

VILLAGE OF CASS CITY
6506 Main Street, Cass City, Michigan 48726 (989) 872-2911

PROPOSED ORDINANCE NO. 187

AN ORDINANCE TO AMEND VILLAGE OF CASS CITY MUNICIPAL CODE CHAPTER 6, BUILDING AND BUILDING REGULATIONS, ARTICLE V (5), TO BE AMENDED TO READ: RENTAL REGISTRATION ORDINANCE

THE VILLAGE OF CASS CITY ORDAINS:

Chapter 6: BUILDINGS AND BUILDING REGULATIONS

ARTICLE V: RENTAL PROPERTY

DIVISION 1: GENERALLY

Section 6-75, Purpose and Intent.

The Village of Cass City recognizes the need for an organized inspection and registration program for rental properties located within the Village in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property with the Village. The Village recognizes that the most efficient system is the creation of a program requiring the registration and inspection of rental property within the Village as defined in this Ordinance, so that orderly inspection schedules can be made by the Village.

Section 6-76. Definitions

As used in this Ordinance, the following terms and words shall have the following meaning:

- a. **“Building Official”** means a person or entity designated by the Village Council, charged with responsibility for administration and enforcement of this Ordinance, including, but not limited to, determining when to deny or revoke or suspend certificates of compliance for failing to comply with this Ordinance.
- b. **“Dwelling unit”** means a building, or portion thereof, designated for occupancy for living purposes and having cooking facilities and sanitary facilities, including single family residences.
- c. **“Emergency”** and **“Emergency Nature”** mean fire, flood, or the threat of serious injury, death, or spread of disease or infection.

- d. **“Landlord”** means any person who owns or controls a dwelling, Dwelling Unit, or Rental Unit and rents such unit, either personally or through a designated agent, to any person.
- e. **“Owner”** means the legal title holder of a Rental Unit or the Premises upon which a Rental Unit is situated.
- f. **“Owner-Occupied Rental Unit”** means a Rental Unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the Rental Unit is located.
- g. **“Person”** means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- h. **“Premises”** means a lot, plot or parcel of land, including the buildings or structures thereon.
- i. **“Rental Unit”** means any Dwelling Unit or a confined space containing sleeping quarters, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, sleeping rooms, residential, commercial, or industrial property, which are leased or rented by the Owner or other Person in control of such units, to any tenant for more than six (6) months of a calendar year.
- j. **“Responsible Local Agent”** means a natural person, designated by the property Owner, as the agent responsible for operating such rental property in compliance with the ordinances adopted by the Village.
- k. **“Tenant”** means any Person who has the temporary use and occupation of real property owned by another Person, in subordination to that other person’s title and with that other person’s consent.
- l. **“Village”** means the Village of Cass City, its Designee, or any successor department or division that may be established.

Section 6-77. Requirements

No Person shall lease, rent, occupy, or otherwise allow a Rental Unit within the Village of Cass City to be occupied, unless all of the following requirements have first been met:

- a. The Owner of the Rental Unit shall have registered the Rental Unit with the Village by completing and filing a Rental Unit Registration Form with the Village, as provided in Section 6.78 of this Ordinance.
- b. An inspection shall have been completed to the satisfaction of the Building Official.
- c. A valid certificate of compliance shall have been issued by the Building Official on behalf of the Village.
- d. The current certificate of compliance remains in the possession of the Responsible Local Agent.

Section 6-78. Registration Forms.

Registration of Rental Unit(s) must be completed upon forms furnished by the Village and shall require all of the following information:

- a. The street address of the Rental Unit(s);
- b. The number and types of Rental Units within or upon the rental property;
- c. The address, telephone number(s), and where applicable an e-mail address and facsimile number of all property Owner(s) of the Rental Unit(s) and Responsible Local Agent;
- d. The maximum number of tenants permitted for each Rental Unit;

Section 6-79. Accurate and Complete Information.

