

VILLAGE OF CARLETON
ORDINANCE NO. 196
MANDATORY INSPECTION OF RESIDENTIAL
RENTAL PROPERTIES

An Ordinance to amend Village of Carleton Ordinance Number 179, and to implement a mandatory inspection of residential rental properties in the Village of Carleton.

THE VILLAGE OF CARLETON ORDAINS:

SECTION 1. Intent.

The Village recognizes the importance of the rental housing segment of the overall Village housing stock inasmuch as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership. As the entity responsible for the enforcement of the building and housing codes, it is in the interest of the Village to ensure that all rental residential units, structures and grounds leased for occupancy to the general public are in compliance with the minimum property maintenance standards adopted and enforced by the Village.

Benefits to the Village include:

1. Protection of the health, safety, and welfare of residents of rental properties and adjacent properties. Existing structures and premises not in compliance will be repaired to provide a minimum level of health and safety as required herein.
2. Maintenance of property values and "quality of life" within the immediate neighborhoods in which residential rental units are located.
3. Enforcement of common minimum standards for all residential rental units, structures, and premises.

SECTION 2. Definitions.

As used in this Ordinance, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

Building official/building official's office: The department of the Village responsible for the daily administration of the rental inspection program, including scheduling of appointments, inspections, re-inspections, and record keeping. References to the building official or the building official's office are interchangeable and include the Village building inspector.

Certificate of compliance: Official document stating that a residential rental dwelling unit and/or structure meets the minimum standards established by the Village for occupancy.

Local agent: An individual or company representing the owner having a place of residence or business within the county or within 20 miles of the Village if residing outside the county. The local agent is responsible for the operation of the owner's residential rental dwelling unit(s) located within the Village regarding compliance with the provision of this Ordinance, and the terms and conditions of all other codes and ordinances of the Village. A local agent is required if:

1. The owner resides outside of the County more than 20 miles from the Village.
2. The owner resides outside of the County more than 20 miles from the Village for more than 90 days each calendar year.

Owner/property owner: The individual(s), company, corporation, or governmental or private agency listed on the recorded deed or purchaser under a recorded land contract as the owner of a property containing residential rental dwelling unit(s).

Residential rental dwelling structure: Any building containing one or more residential rental dwelling units including any common areas accessible to residents of all residential rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

Residential rental dwelling unit: Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid. Single family residences, duplexes, apartments and rooming houses may all contain and be classified as rental units.

Residential rental premises: The site upon which a residential rental dwelling unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

SECTION 3. Certificate of Compliance required.

1. No person shall lease, rent or cause to be occupied a residential rental dwelling unit and/or structure unless a valid Certificate of Compliance is issued by the Village in the name of the owner and/or local agent for the specific rental structure and each residential rental dwelling unit. A Certificate shall be issued only upon the successful completion of an inspection of the rental dwelling unit and/or structure by the village building official and other inspectors as may be deemed necessary. The

Certificate shall be retained by the property owner or local agent and produced upon request. A copy shall be provided to each lessee.

2. A Certificate of Compliance shall be valid for a period of three years from the date of issuance unless revoked by the Village.

3. Dwelling units in existence and registered with the Village at the time this Ordinance goes into effect may continue to be occupied until such time as the initial inspection is scheduled and the process completed.

4. A Certificate of Compliance cannot be issued for a residential rental unit unless it is registered with the Village.

SECTION 4. Affected and exempt units/structures.

1. All single, duplex and multi-family rental units and structures, including boarding and/or rooming houses as defined in the Village Zoning Ordinance, located within the Village, shall comply with the requirements of this Ordinance, except as specifically exempted below:

2. Exemptions.

A. *One-time exception.* Any rental unit listed above, which within the previous six months prior to a scheduled inspection has been:

- i. Inspected and approved by the Village building official; or
- ii. Issued a Certificate of occupancy by the Village Building Department.

Such units will be issued a three-year Certificate of Compliance without an additional inspection.

B. *Permanent exemptions.* The following are permanently exempted from the requirements of this Ordinance:

- i. All residential rental units and/or complexes currently inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA). Proof of inspection and compliance must be provided.
- ii. Hotels, motels, and bed and breakfast establishments as classified in the Michigan Building Code, as amended.
- iii. Homeless shelters.

SECTION 5. Basis for inspection.

