

ARTICLE II. - RESIDENTIAL RENTAL UNITS

Sec. 6-23. - Purpose and intent.

The purpose of this article is to protect, preserve, and promote the public health, safety, and general welfare of residents of the village, and occupants of rental dwelling units; and to encourage the maintenance of rental dwelling units by requiring the registration and inspection of same to ensure compliance of the rental dwelling units with any property maintenance or existing structures code in effect and adopted by the state, the county or the village at the time of the inspection.

(Ord. No. 14-11, § 14-11.01, 10-13-2020)

Sec. 6-24. - Definitions.

The following words, terms 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:

Code official means the inspector charged with the administration and enforcement of this article, including the issuance of municipal civil infraction violation notices and citations.

Dwelling unit means a single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. The term "dwelling unit," for the purpose of this article, also includes the individual sleeping rooms or group of rooms of an apartment building to be occupied by a person or family. Each room or group of rooms so occupied or to be occupied shall constitute a separate dwelling unit.

Owner means any person or entity having a legal or equitable interest in the property; or recorded in the official records of the county as holding title to the property; or otherwise having control of the property, including the guardian/conservator of the estate of any person, or the personal representatives of the estate of a deceased individual.

Parcel means a separately described piece of land or a lot to which a property tax number applies.

Property maintenance code means the most recent edition of the International Property Maintenance Code published by the International Code Council (ICC).

Residential rental unit means all dwellings, dwelling units, or mobile homes which are leased or otherwise made available for rental purposes, except:

(1) Dwelling units required to be occupied by an employee or agent of an owner as the condition of employment (i.e., parsonages); (2) Any dwellings or dwelling units over which the state has exclusive authority under state law to inspect and regulate; or (3) The principal residence of the owner which is occupied by persons other than the owner where no rent is paid.

(Ord. No. 14-11, § 14-11.02, 10-13-2020)

Sec. 6-25. - Property maintenance code applicable.

The property maintenance code shall apply to all properties required to be registered under this article.

Sec. 6-26. - Registration.

(a) Required; form; content. All owners thereof shall register all residential rental dwelling units on forms provided by the village, which registration shall include the following information: (1) Name, address, telephone number, and any other means of personal contact of the property owner; (2) Name, address, telephone number, and any other means of personal contact of the designated local property manager, if applicable; (3) The street address of the rental property; (4) The number and types of units within the rental property (dwelling units or sleeping rooms); (5) The maximum number of occupants permitted for each dwelling unit or sleeping room; or (6) The name, address, and telephone number of the person authorized to make or order made repairs or services for the property, if the person is different than the owner or local manager. (b) Deadline for registration. All existing residential rental dwelling units shall be registered as provided herein on or before December 1, 20##. Structures subsequently becoming a residential dwelling unit shall be registered within 30 days after any part of the premises is offered for occupancy and will be assessed a registration fee. (c) When re-registration is required. Once a residential rental dwelling unit has been registered with the village and continues to be used for such purpose, no further registration of the residential rental dwelling unit shall be required; provided, however, that in the event a transfer of ownership occurs or sale of the residential rental dwelling unit, or in the event that the number of rental units located on a parcel shall be increased or decreased, the new owner or present owner, respectively, shall be required to re-register with the village within 30 days after the date of the transfer, sale, or change in the number of residential rental dwelling units.

(Ord. No. 14-11, § 14-11.03, 10-13-2020)

Sec. 6-27. - Inspections.

(a) Residential rental dwelling units shall be inspected to ensure compliance of the rental dwelling units with the property maintenance code, as follows: (1) When six or fewer residential rental dwelling units exist upon any given parcel, the same shall be inspected by the code official every two years. (2) When

more than six residential rental dwelling units exist upon any given parcel a minimum of seven dwelling units, plus no less than ten percent of the dwelling units over six, they shall be inspected by the code official every two years or with a change in tenant.(3)For regular scheduled inspections, the code official shall give written notice of the date and time of the inspection to the owner or local agent, mailed by first class mail, on or before ten days prior to the inspection date.(b)In addition, the code official shall inspect residential rental dwelling units upon reasonable notice as required in the property maintenance code under any of the following circumstances:(1)Upon receipt of an oral or written complaint based upon the personal knowledge of an owner, occupant, or other individual, that the premises are in violation of this article;(2)Upon receipt of an oral or written complaint, or a referral from the police department, or other public agencies or departments, indicating that the premises are in violation of this article; or(3)Upon receipt of information by the code official that a residential rental dwelling unit is not registered with the village as required by this article.

