

Rental Ordinance 17-467

ORDINANCE TO INSURE MAINTENANCE OF RENTAL DWELLINGS IN THE CITY OF RIVER ROUGE

To help protect the health, safety and welfare of the citizens by attempting to prevent blight, avoid the creation and maintenance of nuisance 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.

Definitions.

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

Certificate of compliance. A certificate issued by the River Rouge Building Department which certifies compliance with the provisions of the codes and ordinances of the City of River Rouge 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.

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 corporation having a legal or equitable interest 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, but without limitation, multiple family dwellings, apartment units, boarding houses, rooming houses, hotels, motels, flats and rented or leased mobile home units.

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.

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 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 River Rouge and applicable state statutes. Each responsible local agent shall maintain a current list of the number of occupants of each rental unit for which he/she is responsible, as defined in section. A "certificate of compliance" shall not be issued unless each of the provisions of this article is complied with. 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 River Rouge, 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. Additionally, 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.

Sec. 86-263. - 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 \$100.00 per rental unit herein shall be paid at the time of registration. No post office boxes will be accepted as a legal address. Upon registration, the building department shall inform applicants of certificate of compliance requirements.

Registration term and renewal.

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 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.

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 River Rouge 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.

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.

Inspection.

- (1) 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 River Rouge. 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.
 - (2) Inspections shall be conducted in each unit of all rental units every year. There shall be a per unit inspection fee of \$100.00 per unit, up to 20 units, and \$25.00 per unit for any additional units over 20 units. If a rental inspection fee is not paid within 30 days of its expiration/due date, a late fee shall be payable to the River Rouge Building Department of \$50.00 (fifty dollars) per unit.
- (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 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 within this ordinance.

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 supervisor of the building department. If boarding up is deemed necessary, the means and material used must be approved by the building department.

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 River Rouge 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 code official or the supervisor of the building department:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe 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, including but not limited to, a lack of running water.
 - (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.

- (4) Any rental dwelling or rental unit condemned as unfit for human habitation so designated and placarded by the code official or the supervisor of the building department shall be vacated, as ordered by the code official or supervisor of the building department.
- (5) 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 code official or the supervisor of the building department. The code official or the supervisor of the building department 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 supervisor of the building department.
- (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.
- (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.

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 department of building and engineering 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 for a Certificate of Occupancy, receipt of a Certificate of Occupancy 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 River Rouge. The supervisor of the building department may revoke a certificate of compliance for a violation of any ordinance, rule or regulation of the City of River Rouge. 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 supervisor of the building department shall give notice of intent to revoke a certificate of compliance to the property owner/responsible local agent at least 30 days before revocation.

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 department of building and engineering 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.

Penalties:

In addition to the administrative penalties fixed herein, the violation of any provision of this Ordinance will subject the owner and/or responsible local agent to:

1st offense: Civil Infraction, with fines and costs of up to \$500.00 per violation.

2nd or subsequent offense: Misdemeanor, punishable by up to 90 days in jail and/or \$500.00 fines and costs.

Any Civil Infraction defaults and/or unpaid civil infraction fines shall be placed on the tax rolls of the property in question as a special assessment.