

**ORDINANCE NO. 150**

**AN ORDINANCE TO REQUIRE THE REGISTRATION AND INSPECTION OF ALL RESIDENTIAL RENTAL DWELLING UNITS WITHIN THE VILLAGE OF DECATUR, MICHIGAN.**

**THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

**Section 1-** Purpose. The purpose of this Ordinance is to protect, preserve and promote the public health, safety and general welfare of the residents of the Village of Decatur, Michigan, and inhabitants in rental dwelling units; and to encourage the maintenance of rental dwelling units by requiring the registration and inspection of same to insure compliance of said rental dwelling units with any property maintenance or existing structures code in effect and adopted by the Village of Decatur, Michigan at the time of said inspection. This Ordinance is adopted pursuant to the authority provided in MCL 125.525 et seq.

**Section 2-** Definitions. The following definitions shall apply to the terms used in the provisions of this Ordinance.

A. Residential Rental Unit. 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, dwelling units, or mobile homes which the State of Michigan has exclusive authority under State Law to inspect and regulate.
- 3- The principal residence of the owner which is temporarily rented or occupied by persons other than the owner for not more than six (6) months of a calendar year, or for which no rent is paid.

B. 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. A dwelling unit for the purpose of this Ordinance shall also include the individual sleeping rooms or group of rooms of an apartment building, bed & breakfast building, hotel, or motel 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.

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

D. Code Official. The inspector charged with the administration and enforcement of this Ordinance.

E. Code. The International Property Maintenance Code, published by the International Code Council, Inc., or any other property maintenance code subsequently adopted by the Village

Council of the Village of Decatur, Michigan.

F. Owner. Any person, agent, operator, firm, limited liability company or corporation 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 representative of the estate of a deceased individual.

**Section 3-** Registration. All owners and/or agents thereof shall register all residential rental dwelling units on forms provided by the Village of Decatur, Michigan, which registration shall include the following information:

- 1- The address of the parcel of land upon which a residential rental dwelling unit is situated, and its property tax identification number.
- 2- The name, address and telephone number of the owner of such dwelling unit.
- 3- The name, address and telephone number of the local agent or manager charged with collecting rent and/or maintaining the residential rental dwelling unit.
- 4- The number and types of units within the rental property (dwelling units or sleeping rooms).
- 5- Name(s) of current tenant.
- 6- The maximum number of occupants permitted for each dwelling unit or sleeping room.

A. The initial registration of all residential rental dwelling units in existence at the time of adoption of this Ordinance shall be made between October 1st and December 31st of 2002 at the office of the Village Clerk at 114 N. Phelps Street, Decatur MI. Structures subsequently becoming a residential rental dwelling unit shall be registered within sixty (60) days after any part of the premises is offered for occupancy.

B. Once a residential rental dwelling unit has been registered with the Village of Decatur, Michigan and continues to be used for such purpose, no further registration of said residential rental dwelling unit shall be required; provided however, that in the event of a sale of said 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 of Decatur, Michigan within sixty (60) days after the date of said sale or the change in the number of residential rental dwelling units.

**Section 4-** Registration fees. All residential rental dwelling units which exist as of the effective date of this Ordinance, or any structure which subsequently becomes a residential rental dwelling unit, shall be exempt from paying a registration fee, provided that same is registered

within the time prescribed in the foregoing Section 3, sub-paragraphs A and B.

Any owner or agent thereof who fails to register said residential rental dwelling unit within the aforesaid period of time shall be subject to and pay a late registration fee of \$50.00.

