsection may be increased or decreased from time to time by resolution of the City Council.

Sec. 18-424. - Registration forms and fees.

- (a) Application for registration shall be made in such form and in accordance with such instructions as may be provided by the building department and shall include at least the following information:
 - (1) The name and address of applicant.
 - (2) The names, addresses and telephone contact numbers of all owners of the rental dwelling(s).
 - (3) The name, local address and telephone number of any responsible local agent designated.
 - (4) The number of rental units in each rental dwelling.
 - (5) The authorization appointing a responsible local agent signed by both the owner and the responsible local agent.
 - (6) It shall be the responsibility of the property owner to notify the building department of the name, address and apartment number, where applicable, for each rental dwelling and rental unit occupied.
- (b) The fee of \$50.00 for each rental dwelling registered and \$15.00 dollars per rental unit contained therein shall be paid at the time of registration. The fees may be changed by resolution of the city council

from time to time. No post office boxes will be accepted as a legal address. Upon registration, the building department shall inform applicants of certificate of compliance requirements.

Sec. 18-425. - Registration term and renewal.

Registration shall be made no later than 180 days after the enactment of this Article, or by such other later date as the City Administrator may determine in implementing the enforcement of this Article. Such notice shall be mailed to the last known address of the owner according to the City's property tax records and posted at the premises. The term of the registration shall be valid as long as the owner remains unchanged. In the event of a transfer of ownership, the registration and any certificate of compliance shall expire and no longer be valid. Any new owner shall register in accordance with section 18-423, and make application for a certificate of compliance for each rental dwelling unit within 15 days of the date of transfer to a new owner.

Sec. 18-426. - Responsible local agent.

The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or any other legal entity, having his or her place of residence in the County of Wayne or any bordering county, and shall be designated by the owner as responsible for operating such premises in compliance with all the provisions of the City of Woodhaven Codes and Ordinances and applicable state statutes. The owner may act as the responsible local agent, provided he/she resides in the County of Wayne or any bordering county. All official notices from the city 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.

Sec. 18-427. - Transfer of ownership.

It shall be unlawful for the owner or any rental dwelling or rental unit who has received any notice of violation to transfer, convey, lease or sell (including by land contract) his/her ownership and/or interest in any way to another, unless such owner shall have first furnished to the building official a signed and notarized statement from the grantee, vendee or lessee, or transferee acknowledging the receipt of such notice of violation.

Sec. 18-428. - Inspection.

(a) The Building Official, the ordinance officer, and such other persons as the City Administrator may designate, are hereby authorized to make inspections of any rental dwelling or rental unit, as defined by this article, occupied or unoccupied, as follows:

- (1) Within 30 days of registration or notification of a required inspection as reflected by building department records.
- (2) Prior to occupation or reoccupation of any rental unit which has been vacated and has outstanding violations in order to establish compliance with all of the minimum building regulations.
- (3) All rental dwelling property and rental units must be inspected and maintained to meet the minimum standards of all local codes and ordinances. An owner, agent, representative or tenant shall consent to said inspections to determine the condition of a rental dwelling or rental unit in the City of Woodhaven. For the purpose of making such inspections, the building inspector, or any designated representative, is hereby authorized, upon seven days' notice, to enter and inspect at reasonable times. The owner, agent, representatives or tenant shall give the building inspector or designated representative free access to the premises, except in the case of emergency or imminent danger; then, immediate inspection is permitted.
- (4) Inspections shall be conducted in each unit of all multi rental units every three years. There shall be a per unit inspection fee as set by resolution of the City Council, payable at the time of inspection.
- (5) Upon issuance of a certificate of compliance, inspections will be conducted on a three year cycle. Inspection fees are payable at the time of each required inspection.
- (6) An occupant or tenant of any property subject to inspection under this Article may request an inspection, in which case authorized inspector may inspect the property immediately.

