

**DRAFT**

CITY OF ALBION CODE OF ORDINANCE

CHAPTER 18  
BUILDING AND BUILDING REGULATIONS

ARTICLE IX. RESIDENTIAL RENTAL REGISTRATION AND CERTIFICATION

**Sec. 18 – 401 Purpose.**

(a) The city recognizes the importance to the general health, safety and welfare of all of its citizens, including its citizens who rent residential rental structures. The city therefore also recognizes a compelling interest in establishing standards for the maintenance of sanitary, health and safety of residential rental structures and residential rental units in the city. This article is designed to promote the continued maintenance of quality and safe residential rental properties and to enhance and maintain property value of all properties and to reduce the causes of blight and other deleterious factors affecting neighborhoods.

(b) All residential rental structures shall be registered with the city and a valid and current rental certification shall be in effect at all times a residential rental structure is being occupied by a tenant. Approved certificate of rental certification shall only be available for those residential rental structures which meet and maintain the minimum standards as required by chapter 18, article IX, residential rental registration and certification, sec. 18-410 referenced codes and standards.

**Sec. 18 – 402 Scope.**

(a) *Application.* This Code shall apply to all rented or leased buildings, including manufactured homes, or any portions thereof, that are used or intended to be used for human habitation as single-family, two-family dwelling, multi-family dwelling, rooming house, rooming unit, housekeeping unit, sleeping unit or dormitory.

(b) *Alterations.* Existing certified buildings that are subject to this Code, but that do not comply with this Code shall, at the time of alteration or repair, and with respect to this new work, be altered or repaired to conform to this Code, the City Building Code (Chapter 18 of the Code of Ordinances), and the laws of the state of Michigan.

(c) *Relocation.* Buildings which are moved or relocated shall be considered new buildings and shall comply with all of the requirements of this Code.

(d) *Severability.* If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or a violation of the laws of the State of Michigan, such decision shall not affect the validity of the remaining portions of this Code.

**Sec. 18 – 403 Definitions.**

*Code Enforcement Officer.* The officer or building official charged with the enforcement of this code, or any duly authorized representative.

*Director of Planning, Building, Code Enforcement.* The official who is charged with the administration of this code, or any duly authorized representative.

*Dwelling.* A building, including manufactured homes, used in whole or in part for human occupancy.

*Dwelling Unit.* A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Dormitory.* A room, building, or part of a building with sleeping accommodations for a number of people, or a building with many rooms that provide sleeping and living accommodation for a number of people, as at college.

*Family.* This term shall mean “traditional family” or “functional family” as defined below:

- a. *Traditional family* – an individual or group of two or more persons related by blood, marriage or adoption, or other legal relationship, together with foster children, with a maximum of not more than (3) three additional unrelated persons, who are domiciled together as a single domestic housekeeping unit in a dwelling.
- b. *Functional family* – a collective number of individuals domiciled together in one dwelling unit of not more than four (4) unrelated persons, and who are in fact cooking and living as a single nonprofit housekeeping unit. A functional family shall not include any society, club, fraternity, sorority, association, lodge, combine, federation group, coterie, or other organization.

Any person or group of persons seeking the legal rights and privileges of a “family” as defined in subparagraph a. or b. above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their relationship satisfies the criteria in either *subparagraph a.* or *b.* Above.

*Housekeeping Unit.* A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*Manufactured Home.* Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

*Occupancy.* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant.* Any individual living or sleeping in a building, or having possession of a space within a building.

*Owner.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Rooming House.* A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one – or – two family dwelling.

*Rooming Unit.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Sleeping Unit.* A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**Sec. 18 – 404 Registration required.**

*Registration.* The owner of any residential rental structure or residential rental unit shall register each residential rental structure and all residential rental units contained within the residential rental structure with the city and shall designate a person, as defined in section 18 – 403 *owner*, as the responsible local agent who shall be legally responsible for operating the registered residential rental structure or residential rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to ensure compliance with the terms of this article and all applicable codes and ordinances adopted by the city. A certification shall not be issued unless an applicant complies with the registration sections of this article. The seller of a dwelling house sold on a land contract, within 30 days of its execution, shall provide a copy of the land contract or memorandum of land contract to the director of planning and building.

**Sec. 18 – 405 Registration forms and fee.**

(a) Applications for registration pursuant to this article shall be made in such form and in accordance with such instructions as may be provided by the city planning and building department and shall include at least the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The names, addresses, telephone numbers and dates of birth of all owners of the residential rental structure.
- (3) The name, local address, telephone number and date of birth of the responsible local agent.
- (4) The number of residential rental structures at each site, the address of and number of residential rental units in each residential rental structure.
- (5) An authorization appointing a responsible local agent signed by both the owner and the responsible local agent.
- (6) Names and address of occupant(s). Inform city of change in occupancy (name) between yearly registration.

