

ORDINANCE 05-05
CITY OF ROOSEVELT PARK
AMENDMENT TO LICENSING OF RENTAL DWELLING UNITS

Section 1 – Purpose

The purpose of this Ordinance is to amend certain Sections of the Ordinance addressing the licensing of Rental Dwelling Units and is intended to protect the health, safety and welfare of the people of the City by establishing minimum standards for rental dwellings within the City of Roosevelt Park.

Section 2 – Definitions

The following words 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:

Additional Inspection shall mean all inspections after the second of a rental dwelling during the process of obtaining a certificate.

Administrator shall mean the building official or such other officer or individual as may be designated by the City Manager or City Council to administer all or any part of this Ordinance.

Agent shall mean agent, manager or other individual or entity representing the owner of a rental dwelling and who may serve as a point of contact on rental inspections under this Ordinance.

Broken inspection appointment shall mean failure of the owner or agent to notify the City at least one working day in advance that the owner or agent will be unable to keep a scheduled inspection appointment.

Certificate shall mean rental certificate of compliance or temporary certificate of compliance.

City shall mean the office of the building official, or such other officer or individual as may be designated by the City Manager or City Council to administer all or any part of the inspection program under this Ordinance.

Follow-up inspection shall mean the second inspection of a rental dwelling during the process of obtaining a Certificate of Compliance.

Immediate family shall mean spouses, children, stepchildren, brothers and sisters, half-brothers and half-sisters, parents and stepparents.

Initial inspections shall mean the first inspection of rental dwelling during the process of obtaining a Certificate of Compliance.

Owner shall mean person or other entity who/which owns the physical premises occupied by the rental unit.

Rental dwelling shall mean any dwelling which is in whole or in part occupied, by person(s) pursuant to an oral or written agreement for monetary or in-kind compensation but who are not acquiring an ownership interest in the house. These shall include single-family dwellings and two-family dwellings where the owner does not reside within one of the dwelling units. “Rental dwellings” shall not include

- 1) transient dwelling structures such as hotels, motels, or bed-and-breakfasts;
- 2) residential structures containing five or more dwelling units; and
- 3) dwelling units within or part of a condominium association.

Section 3 - Registration of rental dwellings.

(a) *Required.* All rental dwellings shall be registered with the City. If the owner does not reside within 30 miles of the city, he or she shall designate a responsible local agent who shall be responsible for operating such dwelling in compliance with all codes, ordinances, and laws. All official notices may be served on the responsible agent, and any notice so served shall be deemed to have been served upon the owner of record.

(b) *Deadline for registration; failure to comply.* All rental dwellings existing as of the effective date of the Ordinance shall be registered no later than six months after the effective date of this Ordinance. The City shall order registration prior to that date for any dwelling cited in a notice required by this Ordinance. Failure to comply with such an order is a violation of this Ordinance and the owner shall be subject to a fine in the amount of \$500.00. The violation shall be considered a nuisance per se and the City is further authorized to pursue a civil judgment in the Muskegon County Circuit Court to require compliance with the registration requirements and all other requirements of this Ordinance.

(c) *Registration of new rental dwellings.* The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental units.

(d) *Change in registration information.* The owner of rental dwellings already registered with the City or his or her responsible local agent shall register within 30 days after any change occurs in register information. A new owner of a registered dwelling shall register the dwelling within 30 days of assuming ownership.

(e) *Application; contents.* Application for registration shall be made in such form and in accordance with such instructions as may be provided by the City and shall include:

- (1) The address of the rental dwelling.
- (2) The number of dwelling units in the dwelling.
- (3) The name, residence address, business address, business phone number and personal phone number of the owner.
- (4) The name, residence address, business address, business phone number and personal phone number of the manager and responsible local agent designated by the owner.
- (5) The address where the owner or responsible local agent will accept notices or orders from the City.

(f) *Inaccurate or incomplete registration information.* It shall be a violation of this Ordinance for an owner or a responsible local agent to provide inaccurate information for the register of rental dwellings or to fail to provide information required by the City under subsection (e) of this section. In those cases in which the owner or responsible local agent is not a natural person, the information required for the registration shall be provided for the organization owning the rental dwelling and for the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

Section 4 - Certificate of compliance for rental dwellings.

(a) *Required.* Rental dwellings shall not be occupied without a Certificate of Compliance or a Temporary Certificate of Compliance.

(b) *Issuance.* The City shall issue a Certificate of Compliance for a rental dwelling when the City finds that the rental dwelling, its units and accessory structures and yards comply with the standards set forth in this Ordinance and all other City ordinances, including but not limited to, the Property Maintenance Code and Michigan Building Code. The City shall conduct an initial inspection of the rental dwelling within a reasonable time after receipt of the application for registration or request for renewal of a Certificate of Compliance. The City may conduct a follow-up inspection and/or additional inspections as deemed necessary by the City's building official to ensure compliance with this Ordinance. No Certificate of Compliance shall be issued until all of the following fees and debts to the City have been paid in full:

- (1) All previously billed property taxes;
- (2) All current or past due special assessment installments;
- (3) Water or sewer bills outstanding;
- (4) All charges against the property for mowing, cleanup, weed or debris removal and similar charges by the City;
- (5) Any fees, fines, penalties or debts of any sort arising from the provisions or enforcement of this or other City ordinances.

