

## CHAPTER 1482 – RENTAL DWELLINGS

### 1482.01 DEFINITIONS.

As used in this chapter:

- (a) "Certificate of Compliance" means a certificate issued by the Building Department, which certificate certifies compliance with these Codified Ordinances.
- (b) "Code Official" means the official who is charged with the administration and enforcement of this code or any duly authorized representative.
- (c) "Common utility areas" means all areas of a rental dwelling other than the dwelling units themselves, including, but not limited to, all mechanical rooms, utility rooms, storage areas, exit facilities, recreational areas and other public spaces within or connected to the building.
- (d) "Lease" means any written or oral agreement that sets forth conditions concerning the use and occupancy of rental dwellings or rental units.
- (e) "Notice of violation" means a notice issued to the owner or registered agent stating there has been a violation of this chapter or any other applicable code, ordinance, rule or regulation concerning the premises.
- (f) "Occupancy" includes all tenants, lessees and persons residing within a rental dwelling or rental unit.
- (g) "Owner" means any person having a legal or equitable interest in the premises.
- (h) "Premises" means any lot or piece of land, inclusive of the rental dwellings, rental units, common utility areas and all other improvements or any part thereof.
- (i) "Rental dwelling" means any structure, building or other facility promised and/or leased in whole or in part to a residential tenant for use as a home, residence or sleeping unit, regardless of the type, form or amount of remuneration received as a result of any such lease or other arrangement. "Rental dwelling" includes, but is not limited to, all two-family dwellings, multiple dwellings, apartment buildings, boarding houses, rooming houses, hotels, motels and flats, and all single-family houses (excluding those houses which are owner-occupied and are not rented in whole or in part). "Owner-occupied" shall only include the following: The actual owner of record, surviving spouse, children, parents or grandparents. It shall be the burden of the prospective landlord (owner) and tenant to establish by a preponderance of the evidence that the family relationship described herein exists.
- (j) "Structure" means that which is built or constructed or a portion thereof.

### 1482.02 PURPOSES.

- (a) The City of Lincoln Park recognizes the need for an organized inspection and registration program for rental properties located within the City in order to ensure rental dwellings 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 within the City. The City recognizes that the most efficient system is the creation of a program requiring the registration and inspection of rental property within the City as defined in this Ordinance, so that orderly inspection schedules can be made by the City officials.

The purposes of this chapter are to protect the public health, safety and welfare by establishing minimum standards governing the state of repair and maintenance of rental dwellings, rental

units and the premises on which they are located; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make and keep such premises fit for residential occupancy and use; to prevent blight and its detrimental effects from destroying the character and viability of the community; to fix certain responsibilities and duties upon owners and tenants; to authorize and establish procedures for registering, inspecting and requiring that such premises be maintained in a compliant manner; to establish service and administrative fees to be charged through the enforcement of this chapter; and to fix penalties for violations of this chapter.

- (b) This chapter is declared to be essential for the public health, safety and welfare, and it is intended that this chapter be liberally construed to effectuate the purposes stated in this section.

### 1482.03 REQUIREMENTS

- (a) No Person shall lease, rent, occupy, or otherwise allow a Rental dwelling within the City to be occupied, unless **all** of the following requirements have first been met. This clause covers both new rentals as well as existing rentals.
- (1) The Owner of the Rental dwelling shall have registered the Rental dwelling with the Building Department by completing and filing a current registration form with the Building Department as provided in Section 1482.04.
  - (2) An inspection shall have been completed to the satisfaction of the Building Department.
  - (3) All previously billed property taxes; all current or past due special assessment installments; all water or sewer bills outstanding; all charges against the property for mowing, cleanup, weed or debris removal and similar charges by the city, shall be paid in full.
  - (4) All fees charged by the City for the registration and inspection of the Rental dwelling shall be paid in full, as well as any fees, fines, penalties or debts of any sort arising from the provisions or enforcement of this article.
  - (5) A valid certificate of compliance shall have been issued by the Building Department.
  - (6) The Owner of an existing Rental dwelling shall have thirty (30) days from the effective date of this Ordinance to comply with the requirements therein.
- (b) Every owner of a rental dwelling or rental shall comply with each of the various requirements of this chapter so as to obtain and keep current a certificate of compliance for the premises of each rental dwelling and all dwelling units therein. The Code Official may revoke a certificate of compliance for any violation of this Code, the Codified Ordinances, rules and regulations of the City or any State-mandated codes or regulations.