The Village through its building official shall have the authority to inspect any residential rental dwelling unit or structure under the following situations:

1. In the course of an initial scheduled inspection and tri-annual renewal inspection to receive and maintain a Certificate of Compliance.
2. Upon request by the property owner or local agent to inspect a unit(s) and/or structure.
3. Upon a request by a tenant to inspect a unit or structure.
4. Upon receipt of information that a unit or units are not registered with the Village.
5. Upon knowledge of an imminent life or safety danger.

SECTION 6. Inspection criteria.

1. The Village shall utilize the "International Property Maintenance Code," published by the International Code Council and adopted by the Village council as the established standards for the inspection of residential rental units.

2. The Village building official shall prepare a standardized checklist of items to be inspected consistent with the standards of the "International Property Maintenance Code." The checklist shall be available to all residential rental property owners and tenants prior to an inspection.

SECTION 7. Inspection procedures.

1. For the initial round of inspections the building official's office shall prepare an inspection schedule for existing residential rental dwelling units and structures presently registered with the Village. The schedule shall be based on a three-year inspection cycle and shall be developed so as:

- A. Not to concentrate on a single geographic area in a given year; and
- B. To limit the number of inspections for a single property owner with nine or more residential rental units in separate structures to no more than one-third of the units in a calendar year.

2. Newly constructed and/or registered residential rental units shall be scheduled for an inspection at the time they are registered and shall be inspected and obtain a Certificate of Compliance prior to occupancy unless exempted under Section 4,

paragraph 2A, of this Ordinance, one-time exemptions. In such case a Certificate of Compliance shall be issued without an additional inspection.

3. At least 30 days prior to an inspection or inspections the Village building official's office shall send in writing a notification to the property owner or local agent, including the date, time, and the unit or units to be inspected. It shall be the responsibility of the property owner or local agent to notify the affected tenant(s). The property owner or local agent may request a change in the inspection appointment no less than ten days prior to the scheduled inspection. In the event a property owner, local agent or tenant learns that he/she cannot be present at the scheduled appointment, the Village building official must be notified at least 24 hours in advance. A new inspection appointment shall be scheduled no more than 30 days from the original appointment date. A missed appointment by a property owner or local agent shall be rescheduled by the Village, and a "missed appointment fee" in the amount of \$125.00 per unit shall be imposed.

4. A property owner, local agent or tenant shall provide access to his/her residential rental dwelling unit(s) and/or structure(s). An individual refusing entry shall be notified of the Village's authority to inspect the property and that it will take appropriate and necessary action, including, but not limited to: issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in Section 11, Failure to comply.

5. A unit in compliance with the requirements included in the inspection checklist shall be issued a Certificate of Compliance valid for a period of three years from the date of issuance unless revoked by the Village (See Section 8, Revocation of Certificate of Compliance.)

6. For units with code violations the building official shall provide a written notice of the noted code violations to the property owners or local agent, who shall have 30 days from receipt of the Notice to correct said code violations. More time may be granted by the building official in those situations in which the property owner or local agent can demonstrate a justifiable need and the additional time will not result in conditions deteriorating further. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time an additional ten days may be granted. However, a re-inspection fee shall be paid prior to the inspection.

7. Decisions of the building official may be appealed to the Village Council. (See Section 9, Appeal process.)

8. The Village building official shall be responsible for scheduling renewal inspections at least 45 days prior to the expiration of a Certificate of Compliance.

SECTION 8. Revocation of Certificate of Compliance.

A Certificate of Compliance may be revoked by the building official under the following circumstances:

1. A residential dwelling unit or structure is not operated as a rental unit or structure for 90 consecutive days and/or is removed by the property owner or local agent from the Village's rental registration list. A new Certificate of Compliance must be obtained including the required inspection prior to occupancy.
2. A property owner or local agent has failed to correct code violations within the required timeframe and has been officially cited by the Village as a misdemeanor violation or by other legal action.

SECTION 9. Appeal Process.

1. A property owner or local agent disagreeing with a decision of the building official relative to the existence of a violation or the timeframe in which to make corrections, may appeal that decision to the Village Council acting at the Housing Appeal Board, hereby designated to hear such appeals. A tenant of a rental dwelling unit shall have standing to appeal a notice or order to vacate a residential rental dwelling unit.