(b) A registration fee for each site/unit where residential rental structure(s) are located shall be paid at the time of registration. No post office box will be accepted as a legal address. A post office box, however, may be accepted as a mailing address for legal correspondence upon written request of the property owner and maintaining the legal street address on file with the city's planning, building, code enforcement department. Upon registration, the director of planning, building & code enforcement department; building official or authorized representative, shall inform the applicant of certification requirements. The fee for each registration shall be as set by resolution of the city council from time to time. The owner shall be responsible for notifying the city of any change of address of either the owner or the responsible local agent.

**Sec. 18 - 406 Registration term and renewal.**

Registration pursuant to this article shall be made prior to the use or occupancy of any residential rental structure and / or residential rental unit(s) except as otherwise provided by this article. The term of the registration shall be valid for one (1) year. Thereafter, as required every year between thirty (30) and seven (7) days before the expiration date on the registration issued for a residential rental structure and / or residential rental unit(s), every owner shall renew yearly registration of residential rental structure and / or residential rental unit(s) with the city planning and building department.

**Sec. 18 - 407 Transfer of ownership.**

(a) It shall be unlawful for the owner of any residential rental structure or residential rental unit who has received a notice of violation of any code or ordinance of the city, including notices that the number of residential rental units exceeds that permitted by chapter 30 which pertains to zoning, to transfer, convey, lease or sell, including by land contract, his ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee, lessee, vendee, or transferee a true copy of any notice of violation and shall have furnished to the building official a signed and notarized statement from the grantee, vendee, lessee, or transferee acknowledging the receipt of such notice of violation and acknowledging legal responsibility for correction of the violation.

(b) The new owner, upon acknowledging and accepting property with outstanding code violations must either correct code violations within 30 days of the transfer or due to the extensive nature of the violations, may enter into a work timeline agreement with the city within 10 days of the transfer in order to ensure repairs and renovations are made in accordance with all codes, ordinances and renovations standards established. Failure to do so may result in a municipal civil infraction, declaration of the building as a public nuisance, dangerous structure or blight. These time periods do not apply to property which has been determined to constitute a nuisance under chapter 18 article III – dangerous buildings under the city code of ordinance.

**Sec. 18 - 407 Certification required.**

No person shall lease, rent or cause to be occupied a residential rental structure or residential rental unit unless there is a valid certification issued by the city planning and building department in the name of the owner and issued for the specific residential rental structure and each residential rental unit. The certificate shall be produced upon request. The certificate may be issued after an inspection by but not limited to the code enforcement officer or building official. Under certain health and safety conditions, additional inspection(s) may be required to be performed by the building inspector, mechanical inspector, electrical inspector, plumbing inspector, and / or fire inspector to determine that each rental dwelling and rental unit complies with the provisions of the codes and ordinances of the city. Such inspections shall commence after the effective date of the ordinance from which this article is derived and shall continue until all rental dwellings and all rental units in the city have been inspected and continue, thereafter, as required every two (2) year's. Not more than 30 days before the expiration date on the certification issued for a rental property, every owner shall apply to the city planning and building department for the scheduling of an inspection for the issuance of a new certification for that residential rental structure.

**Sec. 18 – 408 Every owner shall comply with the following provisions:**

- (a) At the time a new tenant occupies a vacant dwelling unit, the new tenant shall be provided with a clean, healthful dwelling unit, free of visible mold and mildew.
- (b) Maintain the public or shared areas of a dwelling or the premises in a clean, safe, and sanitary condition.
- (c) Maintain in good repair every dwelling and premises and all parts thereof, including, but not limited to, plumbing, heating, ventilation, and electrical systems, and the interiors and exteriors of dwellings and dwelling units.
- (d) An owner or agent shall not allow a dwelling unit to be occupied by more persons than such dwelling unit is registered for or allow any portion of the dwelling unit to be occupied in such a manner that any of the provisions of this Code are violated.
- (e) Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.
- (f) Equipment, systems, devices and safeguards required by this Code or a previous regulation or Code under which the building was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required by applicable law to be removed from or shut off for any occupied dwelling or dwelling unit, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings.
- (g) All water leaks shall be properly repaired.
- (h) All locations within the building for which the Landlord is responsible for under the lease, shall be kept free of visible mold and mildew.
- (i) Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of 4 inches (102mm) in height with a minimum stroke width of ½ inch (12.7 mm). Two or more units with the same street address shall be individually identified by approved number or alphabet letter.