All information provided on the registration form shall be accurate and complete. No Person shall provide inaccurate information for the registration of a Rental Unit or fail to provide the information required for such registration. The registration form shall be signed by both the Owner(s) and the designated Responsible Local Agent. Where the Owner is not a natural individual, the Owner information furnished shall be that of the president, general manager or other chief executive of the organization.

Section 6-80. Change in Registration Information or Transfer of Property.

Except for a change in the Registered Local Agent, the property Owner of a Rental Unit registered with the Village shall re-register the Rental Unit after any change occurs in the registration information, within sixty (60) calendar days of said change. If

the property is transferred to a new Owner, the new Owner of a registered Rental Unit shall re-register the Rental unit within sixty (60) calendar days following the transfer of the property. Owners shall notify the Village of any change in the designation of the Registered Local Agent, including a change in name, address, e-mail address, telephone number, or facsimile number of the designated Registered Local Agent within five (5) business days of the change.

Section 6-81. Registration Term and Renewals.

Registration of a Rental Unit shall be effective for three (3) years. All registrations shall expire three (3) years from the date of issuance of a certificate of compliance. The property Owner shall register each Rental Unit with the Village within thirty (30) calendar days of the expiration of the current registration of the Rental Unit.

Section 6-82. Responsible Local Agent

The designated Responsible Local Agent shall be responsible for all of the following:

- a. Operating the registered Rental Unit in compliance with all applicable Village Ordinances;
- b. Providing access to the Rental Unit for the purpose of any and all inspections necessary to ensure compliance with the applicable Village Ordinances;
- c. Maintaining a list of the names and number of occupants of each Rental Unit for which he or she is responsible; and
- d. Accepting all legal notices or services of process with respect to the Rental Unit.

DIVISION 2: INSPECTION OF RENTAL PROPERTY

Section 6-83. Requirement

Rental Units shall be inspected as outlined below to ensure the safety of its tenants and residents and compliance with the standards and provisions of the ordinances and codes adopted by the Village.

Section 6-84. Notice of Inspections

Notice of the Village's intent to inspect the premises will be mailed to the Owner, Responsible Local Agent, and to the address of the registered Rental Unit at least 15 days prior to the date of inspection.

Both the property Owner and the Tenant shall provide access to the Rental Unit during reasonable hours, if any of the following apply:

- a. The lease authorizes an inspector to enter for purposes of an inspection
- b. A tenant has made a complaint
- c. The Rental Unit is vacant
- d. A tenant has given consent
- e. The Village has served an Administrative warrant ordering the Owner or Tenant to provide access for purposes of an inspection

In nonemergency situations, where the property Owner or Tenant demands a warrant for inspection of the premises, the Village shall obtain a warrant from a court of competent jurisdiction. The Village shall prepare the warrant, stating the address of the Rental Unit to be inspected, the nature of the inspection, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, recurrent violations, etc.) established below. The warrant shall also state that it is issued pursuant to this section, and that it is for the purposes set forth in this Ordinance or other state laws, which require that inspections be conducted.

In the event of an emergency, no warrant shall be required.

Section 6-85. Inspections.

All Rental Units shall be inspected by the Village at least once every three (3) years. The inspection shall not, however, eliminate an owner's responsibility to register such Rental Units every three (3) years. Prior to conducting inspections of occupied Rental Units, the Village may issue a temporary certificate of compliance.

If, upon inspection, the Rental Unit is in compliance with the Village's Property Maintenance Ordinance and all other Village Ordinances, the inspection is complete.

If, upon inspection, the Rental Unit is not compliant with all Village Ordinances, the Rental Unit is deemed to be in violation of this Ordinance and follow up inspections will be required to achieve compliance.

Nothing in this section shall preclude the inspection of any Rental Unit more frequently than once every three (3) years.

Any current property with a valid Rental Registration certificate shall continue to be enforced until expiration when the property shall then be re-inspected.

Section 6-86. Basis for Inspections.