**Section 5-** Inspections. Residential rental dwelling units shall be inspected to insure compliance of said rental dwelling units with the International Property Maintenance Code, or any other property maintenance code subsequently adopted by the Village Council of the Village of Decatur, Michigan, or any rules, regulations, laws or housing codes of the State of Michigan. Where six (6) or fewer residential rental dwelling units exist upon any given parcel, same shall be inspected by the Code Official every three years. Where more than six (6) residential rental dwelling units exist upon any given parcel a minimum of seven (7) dwelling units, plus ten percent (10%) of the dwelling units over six (6), shall be inspected by the Code Official every three years. For regular scheduled inspections as hereinbefore provided, the Code Official shall give written notice of the date and time of said inspection to the owner or local agent, mailed by first class mail, on or before ten (10) days prior to said inspection date. In addition said Code Official shall inspect residential rental dwelling units, upon reasonable notice as required in any property maintenance code adopted by the Village Council of the Village of Decatur, under any of the following circumstances:

- 1- Upon receipt of a written, executed and dated complaint based upon the personal knowledge of an owner, occupant, or other individual, that the premises is in violation of this Ordinance.
- 2- Upon receipt of a written report or complaint, or a referral from the police department, or other public agencies or departments, indicating that the premises is in violation of this Ordinance.
- 3- If an exterior survey of the parcel gives the Code Official probable cause to believe that the residential rental dwelling units are in violation of this Ordinance.
- 4- Upon receipt of information by the Code Official that a residential rental dwelling unit is not registered with the Village of Decatur, Michigan as required by this Ordinance.

**Section 6-** Issuance of Certificate of Compliance. After the initial inspection, if the rental dwelling unit is found to be in compliance with the rules, regulations, laws, and ordinances of the Village of Decatur, Michigan, and/or the State of Michigan, the Code Official shall issue a Certificate of Compliance in the name of the owner.

**Section 7-** Procedure where Inspection Discloses Violation(s).

A. Where an inspection by the Code Official discloses a violation of the International Property Maintenance Code or any other property maintenance code adopted by the Village

Council of the Village of Decatur, Michigan, or the rules, regulations and laws or housing codes of the State of Michigan, the Code Official shall issue all necessary notices as provided in said code(s) to insure compliance with said codes' requirements.

B. A temporary Certificate of Compliance may be issued when any violation does not constitute a hazard to the health or safety of those who may occupy the premises. Said temporary Certificate of Compliance may be revoked by the Code Official if the owner or his agent fails to correct the noted violation(s).

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 and/or tenant from a residential rental dwelling unit which is in violation of the aforesaid Ordinance and laws, then and in such an event, the owner thereof shall have a reasonable time to correct said violation after the eviction is completed, and said owner or his agent shall promptly notify the Code Official of the completion of said eviction.

**Section 8-** Inspection Fees. There shall be an inspection fee of \$15.00 for each residential rental dwelling unit or re-inspection of said dwelling unit. Such fee shall be paid to the Village of Decatur, Michigan by the owner of said parcel, or the agent thereof, at the time of such inspection.

A. In the event that 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 of Decatur, at its discretion, may require an inspection deposit in the amount of the anticipated inspection fee from said occupant or private individual. If the inspection, which was made as a result of said complaint, discloses no legitimate violation, then and in such an event the individual making such complaint shall be liable to the Village of Decatur for the aforesaid inspection fee, and said deposit shall be applied thereto, otherwise said deposit shall be refunded.

B. The Village of Decatur shall 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: (a) by consent of the complainant; (b) pursuant to the Freedom of Information Act; or (c) by Court Order.

**Section 9-** Failure to have Residential Rental Dwelling Unit Inspected. Should the owner of any residential rental dwelling unit fail to make said dwelling unit available for any scheduled inspection, or fail to notify the Village of Decatur of the necessity to reschedule an inspection, at least 24 hours prior to a schedule inspection, the additional following charges shall apply:

- 1- Additional charge for failure to meet first scheduled appointment .....\$25.00
- 2- Additional charge for failure to meet second scheduled appointment .....\$25.00
- 3- Additional charge for failure to meet third scheduled appointment.....\$50.00

4- Additional charge for failure to meet fourth scheduled appointment.....\$75.00

**Section 10- Severability.** Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 11- Violation.** A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction subject to a Civil Fine not exceeding \$500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

**Section 12- Effective Date.** This Ordinance shall become effective the first day of September, 2002.

Adopted by the Village Council of the Village of Decatur, Michigan on this 5th day of August, 2002.