- (j) Refuse service shall be supplied and meet the requirements of Chapter 66 of the city ordinance.
- (k) Grass shall be maintained and noxious vegetation shall be abated as required by Chapter 90 of the city ordinance.
- (l) Comply with other applicable provisions of this Code.

**Sec. 18 – 409 Building Maintenance**

- (a) Every occupant shall notify the owner or his/her agent in writing of any water leaks or of any other condition believed to be in violation of this code which directly affects the dwelling unit within a reasonable time of discovery of any leaks or condition.
- (b) Legal occupant may at any time notify the planning and building department or authorized designee, of a complaint regarding any condition believed to be in violation of this code. Complaint shall be filed on a form supplied by the planning and building department. Complaint may be followed up with an inspection of rental structure/premises by but not limited to the code enforcement officer or building official. Under certain health and safety conditions, additional inspection(s) may be required to be performed by the building inspector, mechanical inspector, electrical inspector, plumbing inspector, and / or fire inspector. If a complaint is made and violation is found to have been created by occupant, or false, the occupant who filed complainant shall be charged an inspection fee, or fees for additional inspections if required.
- (c) Every occupant shall properly maintain all facilities, including bathroom and kitchen facilities, in a manner that is clean and sanitary, so as not to place other occupants within that building at risk for safety or health reasons.
- (d) An occupant shall not sublet or allow any portion of the dwelling unit to be occupied in such a manner that any of the provisions of this code are violated.
- (e) Every occupant shall properly use the designated parking area provided by the applicable lease and shall not park across sidewalks or front yard.
- (f) Occupants shall not place any article of furniture and/ or an appliance manufactured for and intended primarily for indoor use out of doors, in yards, on open porches, or patios.
- (g) No occupant of any rental unit or building shall cause intentional destruction nor allow the intentional destruction by others to the rental unit or building or any part thereof.
- (h) No occupant shall access, nor permit access by others, to the rooftop of any structure. Exception: access by property maintenance personnel shall be permitted for necessary repairs.
- (i) Every occupant shall properly maintain all facilities in a clean and sanitary manner free of excessive accumulations of waste product or clutter. All areas for which the tenant is responsible for under the lease, shall be kept free of visible mold or mildew.
- (j) No occupant of any rental unit or building shall allow any refuse, debris or other substance to accumulate in the rental unit or building or any other area, which said occupant has use or possession thereof, or area which might put other occupants of that building at risk for health or safety reasons.

**Sec. 18 – 410 REFERENCED CODES AND STANDARDS.**

Chapters 2 through 8 of the 2015 edition of the International Property Maintenance Code are hereby adopted in their entirety, except as added, amended or deleted, as follows:

- Add Sec. 301.4 Owner occupied rental. Owner occupied portions of residential dwelling buildings shall be inspected every two (2) year's to ensure that a non-owner occupant of that residential dwelling building will not be subject to risk because of safety or sanitary conditions existing in the owner occupied portion of the residential dwelling building.
- Add Sec. 302.3.1 Whenever any public sidewalk shall be obstructed or encumbered because of any snow ice, water, slush, mud, dirt, filth, rubbish, debris, leaves or any other thing, article or substance which

may have fallen, formed, accumulated or been placed or dropped upon the sidewalk, it shall be removed as required by sec. 74-22 sidewalk obstruction; snow and ice accumulations, of the city code of ordinances.

Delete Sec. 302.4 Weeds

Add Sec. 302.4.1 Noxious weeds, grass and brush shall be maintained and abated in compliance with chapter 90 – vegetation article III. – noxious weeds, grass and brush, of the city code of ordinance.

**Delete Sec. 302.8 Motor Vehicles**

Insert Sec. 304.14 Insert “during the period from May 1 to October 1.

Delete Sec. 308 Rubbish and Garbage 308.1 through 308.3.2

Add Sec. 308.4 Solid waste shall be kept properly stored and disposed of in compliance with chapter 66 – solid waste, of the city code of ordinance.

Insert Sec. 602.3 Insert “during the period from October 1 to May 1.

Insert Sec. 602.4 Insert “during the period from October 1 to May 1.

**Sec. 18 – 411 Penalty for violation.**

Any violation of chapter 18, article IX, shall constitute a civil infraction and complaints shall be processed and punished according to section 1-26 of the city code of ordinance. *et. seq.*

**Means of appeal:** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the building board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.