

ORDINANCE NO. 00-19

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN BY ADDING A NEW CHAPTER, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 100 OF TITLE VIII OF SAID CODE.

The City of Adrian Ordains:

Chapter 100 **Rental Property**

8.60 PURPOSE

The City of Adrian recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the city as an important factor for the general health, safety and welfare of all of its citizens. This chapter is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property values.

8.61 SCOPE

- (a) This chapter shall apply to any dwelling or part thereof, which is occupied by persons pursuant to any oral or written rental or lease agreement or other valuable compensation. Such dwelling shall include, but not be limited to, single-family dwellings, multiple-family dwellings, rooming houses and boarding houses.
- (b) This chapter does not apply to jails, hospitals, nursing homes, school dormitories, convalescent homes, foster homes or temporary group shelters provided by legal not-for-profit agencies which are inspected, certified and/or licensed by the State of Michigan.

8.62 DEFINITIONS

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

Certificate of compliance: A certificate issued by the Housing Inspector which certifies compliance with the provisions of the codes and ordinances of the City of Adrian for all rental dwellings and rental units.

Housing Inspector: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Owners Representative: A person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity designated by the owner of the premises as responsible for operating such property in compliance with all the provisions of the City of Adrian's ordinances.

Owner: Any person, firm, corporation, or any other legal entity having a legal or

equitable interest in the premises.

Occupant: Includes all tenants, lessees and persons residing within a rental dwelling or rental unit.

Rental dwelling unit: 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. This definition includes, but without limitation, one and two family dwellings, multiple dwellings and apartment units.

8.63 REGISTRATION REQUIRED

- (a) Compliance. All rental dwelling units are required to be registered pursuant to this Chapter and shall comply with the following:
1. All existing rental property shall be registered within ninety (180) days of the effective date of this Chapter and every three years thereafter.
 2. All newly constructed rental dwelling units shall be registered prior to any use or occupancy as a rental dwelling unit and every three years thereafter.
 3. A new owner shall register a rental dwelling unit, which is sold, transferred or conveyed, within thirty (30) days of the date of sale/closing. Any existing certificate of compliance shall be transferred to the new owner and shall be valid until its expiration or revocation for noncompliance with city codes and ordinances.
 4. All existing non-rental dwelling units, which are converted to rental dwelling units, shall be registered prior to the date on which the property is first occupied for rental purposes and every three years thereafter.
- (b) Registration Forms. Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the Housing Inspector designated by the City Administrator and shall include at least the following information:
1. The name, address and telephone number of the owner; no post office box shall be accepted.
 2. The rental property owner has the option to appoint a representative. The owner representative's name, address and phone number would be included on the Registration form.
 3. Upon registration, the Housing Inspector shall inform applicants of the Certificate of Compliance requirements. The owner shall be responsible for notifying the Housing Inspector of any change of address of either the owner or representative.
 4. Registration Fee: At the time of registration of the dwelling unit there will be a prescribed fee as adopted. Any unpaid registration fees shall become a lien on the property and collected as an assessment pursuant to Section 1.212 of the

Adrian City Code.

8.64 APPLICABLE STANDARDS

The standards used to determine rental property and dwelling unit compliance with City codes and ordinance shall be the International Property Maintenance Code as adopted and amended by the Adrian City Commission.

8.65 CERTIFICATE OF COMPLIANCE REQUIRED

- (a) No person shall lease or rent a rental dwelling unit, unless there is a valid Certificate of Compliance issued by the Housing Inspector in the name of the owner for the specific rental dwelling unit. The certificate shall be issued after registration and inspection by the Housing Inspector to determine that each rental dwelling unit complies with the provisions of the codes and ordinances of the City of Adrian. The only exception to this requirement is during the first certification period during which all rental dwelling units will be inspected over a three-year period.
- (b) The Housing Inspector shall attempt to inspect the premises before the Certificate of Compliance is initially issued. Upon failure of the Housing Inspector to conduct an inspection prior to occupancy, the owner may rent the property until the Housing Inspector has conducted an inspection, and the owner will not be deemed in violation during that time. If, however, the Housing Inspector's failure to inspect the premises is due to the owner's or representative's action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner or representative shall not rent the property without a current certificate of compliance as required.
- (c) Between thirty (30) and sixty (60) days before the expiration date of the Certificate of Compliance, the City will notify the owner of the inspection date and time and the fee amount due. Notice shall be by first class mail to the address as provided by the owner.
- (d) The Housing Inspector shall attempt to inspect the premises before the Certificate of Compliance expires. Upon failure of the Housing Inspector to conduct an inspection prior to expiration of the Certificate of Compliance, the owner may rent the property until the Housing Inspector has conducted an inspection, and the owner will not be deemed in violation during that time. If, however, the Housing Inspector's failure to inspect is due to the owner's or representative's action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner or representative shall not rent the property without a current Certificate of Compliance as required. A Certificate of Compliance shall expire three (3) years from the date of issuance, unless a longer term is approved by the Housing Inspector.