Inspections shall be conducted in the manner best calculated to secure compliance with the standards of this Ordinance and appropriate to the needs of the community, based upon one or more of the following:

- a. A complaint received by the Village, indicating that there is a violation of the standards or the provisions of any ordinance adopted by the Village;
- b. An observation by the Village, the Village of Cass City Police Department, the Tuscola County Sheriff's Department, a State Agency, Village of Cass City staff, or Elkland Township Fire Chief, of a violation of the standards or the provisions of any ordinance adopted by the Village;
- c. A report or observation of a Rental Unit that is unoccupied and unsecured, or that is damaged by fire;
- d. The registration or re-registration of a Rental Unit as required by this Ordinance;
- e. The need to determine compliance with a notice or an order issued by the Village;
- f. An emergency observed or reasonably believed to exist within the Rental Unit;
- g. A request for an inspection by the property Owner; or
- h. Requirements of law where a Rental Unit is to be demolished by the Village or where ownership is to be transferred to the Village.

Section 6-87. Inspection Procedures.

Once the Village has determined that a Rental Unit is in compliance with all Village ordinances, the inspection requirement for issuance of a certificate of compliance shall be satisfied. The inspection shall then be valid for a period of three (3) years from the date the certificate of compliance is issued.

If, upon completion of an inspection, the premises are found to be in violation of one or more Village ordinances, the Village shall provide the Registered Local Agent and Owner with written notice of such violation(s). Such notice shall include the date of inspection, the name of the inspector, the nature of the violation, and the time within which the violation must be corrected, including the re-inspection date. The Village shall set a re-inspection date, before which, such violation(s) shall be rectified. If upon re-inspection such violation(s) have been corrected, the inspection requirement for issuance of a certificate of compliance shall be satisfied. If upon re-inspection such violations have not been corrected, the Village shall not issue the certificate of compliance and may take any action necessary to enforce compliance with applicable Village ordinances.

If a complaint about a particular Rental Unit or Premises is filed with the Village, the Owner and Responsible Local Agent will be notified in writing. In the event that the

complaint is of an emergency nature, as determined by the Village after consultation with the Village of Cass City Building Official, it will require immediate compliance with adopted Property Maintenance Ordinance. If the complaint is not of an emergency nature, notice of the complaint, including details of the alleged defects, will be sent to the Owner and Responsible Local Agent, who will have fifteen (15) calendar days to correct such violation, unless a longer period of time is granted by the Village, after which a re-inspection, or written verification from the Owner or Responsible Local Agent and complaining party, that the violation has been corrected, will be required. If a violation is not corrected within the fifteen (15) calendar day period, or a longer period of time if granted by the Village, the Village may revoke the certificate of compliance.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the Owner of the inspected Rental Unit in compliance. Repeated false complaints of non-compliance, as determined at the discretion of the Village, will be billed to the complainant, in accordance with the Village of Cass City Fee Schedule.

Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those Rental Units that have been issued violation notices, the Village will charge a separate inspection fee for each inspection where it is determined the violation has not been abated or corrected.

If an inspection is scheduled and notice is properly given, and the Owner or Responsible Local Agent fails to appear, an inspection fee shall be assessed against the Owner and/or the Responsible Local Agent, and no inspection shall be completed until the inspection fee is paid in full.

Section 6-88. Transfer of Ownership Inspection.

When there is a transfer of ownership of any Rental Unit, including an owner-occupied Rental Unit, and a current certificate of compliance exists for the unit, the Village shall not require a new inspection. The new Owner shall comply with the requirements of Section 6-78 of this Ordinance by re-registering the Rental Unit within sixty (60) calendar days following the transfer of the property.

When there is a transfer of ownership of any Rental Unit, including an owner-occupied Rental Unit, and a current certificate of compliance does not exist for the unit, then the Village shall conduct an inspection within thirty (30) calendar days following the notification of the transfer of ownership as required by Section 6-80. If violations of any Village ordinance are found, a notice of violation(s) shall be issued to the Owner in accordance with Section 6-87.