2. The Village Council shall serve as the Housing Appeals Board and shall meet on an as-needed basis.

3. A property owner, local agent or tenant requesting an appeal shall submit a written request on a form provided by the Village Building official with the appropriate fee within ten days after receipt of a notice of violation, or within the time allotted for taking any action indicated on the notice or order, whichever is shorter. The decision or order of the building official shall be held in abeyance until such time as it is acted upon by the Village Council acting as the Housing Appeals Board.

4. The Village Council acting as the Housing Appeals Board shall convene within 15 working days with notice served to the appealing party of the date, time and location of the hearing. The Council shall hear testimony and argument from the appealing party and the building official and shall be majority vote render a decision on the question at hand. The decision of the Village Council acting as the Housing Appeals Board shall be binding on all parties.

SECTION 10. Fees.

A schedule of the fees associated with the Rental Inspection is hereby established. These Rental Inspection Fees are payable to the Village of Carleton, and are as follows:

Initial/Renewal Inspection, including one (1) follow-up (to be paid prior to inspection)	Every 3 years
1-2 Units: Inspected at the same time and same location	\$65.00 per unit
3-10 Units: Inspected at the same time and same location	\$60.00 per unit
10 or more Units: Inspected at the same time and same location	\$55.00 per unit
Re-inspections (following second failure); to be paid prior to re-inspection	\$125.00 per unit per re-inspection
Missed appointments (to be paid prior to inspection)	\$125.00 per unit
Late payment fee for initial/renewal inspection or re-inspection (paid up to and including 10 days after inspection)	Base fee plus \$10.00 per unit
Failure to pay fee (more than 10 days inspection)	Base fee plus \$20.00 per unit and fee may be placed on tax rolls for the property
Appeals	\$25.00*

*Fees for tenants may be waived by the Village Council upon demonstration of financial hardship.

All fees shall be paid at the office of the Building Official prior to inspections being performed. A late fee shall be charged for all inspection fees not paid prior to the inspection through ten days after the inspection is performed. Fees remaining unpaid for more than ten days following an inspection shall be charged an additional late fee and all accumulative charges may be added to the tax rolls relative to the property(s), and such charges shall become a lien in the same manner as the regular taxes applied to such premises, until such charges are paid.

SECTION 11. Failure to Comply.

Failure or refusal to have residential rental units inspected in accordance with this Ordinance, or failure to comply with any provision of this Ordinance or notice given pursuant hereto, shall constitute a misdemeanor, which upon conviction may result in a fine of up to \$500.00 per violation, costs of prosecution and/or imprisonment for up to 90 days.

SECTION 12. Enforcement Authorization.

The Village Building Official, Village Building Inspector, Village Fire Marshall, Village police officers and Village planner are authorized to enforce the provisions of this Ordinance and issue misdemeanor citations pursuant hereto.

SECTION 13. Program Implementation.

The Building Official's Office and the Village Inspectors under the direction of the Village President shall be responsible for the implementation and ongoing operation of the Village Rental Housing Inspection Program.

SECTION 14. Severability.

If any section, subsection, clause or phrase of this Ordinance is for any reason declared to be unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

SECTION 15. Effective Date.

This ordinance shall become effective on the thirty-first (31st) day after it, or a summary of it, is published in a newspaper in general circulation in the Village of Carleton.

I, Lenora Buckingham, Village of Carleton Clerk, do hereby certify that this Ordinance was adopted by the Village Council of the Village of Carleton, Monroe County, Michigan, at a regular meeting of the Village Council held at the Village Hall, Carleton, Michigan, on the _____ day of _____, 2017.

Vote on said Ordinance: _____ members being present and _____ members being absent was as follows:

Lenora Buckingham
Clerk of the Village of Carleton

Attested:

Larry Buckingham
President of the Village of Carleton

CERTIFICATION

This is to certify that the foregoing Ordinance was duly published in the Monroe Evening News, a newspaper of general circulation which is circulated in the Village of Carleton by publication on the _____ day of _____, 2017. And further, a copy of this Ordinance was posted at the Village Office, 1230 Monroe Street, Carleton, Michigan; Monroe Bank and Trust, 12633 Grafton Road, Carleton, Michigan, and Busch's Fresh Food Market, 12599 Grafton Road, Carleton, Michigan, these being three (3) of the most public places, all located within the Village of Carleton. Such posting was done by the undersigned clerk on the _____ day of _____, 2017.

Lenora Buckingham
Clerk of the Village of Carleton