(b) If upon inspection, the premises or any part thereof are found to be in violation of any provisions of this article or any other applicable building codes, fire prevention codes or ordinances, zoning regulations,

local ordinances, or other local codes relating to maintenance, the violation shall be recorded by the building department and notice, either in person or by first class mail, given to the owner, agent or representative as such appears in the registry of owners and premises. All listed violations must be corrected within the time allotted by the building department. Proper permits must be obtained by licensed contractors for all repairs requiring a permit. The owner, agent or representative will be notified of the follow-up inspection date to determine if violations are corrected. There is no additional fee for the follow-up inspection. Failure to have all violations corrected by the follow-up inspection will result in a reinspection and additional inspection charges being assessed as well as penalties as prescribed in section 18-430(c), or (d).

Sec. 18-429. - Boarding a residential rental structure: Prohibited.

No window, door or other opening in a rental dwelling or rental unit shall be boarded up without specific prior approval of the building department. Boarding of windows, doors or other openings in a rental dwelling or rental unit poses a dangerous situation to the owner, tenants or the general public. Such boarding up of a rental dwelling or rental unit will be for a duration not to exceed two weeks, unless approved in writing for a longer duration by the building official. If boarding up is deemed necessary, the means and material used must be approved by the building department.

Sec. 18-430. - Designation of unfit dwelling and legal procedure of condemnation.

(a) The designation of a rental dwelling or rental unit as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwelling or dwelling units shall be carried out in compliance with the provisions of the Woodhaven City Charter, Codes and Ordinances and any applicable state statute.

(b) Any rental dwelling or rental unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the building official:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or insect or vermin-infested that it creates a serious hazard to the health, safety or welfare of the occupants of the premises or the public.

(2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health and safety of the occupants or the public.

(3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health, safety or welfare of the occupants or of the public.

(c) Any rental dwelling or rental unit condemned as unfit for human habitation so designated and placarded by the code official or the building official shall be vacated, as ordered by the code official or building official.

(d) No rental dwelling or rental unit which has been condemned or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the building official. The building official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based on have been eliminated.

(6) No person shall deface or remove the placard from any rental dwelling or rental unit which has been condemned as unfit for human habitation and placarded as such, except as provided herein.

(7) Any person affected by any notice or order relating to the condemning and placarding of a rental dwelling or rental unit as unfit for human habitation may request and shall be granted a hearing on the matter before the building official.

(c) Failure to correct violations by the re-inspection date will result in an administrative penalty of \$100.00 for each violation and shall constitute a misdemeanor and be subject to the penalties as provided in section 18-435.

(d) Failure to correct violations by a subsequent reinspection date will result in an administrative penalty of \$300.00 for each violation and shall constitute a misdemeanor offense and be subject to the penalties as provided in section 18-435.

Sec. 18-431. - Certificate of compliance.

No person shall lease, rent or cause to be occupied a rental dwelling or rental unit unless there is a valid certificate of compliance issued by the building department in the name of the owner/responsible local agent and issued for the specific rental dwelling and rental unit. The certificate shall be issued after making application with the building department and an inspection by the appropriate inspector(s) to determine that each rental dwelling and rental unit complies with the provisions of the ordinances of the City of Woodhaven. For a new construction rental dwelling, a certificate of compliance shall be issued simultaneously with the certificate of occupancy and shall remain valid for five (5) years. For one- and two-family rental dwelling(s) and common areas of multi-rental dwellings, a certificate of compliance is valid for three (3) years. For individual rental units in a multi-rental dwelling the certificate of compliance is valid for three (3) years. The certificate of compliance will remain valid for these time periods, provided that the rental dwelling remains in compliance with all applicable codes and ordinances. The building official may revoke a certificate of compliance for a violation of any state law, or any ordinance, rule or regulation of the City of Woodhaven. The initial certificate of compliance must be applied for in accordance with this Article. Notwithstanding any other provision in this section, a certificate of compliance issued under this Article by the building department may be revoked for failure to pay property taxes and/or water bill for the property within 90 days from the last date the tax or bill can be paid without penalty. The building official shall give notice of intent to revoke a certificate of compliance to the property owner/responsible local agent at least 30 days before revocation.

Sec. 18-432. - Issuance of certificate of compliance application form and fee.

The certificate of compliance shall be issued only after each of the following requirements has been satisfactorily completed:

- (a) Payment in full of any and all fees required for registration, plus any penalties that may be imposed.
- (b) Satisfactory inspections as required by the building department that certify that the property complies with all local ordinances and state building codes and payment of all required inspection fees and penalties.
- (c) Verification of the address and number of units applied for under the certificate of compliance.
- (d) Verification that the property taxes and water bill are paid and not delinquent.