If ownership of any Rental Unit is transferred contrary to Section 6-80 of this Section, or if the new Owner fails to re-register a Rental Unit as required by Section 6-80 of this Ordinance, the certificate of compliance and Rental Unit registration shall

expire sixty (60) days after the transfer, unless appropriate steps are taken to obtain a Rental Unit registration and certificate of compliance.

Within sixty (60) calendar days of the transfer of ownership of a Rental Unit, the new Owner shall notify all residents of a Rental Unit which undergoes a transfer of ownership while the individuals are residing in that unit, including an owner-occupied Rental Unit, of the transfer of ownership.

Section 6-89. Records of Inspection and Violations.

The Village shall keep a record of all inspections and shall make available to the general public a checklist of commonly recurring violations for use in examining premises offered for occupancy. The Village shall also record any violations for which notice is provided to the Owner within the registry of owners and premises.

Section 6-90. Fees.

The Village Council shall establish by resolution an appropriate fee for inspections.

Where a re-inspection must be made to ensure conformity with this Ordinance before a certificate of compliance is issued for those Rental Units that have been issued violation notices, the Village will charge a separate inspection fee for each inspection when the violation has not been abated or corrected.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the Owner of the inspected Rental Unit in compliance.

DIVISION 3: Certificate of Compliance.

Section 6-91. Requirements

No Person shall operate, lease, rent, occupy, or otherwise allow a Rental Unit within the Village to be occupied unless there is a valid certificate of compliance issued by the Village for the Rental Unit. A certificate of compliance shall be issued for each building and Rental Unit.

A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed:

- a. Registration of the Rental Unit with the Village.
- b. Designation of the Responsible Local Agent;

- c. Payment in full of any and all required fees for inspection, plus any penalties for non-compliance with the Rental Ordinance that may have been imposed on the property; and
- d. Inspection by the Village resulting in a determination that the Rental Unit and the premises complies with all Village Ordinances and state laws.

Section 6-92. Temporary Certificate of Compliance.

Temporary certificates of compliance may be issued without prior inspection by the Village for those occupied Rental Units which have not yet been inspected. Such temporary certificates of compliance may be issued as of the effective date of the initial registration and continue until an inspection date is established, to allow Owners to operate such Rental Units until such time as an inspection may be made by the Village. At such time as an inspection is made and the Village has determined that all provisions of this Ordinance have been complied with, the temporary certificate shall expire, and a certificate of compliance shall be issued according to this Ordinance.

Section 6-93. Possession of the Certificate of Compliance.

The certificate of compliance shall be kept at the office of the Responsible Local Agent and made available upon request of the Village or any current or prospective tenant.

Section 6-94. Denial, Suspension or Revocation of Certificate of Compliance

After written notice of violation(s) have been provided to the Owner and Responsible Local Agent, and a reasonable period of time in which to cure the violations has passed, upon inspection and confirmation that the Rental Unit is still not in compliance with this Ordinance, the Village shall deny the issuance of a certificate of compliance, or, suspend or revoke a certificate of compliance previously issued, until such time as the Rental Unit is inspected and found to be in compliance.

Section 6-95. Owner's Right to Appeal

Upon the denial, suspension or revocation of a certificate of compliance, the Owner shall have the right to appeal such determination in the following manner:

- a. The Owner shall file the appeal with the Village Council, in writing, within 15 days of the date of the determination from which the Owner is appealing. Filing of the appeal with the Village Council shall stay the suspension or revocation of the certificate of compliance until such time as the Village Council Personnel & Public Safety Committee ("the Committee"), issues its final decision following a hearing. The appeal shall contain a short and plain statement of the matters asserted by the Owner, including factual and legal bases upon which the Owner relies.