#### **1482.04 REGISTRATION OF RENTAL DWELLINGS.**

- (a) The owner of a rental dwelling, occupied or unoccupied, shall register with the Building Department his or her name and business address, the location of each dwelling, the number of rental units within such dwelling, a current copy of the owner's driver's license and a copy of the resident agent's driver's license when there is a resident agent. Notification of change in ownership or use of any rental dwelling shall be officially provided within thirty days after such change. This requirement does not relieve the registered owner of any such property of the responsibility to fully comply with the inspection, maintenance and code compliance requirements of this chapter.
- (b) Owners who do not reside within a one hundred mile radius of the City shall appoint a Michigan based resident agent or other responsible party who does reside within a hundred mile radius of the City upon whom notices and services of process may be made.
- (c) If rental dwellings are managed or operated by an agent or representative, the agent or representative's name and business address shall be provided to the Building Department. The owner and the agent and or responsible party shall sign the registration form. A copy of the Management Agreement between the owner and the agent or representative must be included with the rental certificate application filed with the Building Department at the time of submission.
- (d) If the owner is a corporation, the names and addresses of its officers shall be provided. A post office box shall not be used as a legal address for the owner/agent. An actual property address shall be listed on the registration form and the application for the Certificate of Compliance.
- (e) Any change in address of the owner, agent or representative/responsible party shall be provided by such owner, agent or representative to the Building Department within thirty days of such change.
- (f) If any rental dwelling is sold, it shall be the obligation of the seller or his or her agent to notify the Building Department, within thirty days, of the name and address of the purchaser. Certificates of Compliance are not transferrable, once the property is sold, the new owner must apply for a new certificate. Correction of identified violations may be assumed by the purchaser if the Building Department is provided with an affidavit of such assumption from the purchaser. This requirement shall not relieve any owner of a rental dwelling of the responsibility to keep registrations current and to comply with every provision of this chapter.

#### **1482.05 REGISTRATION FEES**

- (a) There shall be an initial registration fee for each rental dwelling. Such fees shall be paid by the owner or his or her agent or representative at the time of registration.
- (b) Calculation of registration or registration renewal fees shall be based on the total number of dwelling units in the same building for which a unique certificate of compliance is required.
- (c) Each new owner of a currently registered rental dwelling shall submit a new application and

pay, within thirty days of the transfer of ownership interest, the rental registration fee.

- (d) Any change in address of the owner, agent or representative shall be provided by such owner, agent or representative to the Building Department within thirty days of such change.
- (e) All initial registration and registration late fees shall be set from time to time by resolution of the Mayor and Council. Additional fees, fines, assessments and penalties may be adopted from time to time by Council resolution.

#### **1482.06 INSPECTIONS; RIGHT OF ENTRY.**

- (a) The Code Official of the Building Department and such other code enforcement officials as the Code Official may designate are hereby authorized to make inspections of rental dwellings, occupied or unoccupied, as follows:
  - (1) Prior to the sale thereof.
  - (2) Upon identification of external violations documented by the Code Official or upon receipt of a complaint registered by a tenant, resident and/or neighborhood association if, after investigation, the Code Official determines that such inspections are reasonably required to accomplish the intent of this chapter; and
  - (3) Every dwelling unit shall be inspected at least once every three years.
- (b) (EDITOR'S NOTE: Subsection (b) was repealed by Resolution 97-323, passed June 9, 1997.)
- (c) All owners, agents, representatives and tenants shall comply with inspection requests of the Code Official and such other code enforcement officials as are provided for in subsection (a) hereof.
- (d) Right of entry: Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

#### **1482.07 RECORDS OF VIOLATIONS; NOTICE TO CORRECT.**

- (a) If, upon inspection of a rental dwelling and premises, any unit or any part thereof is found to be in violation of this chapter or any applicable building code, zoning regulation or other code relating to the maintenance or conditions of said property, such violation shall be recorded by the Building Department. Notice thereof, by regular mail, shall be given to the owner, agent or representative as such appears in the registry.
- (b) It shall be the property owner's responsibility to correct all life-safety code violations

immediately and to maintain such property in a safe and compliant manner at all times. All violations shall be corrected within ten days.