8.66 INSPECTIONS

- (a) The Housing Inspector shall inspect rental dwelling units on a periodic basis pursuant to this Chapter or under any of the following circumstances:
 - (1) After the initial registration of the rental dwelling unit

- (2) Upon receipt of a complaint from an owner, owner's agent or occupant that the premises are in violation of this chapter. If the Housing Inspector determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, an inspection fee may be charged to the complainant.
 - (3) Upon receipt of a report or a referral from the Police Department, the Fire Department, a public or private school, or another public agency.
 - (4) Required by this Chapter
 - (5) Upon evidence of an existing ordinance violation observed by the Housing Inspector
 - (6) At the request of the owner to determine compliance with the International Property Maintenance Code.
- (b) The Housing Inspector shall make an appointment for an inspection of the rental dwelling unit(s) with the owner or representative. The owner/representative must give the Housing Inspector at least a twenty-four hour notice when changing the scheduled appointment, with an alternative date and time. The Housing Inspector shall issue a written inspection report noting any violations of this Chapter or of any other provision of the City of Adrian ordinances and shall provide a copy of the report to the owner or representative. The Housing Inspector shall direct the owner/representative to correct violations within the time set forth in the report. A reasonable time for correcting violations shall be determined by the Housing Inspector in light of the nature of the violations and all relevant circumstances, which shall not exceed sixty days, unless correction of the violation within a sixty-day period is impossible due to seasonal considerations. Upon request of the person responsible for correcting violations, the Housing Inspector may extend the time for correcting violations not to exceed an additional thirty (30) days.
- (c) The Housing Inspector shall give a confirmation notice, by first class mail, to the owner/representative at least ten (10) days before the scheduled inspection. If the owner/representative and/or tenant refuse to permit a scheduled inspection, the Housing Inspector may, through the City Attorney, seek a search warrant to conduct the inspection.

8.67 INSPECTION FEES

Fees for registration of rental units, inspections, re-inspections and Certificates of Compliance shall be as established from time to time by resolution of the City Commission. This schedule shall be available to the public from the City Clerk. Any unpaid inspection fees shall become a lien on the property and collected as provided by law.

8.68 PENALTY

- (a) In the event the owner or representative does not correct a violation of any provision of this Chapter, the Housing Inspector may revoke any existing Certificate of Compliance and may bring an action to seek the enforcement of

this Chapter by an appropriate legal remedy. Any structure not in compliance with this Chapter is deemed a nuisance per se.

- (b) Any owner or representative of a rental dwelling unit who fails to register or who fails to obtain a Certificate of Compliance for each rental dwelling unit shall be responsible for a municipal civil infraction. Any owner or representative who fails to comply with any of the other parts of this Chapter shall be responsible for a municipal civil infraction.
- (c) An owner or representative may be charged with more than one violation of the provisions of this Chapter in a single complaint or municipal civil infraction, provided that each violation so charged relates to the same property.
- (d) A violation of any provision of this Chapter shall be punishable by a fine in accordance with the Civil Infraction Ordinance of the City of Adrian. Each day that a violation exists is considered a separate punishable offense.

8.69 EFFECTIVE DATE

The provisions of this chapter shall take effect 15 days after publication.

INTRODUCTION November 6, 2000

SUMMARY PUBLISHED November 14, 2000

ADOPTION November 20, 2000

COMPLETE PUBLICATION November 25, 2000

EFFECTIVE DATE December 10, 2000

On motion by Commissioner Bolton, supported by Commissioner Schwartz, this Ordinance was adopted by a unanimous vote.

Samuel R. Rye
Mayor

Marsha K. Rowley
City Clerk