Sec. 18-433. - Maintaining certificate of compliance.

The following information shall be maintained in a business office on the property or made available upon request by a tenant:

- (a) A copy of the current certificate of compliance.
- (b) The name, address and telephone number of the responsible local agent.

Sec. 18-434. - Authority for city inspectors to issue appearance tickets.

(a) The ordinance officer, the building official and any other persons authorized by law shall have authority to issue appearance tickets with respect to the following class of offenses when said persons are assigned as part of their employment duties to conduct an investigation concerning any of these enumerated offenses:

- (1) Nuisance offenses.
- (2) All code enforcement, including without limitation, the following:
 - a. Electrical Code violations.
 - b. Plumbing Code violations.
 - c. Mechanical Code violations.
 - d. Building Code violations.
 - e. Fire Prevention Code violations.
 - f. Housing Code violations.
 - g. Rental dwelling violations.
- (3) All ordinances involving the maintenance and upkeep of public or private property, including all ordinances concerning garbage, weeds and fences.

(b) The persons listed in subsection (a) above, may issue and serve upon an owner, responsible local agent or occupant, an appearance ticket if they have reasonable cause to believe that a person or legal entity has committed any offense relating to the subject property within the class of offenses described in this article.

Sec. 18-435. - Penalty.

Any owner of a rental dwelling or rental unit who shall fail to register his/her rental dwelling and rental units or who shall fail to obtain a certificate of compliance for each of his rental dwellings and rental units shall be guilty of a misdemeanor. Any owner or responsible local agent who fails to comply with any of the requirements of this article shall be guilty of a misdemeanor. Upon conviction under this section, the owner or responsible local agent shall be punished by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or by both such fine and imprisonment. Each day a violation exists shall constitute a separate offense. Each violation for each rental dwelling and rental unit shall constitute a separate offense.

Sec. 18-436. - Lien against property: Awards or fines for transferring without honoring lien.

(a) If any owner fails to pay any fine, fees, penalties, or civil infraction awards required by this article, then the amount due shall accrue interest at the rate of 12 percent per annum or, if 12 percent is deemed invalid for any reason, the highest amount allowable by law, from the date when it becomes due and shall be filed with the City of Woodhaven Assessor's Office and shall be collected in the manner fixed by law for the collection of taxes and assessments.

(b) All criminal fines and/or civil infraction penalties which are awarded in favor of the city and assessed against the owner and/or agent may be assessed against the property in any way allowed by this article or any other law.

(c) It shall be a civil infraction for any owner, any seller or seller's agent, any buyer or buyer's agent, an attorney, a real estate broker, a real estate agent, a real estate title company, a mortgagor or any other entity involved in the closing of a transaction to close a transaction involving the sale of a property on which a recorded lien concerning this article exists. The amount of the civil infraction and/or fine shall be double the actual amount of the lien. The lien amount shall include: the principal amount of the lien; interest at the rate of 12 percent per annum or, if 12 percent is deemed invalid for any reason, the highest rate allowed by law, reasonable attorney fees and administrative fees for perfecting the lien and collecting the amount due; and other related expenses arising out of the violations of this Article. Said lien amount shall then be doubled as the civil penalty.

Sec. 18-437. - Civil infraction.

Any owner, person or entity who fails to comply with any of the requirements of 18-436 shall be responsible for a civil infraction. The district court judge shall assess damages in favor of the city for the civil infraction which shall include: up to \$500.00 for each day a violation exists; enforcement costs including reasonable attorney fees; and any other damages allowed at law under this article.

Sec. 18-438. – Rules and Regulations.

The city hereby authorizes the city administrator, in coordination with the building official, to adopt such reasonable rules and regulations as may be necessary to carry out the purpose and intent of this article.

AYES: Duderstadt, Mayor Patricia Odette, Penix, Councilman Randy Odette, Papineau, Sikes

ABSENT: Bono-Beaton

NAYS: None

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on May 17, 2016 and adopted on June 7, 2016. The effective date of this ordinance shall be the 17th day of June 2016.