- b. Upon receipt of the appeal, the Committee shall schedule a hearing and provide notice of the hearing to the Owner by sending written notice by first-class mail to the Owner's address, as listed on the registration form. Such hearings shall be held before the Village Council Personnel & Public Safety Committee. The Owner may appear at the hearing in person, by agent or by attorney. Both the Owner and the Building Official shall be given an opportunity to present oral and written arguments and evidence as to why the certificate of compliance was or should be denied, issued, suspended, revoked, or reinstated. If the Owner, or his agent or attorney, fails to appear at the hearing after proper notice was given, the Committee may proceed with the hearing and make its decision.
- c. The Committee shall issue a final decision, in writing, setting forth its findings no later than fifteen (15) days after the hearing is concluded. A copy of the decision shall be sent by first-class mail to the Owner's address, as listed on the registration form, and to any agent or attorney that appeared at the hearing.
- d. If hearing such an appeal would create a conflict of interest for any Committee member, they shall recuse themselves from hearing such matters and the Village Council shall nominate another Trustee to replace them on the Committee.
- e. The Committee shall, by simple majority vote, do one of the following:
 - i. Affirm the determination of the Building Official in refusing to issue, or in suspending or revoking the certificate of compliance; or
 - ii. Reverse the determination of the Building Official and order the issuance or reinstatement of the certificate of compliance.

If the Committee affirms the determination of the Building Official, or there is no timely appeal, the Property shall be vacated until a certificate of compliance is issued by the Village.

An Owner must first exhaust all available remedies under this Ordinance, prior to seeking relief in any court.

The Village Council shall have no power to vary or modify any rules, regulations, provisions or ordinances.

DIVISION 4: MISCELLANIOUS

Section 6-96. Maintenance of Records.

All records, files and documents pertaining to the Rental Registration and Rental Unit Inspection Program shall be maintained by the Village and made available to the public as required by State Law.

Section 6-97. Penalty.

Any Person who violates this Ordinance shall be responsible for a municipal civil infraction fine of \$100.00, subject to the procedures and sanctions contained in Village of Cass City Municipal Code, Chapter 6, Article V (5). Increased civil fines of \$150.00 shall be imposed for repeated violation, which means a second or subsequent municipal civil infraction violation committed by a Person within any twelve (12) month period and for which a Person admits responsibility or is determined to be responsible. A third or subsequent violation of this Ordinance committed by a Person within any twelve (12) month period shall be punishable by a fine of \$250.00.

In addition to the penalty stated above, the Village may also commence appropriate actions or proceedings within courts of competent jurisdiction, to restrain or prevent conduct that is in violation of this Ordinance.

Section 6-98. Administrative Liability.

No officer, agent, employee, or member of the Village shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 6-99. Severance and Incorporation.

- a. If any clause, sentence, section, paragraph, or part of this Ordinance, or the application thereof to any Person, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other Persons by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the Person then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.
- b. If any provision of this Chapter differs from a provision of any other applicable law, Ordinance, rule or regulation, both the provision of this Chapter and the differing provision shall apply if possible. If the two (2) provisions are in conflict, then the provision establishing the higher or stricter standard shall apply.

Section 6-100. Effective Date.

This Ordinance shall take effect 30 days from and after approval and publication in a newspaper of general circulation, by the Village of Cass City.

Made and passed by the Village Council of the Village of Cass City this _____ day of _____, 20____.

A MOTION TO RECEIVE VILLAGE OF CASS CITY, MI PROPOSED ORDINANCE #187, "AN ORDINANCE TO AMEND VILLAGE OF CASS CITY MUNICIPAL CODE CHAPTER 6, BUILDING AND BUILDING REGULATIONS, ARTICLE V (5) TO BE AMENDED TO READ RENTAL REGISTRATION ORDINANCE,

Was offered by Trustee _____ and supported by Trustee _____

Ayes: Nays:

Resolution: Approved / Not Approved

President, Village of Cass City Clerk/Treasurer, Village of Cass City

Introduction and First Reading: _____

Public Notice: _____

Public Hearing: _____

Second Reading: _____

Adopted: _____

Effective: Upon adoption by the Cass City Village Council, this ordinance shall become effective 30 days later.