(c) *Temporary certificates.*

(1) Where a Certificate of Compliance is required, the City may issue a Temporary Certificate of Compliance for the following reasons only:

- a. For a newly registered rental dwelling until such time as the City is able to make a compliance inspection;
- b. To enable the City to balance compliance inspection work loads;
- c. To coincide with compliance time periods set forth in a notice citing violations of this Ordinance or other City ordinances if such periods extend beyond the expiration date of a certificate.
- d. A Temporary Certificate of Compliance may be issued if an appeal contesting the obligation to pay the charges set forth in subsections (b)(2)--(b)(5) of this section is pending, and the appeal is bona fide and pursued to a timely conclusion. Thereafter, the property must qualify for a permanent Certificate of Compliance,

and the temporary certificate shall be revoked. No temporary certificate may be issued if amounts due under subsection (b) (1) of this section are unpaid.

(2) No Temporary Certificate of Compliance shall be issued if any of the amounts set forth in subsections (b)(2)--(b)(5) of this section are unpaid and are not the subject of a bona fide timely appeal, or if there are significant health and safety defects present on the premises constituting an imminent danger to life, health or property.

(d) *Validity.* A Certificate of Compliance shall be valid for one year for all rental dwellings, unless suspended as set forth below. The administrator may authorize up to three additional months on the certificate of a dwelling for the sole purpose of balancing inspection workloads for the City.

(e) *Expiration.* Certificates of Compliance and Temporary Certificates of Compliance may not be extended beyond their expiration dates except as may be permitted in subsections (c) or (d) of this section to enable the City to balance inspection workloads.

(f) *Length of time certificate of compliance is valid.* Any new Certificate of Compliance issued to an owner for a dwelling shall have an expiration date one year from the date of issuance, except that if a temporary certificate has been previously issued, the certificate shall expire one year from the date the temporary certificate was issued.

(g) *Suspension.* The City shall suspend a Certificate of Compliance if the owner or responsible local agent has not complied with a complaint notice. The City shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible local agent:

- (1) That the Certificate of Compliance has been suspended as of the date of the notice.
- (2) Of the reason for the suspension.
- (3) That it is unlawful for any rental unit to continue to be occupied for more than 30 days after the date of suspension of the Certificate of Compliance, or, if substantial and immediate danger to life, health or safety exists, that no occupancy may occur after the suspension and the property shall be immediately vacated.
- (4) That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the Certificate of Compliance is reinstated or a new Certificate of Compliance is issued.

Failure to comply with the terms of a suspension as set forth in this subsection shall subject the owner to a fine as follows:

First Offense	\$100
Second Offense	\$250
Third Offense	\$500

It shall be considered a separate offense each time a notice of suspension of Certificate of Compliance with respect to a particular dwelling is submitted to the owner or responsible local agent. Failure to comply with the terms of a suspension as set out in this subsection shall be

considered a nuisance per se and the City is authorized to pursue a civil judgment in the Muskegon County Circuit Court to require compliance with any section of this Ordinance.

(h) *Reinstatement of suspended Certificate of Compliance, inspection fees.* A suspended Certificate of Compliance shall be reinstated if the City determines that a rental dwelling has been brought into compliance with the standards of this article and that the charges made under subsection (b) of this section have been paid. The City shall notify the owner or responsible agent by first class mail, noting the reinstatement of the Certificate of Compliance of the rental dwelling. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. A reinstatement fee and all inspection fees and amounts as determined by the City Council shall be paid by the owner prior to reinstatement of the certificate.

Inspections to determine compliance with this Ordinance are determined to be a benefit to the property inspected, and the fees for such inspections shall be a lien on the property and assessed as a special assessment on the general assessment roll of the City. The City Treasurer shall give notice to the owner of the property of all unpaid inspection fees for inspections of property pursuant to this ordinance. Such notice shall be given by mailing a letter to the owner of the property by certified mail, return receipt requested, within 10 days of the inspection.

(i) *Appeal.* Suspension of a Certificate of Compliance may be appealed to the Zoning Board of Appeals as provided for in this Ordinance.

(j) *Notifying tenants of suspended certificate.* The City shall send a copy of a notice of suspended certificate to each dwelling unit within a certified rental dwelling. The copy shall be addressed to "occupant" and shall be sent by first class, ordinary mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this Ordinance.

(k) *Certification fees.* The administrator, subject to approval by the City Council, shall establish and charge a uniform and reasonable fee for certification from time to time.

Section 5 - Appeal Procedure.

Except as otherwise provided in this Ordinance, any person issued an order by the City in the course of enforcement of the provisions of this Ordinance or any other person affected by a City order or ruling issued pursuant to authority granted by this article, has the right to appear before the Zoning Board of Appeals to appeal the decision or interpretation made by the City. All appeals shall be filed, heard and decided in accordance with the provisions of this Ordinance.

Section 6 - Time period for filing an appeal.

An appeal must be filed within 20 days of the date of any order or ruling being appealed. However, if an order required the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period. The Zoning Board of Appeals shall not have the power to extend the time limits provided for in this section. A hearing on any appeal shall be held at the Zoning Board of Appeals' next regularly scheduled meeting, provided the appeal is filed within 5 days of the next regularly scheduled meeting.

Section 7 - Effect of appeal on correction time limits.

An owner, occupant or responsible local agent who has been ordered to correct a violation within a specified period of time shall not be held accountable for any time which elapses between the time of filing an appeal and the time a decision is made by the Zoning Board of Appeals.

Marcia Jeske, City Clerk

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