- (c) Correction of maintenance violations which can be performed without obtaining a permit must be verified and documented by an inspector; this will be done without additional cost provided that the owner corrects all violations and request verification within the prescribed time.
- (d) Correction of violations which must be performed by an appropriately licensed or qualified person shall be done in compliance with the permit requirements specified in these Codified Ordinances.
- (e) A certificate of compliance shall be issued by the Code Official of the Building Department for each rental dwelling when it is established that such dwelling or facility is in compliance with all of the code requirements applicable to existing structures or residential occupancies. A certificate of compliance shall be valid for three years.
- (f) Every Owner or Responsible Party shall be responsible for regulating the proper use and maintenance of their rental dwellings in Lincoln Park. They shall be responsible for monitoring conduct and activities of the occupants and ensuring that the rental dwellings do not constitute a public nuisance, nor do illegal activities take place there.

#### **1482.08 INSPECTION FEES.**

Each unit in a rental dwelling shall be inspected as required by this chapter. The fees shall be set from time to time by resolution of the Mayor and Council. The applicable fees shall be paid within ten days of the date of the notice. Accounting of the inspection fees collected and the distribution thereof shall be made through the Rental Ordinance Accounts.

#### **1482.09 ENFORCEMENT.**

Code Official of Building Department and/or his or her authorized representative shall serve as ordinance officers for purposes of enforcement of this chapter and shall be authorized to issue notices, orders, violations and court appearance tickets relative to violations of this chapter.

- (a) If any owner of any rental dwelling fails to comply with the registration requirements specified herein. The certificate of compliance may be suspended or revoked.
- (b) If any owner of any rental dwelling fails to comply with the inspection requirements specified herein after being properly notified, additional enforcement action may be taken. If the order is not promptly complied with, each dwelling unit contained therein shall be posted with a notice requiring that the occupant of the unit provide entry for inspection purposes at a specified date and time.
- (c) If any owner of any rental dwelling fails to correct the violations identified in the inspection report, as required by this chapter, the certificate of compliance may be revoked, and the owner/responsible agent may be subject to additional fines or other enforcement action.

## **1482.10 CONFLICT OF LAWS.**

In any case where a provision of this chapter is found to be in conflict with any provision of any State statute or any zoning, building, fire, safety or health ordinance or code of the City, the provision which established the higher standard for the promotion and protection of the health, safety and welfare of the public shall prevail.

Nothing in this chapter shall be deemed or construed to impair the rights of the City under Chapter 1444, under any ordinance or code relating to condemnation of structures or under any related code or ordinance regarding the maintenance, condition or safety of structures.

## **📖 1482.11 APPEALS.**

Any person affected by any notice which has been issued in connection with the enforcement of this chapter may request and shall be granted a hearing on the matter before the Hearing Board on Dangerous Buildings and Code Appeals provided that such person files, in the office of the Building Department, a written petition requesting such hearing and containing a statement of the grounds of the appeal within twenty days after the day the notice was served.

The Hearing Board on Dangerous Buildings and Code Appeals shall serve as the code appeals board, with all the powers and duties afforded to it under Chapter 1444 of these Codified Ordinances.

## **📖 1482.12 INTENT.**

It is the intent of this chapter to have all rental dwellings maintained according to the minimum codes governing existing buildings and residential occupancies. It is not intended to have such rental dwellings brought up to the current code requirements for new buildings.

## **📖 1482.99 PENALTY AND SANCTION - MUNICIPAL CIVIL INFRACTION- MISDEMEANOR.**

Any Person who violates this Ordinance shall be responsible for a municipal civil infraction subject to the procedures and sanctions contained in Section 202.101. Increased civil fines shall be imposed for repeated violation, which means a second or subsequent municipal civil infraction violation committed by a Person within any twenty-four (24) month period and for which a Person admits responsibility or is determined to be responsible. After the third violation of this Ordinance committed by a Person within any twenty-four (24) month period, that violation shall be punishable by a misdemeanor with fines up to \$500.00 and/or 90 days in jail.