(Ord. No. 14-11, § 14-11.05, 10-13-2020)

Sec. 6-28. - Registration fee.

At the time of registration, the owner of a residential rental dwelling unit shall pay a registration fee in such amount as shall be established from time to time by resolution of the village council.

(Ord. No. 14-11, § 14-11.04, 10-13-2020)

Sec. 6-29. - Issuance of certificate of compliance.

After each initial inspection, if the rental dwelling unit is found to be in compliance with the rules, regulations, laws, codes, and village ordinances, the code official shall issue a certificate of compliance in the name of the owner.

(Ord. No. 14-11, § 14-11.06, 10-13-2020)

Sec. 6-30. - Procedure when inspection discloses violation.

(a)When an inspection by the code official discloses a violation of the property maintenance code, the code official shall issue all necessary notices as provided in the codes to ensure compliance with the code's requirements.(b)A temporary certificate of compliance may be issued when any violation does not constitute an immediate hazard to the health or safety of those who may occupy the premises. The temporary certificate of compliance may be revoked by the code official if the owner or his agent fails to correct the noted violations within the time allowed by the code official.(c)No residential rental dwelling unit shall be occupied, unless a certificate of compliance has been issued by the code official.(d)In the event the owner or his agent is in the process of evicting an occupant or tenant from a residential rental dwelling unit which is in violation of this article, the owner thereof shall have a reasonable time to

correct the violation after the eviction is completed, and the owner or his agent shall promptly notify the code official of the completion of the correction.

(Ord. No. 14-11, § 14-11.07, 10-13-2020)

Sec. 6-31. - Inspection fees and deposits.

(a)The owner of a property subject to this article shall pay an inspection fee for any inspection made under this article. The inspection fees shall be in such amount as shall be established from time to time by resolution of the village council and shall be paid at the time of such inspection.(b)When an inspection discloses a violation of the property maintenance code, and re-inspection is necessary to ensure compliance with the property maintenance code, the owner shall pay a re-inspection fee in such amount as shall be established from time to time by the village council.(c)Should the owner of any residential rental dwelling unit fail to make the dwelling unit available for any scheduled inspection, or fail to notify the village of the necessity to reschedule an inspection, at least 24 hours prior to a scheduled inspection, additional fees may apply in such amounts as shall be established from time to time by resolution of the village council.(d)If an occupant of a rental dwelling unit or a private individual shall make a written complaint concerning a violation at a residential rental dwelling unit, the village, in its discretion, may require an inspection deposit in the amount of the anticipated inspection fee from the occupant or individual. If the inspection discloses no violation, the individual making such complaint shall be liable to the village for the inspection fee. The fee deposit shall be applied to any amounts owed by the complainant or, if no sums are due, refunded.

(Ord. No. 14-11, §§ 14-11.08, 14-11.09, 10-13-2020)

Sec. 6-32. - Confidentiality of identity of complainant.

When the person making a complaint under this article requests confidentiality, the village will not release any information regarding the name, address, or telephone number of any person who makes a written complaint concerning a violation at a residential rental dwelling unit, except when required to do so pursuant to the Freedom of Information Act, MCL 15.231 et seq., or by court order.

(Ord. No. 14-11, § 14-11.08, 10-13-2020)

Sec. 6-33. - Violations and penalties.

(a)It is unlawful for any owner to fail, refuse, or neglect to register a residential rental dwelling unit within the time for doing so as required in this article or to fail, refuse, or neglect to pay any registration fee imposed by the village pursuant to this article.(b)A violation of any provision of this article shall be a municipal civil infraction and any person or entity responsible for the violation shall be subject to the fines set by resolution of the Council.

(Ord. No. 14-11, §§ 14-11.04, 14-11.99, 10-13-2020)