

ORDINANCE 179
Village of Carleton

Rental Properties

CROSS REFERENCES

State Housing Code - see M.C.L.A. § 125.401 et seq.

Municipal Housing Act - see M.C.L.A. § 125.651 et seq.

Municipal housing commissions – see M.C.L.A § 125.653 et seq.

Adoption, promulgation. and publication of rules - see M.C.L.A. § 125.694b

Acquisition and maintenance of housing projects - see M.C.L.A. § 125.731 et seq.

Neighborhood area improvements - sec M.C.L.A. § 125.941 et seq.

Hotels, boarding and lodging houses - see M.C.L.A. § § 427.1 et seq.

The Village of Carleton ordains:

01 PURPOSE.

The Village of Carleton recognizes the importance to the general health, safety and welfare of all of its citizens and also recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the Village. This chapter is designed to promote the continued maintenance of quality and safe rental properties and to maintain property values.

02 DEFINITIONS.

As used in this chapter, the following terms shall have the following meanings respectively ascribed to them in this section:

- (a) "Certificate of compliance" means a certificate issued by the designated enforcement officer which certifies compliance with the provisions of the codes and ordinances of the Village of Carleton for all rental dwellings and rental units. A certificate of compliance shall be valid for three years from the date of issuance.
- (b) "Lease" means any written or oral agreement that sets forth any and/or all conditions concerning the use and occupancy of rental dwellings or rental units,
- (a) "Notice of violation" means a notice issued to the owner or responsible local agent stating that there has been a violation of a provision of this chapter or any other applicable codes, ordinances, rules or regulations concerning said premises.
- (d) "Occupant" means a tenant, lessee and any person residing within a rental dwelling or regal unit.
- (c) "Owner" means any person, agent, firm or corporation having a legal or equitable interest in the premises.
- (I) "Premises" means any lot or piece of land, inclusive of the rental dwelling or rental unit located thereon.
- (g) "Residential rental structure" means any structure, building or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence or sleeping unit. This definition includes, but is not limited to, one- and two-family dwellings, multiple-family dwellings, apartment units, boardinghouses, rooming houses, hotels, motels and flats.

(h) "Rental unit" means any one area, room, structure, flat or apartment that is being leased or rented to only one tenant, group of tenants or family under one lease.

(i) "Responsible local agent" means a person or a representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his or her place of residence in the County of Monroe and designated by the owner of the premises as responsible for operating such property in compliance with all the provisions of these Codified Ordinances. All official notices of the Village may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

03 SCOPE.

(a) This chapter shall apply to any dwelling or part thereof which is occupied by persons(s) pursuant to any oral or written rental or lease agreement for compensation. Such dwellings shall include, but not be limited to, single-family dwellings, multiple-family dwellings, rooming houses and boardinghouses.

(b) This chapter does not apply to hotels and motels licensed and inspected by the State of Michigan or to multiple-family apartment complexes that are under the jurisdiction of, and/or that have a financial obligation to, a state or federal agency such as MSHDA. The foregoing exception does not apply to dwellings subject to MSDHA Section 8 inspections performed by the state because the dwellings' tenants qualify for assistance from the state.

04 REGISTRATION REQUIRED.

(a) Compliance. Residential rental structures required to be registered pursuant to this chapter shall comply with the following:

(1) All existing rental structures shall be registered within 90 days of the effective date of this chapter.

(2) All newly constructed residential rental units or structures shall be registered prior to any use or occupancy as a residential rental unit or structure.

(1) A residential rental structure which is sold, transferred or conveyed shall be reregistered by the new owner within 30 days of the date of sale/closing. Any existing certificate of compliance shall be transferred to the new owner and shall be valid until its expiration, subject to the provisions of Subsection (d) hereof.

(2) All existing non-rental dwellings which are converted to residential rental structures shall be registered prior to the date on which the property is first occupied for rental purposes.

(b) Registration Forms.

(1) Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the enforcement officer designated by Village Council and shall include at least the following information:

(A) The name, address and telephone number of the applicant.

(B) The names, addresses, telephone numbers, dates of birth and social security numbers of all owners of the residential rental structure(s).

(C) In the event the owner is not a Monroe County resident, an authorization appointing a responsible local agent signed by both the owner and the responsible local

agent.

(1) The name, local address, telephone number, date of birth and social security number of the responsible local agent.

(2) No post office box will be accepted as a legal address. Upon registration, the designated enforcement officer shall inform applicants of certificate of compliance requirements.

(3) The owner shall be responsible for notifying the designated enforcement officer of any change of address or telephone number of either the owner or the responsible agent.

(A) Whoever violates Section 04043) is responsible for a civil infraction and shall be subject to a civil fine of \$100, plus costs. A separate offense shall be deemed committed each day during on or which a violation occurs or continues. Repeat offenses shall be subject to increased fines of \$250, plus costs.

(c) Registration Prior to Use. Registration shall be made prior to the use or occupancy of any residential rental structure or residential rental unit, except as otherwise provided by this chapter.

(d) Transfer of Ownership. No owner of any residential rental structure or residential rental unit who has received notice of violation of any code or ordinance of the Village (including notices that the number of residential rental units exceeds that permitted by the Zoning Code) shall transfer, convey, lease or sell his or her ownership and/or interest, unless such owner shall first have furnished to the grantee, lessee, vendee or transferee a copy of any notice of violation, and shall have furnished to the designated enforcement officer a signed and notarized statement by the transferee acknowledging the receipt of such notice of violation and acknowledging legal responsibility for correction of the violation(s).

05 CERTIFICATE OF COMPLIANCE REQUIRED.

(a) No person shall lease or rent a residential rental structure or residential rental unit, unless there is a valid certificate of compliance issued by the designated enforcement officer in the name of the owner for the specific residential structure and each residential rental unit. The certificate shall be displayed in a conspicuous place in each residential rental structure or unit. The certificate shall be issued after application and inspection by the designated enforcement officer to determine that each rental structure or unit complies with the provisions of the codes and ordinances of the Village of Carleton.

(b) Upon receipt of a timely application for issuance of a certificate of compliance, the designated enforcement officer shall inspect the premises before the certificate of compliance is initially issued. Upon failure of the designated enforcement officer to conduct an inspection prior to occupancy, the owner may rent the property until the designated enforcement officer has conducted an inspection, and the owner will not be deemed in violation during that time. If, however, the designated enforcement officer's failure to inspect the premises is due to the owner's or responsible local agent's action, failure to act or refusal to permit an inspection after reasonable notice of his intent to inspect, the owner or responsible local agent shall not rent the property without a current certificate of compliance as required.

(c) Between 30 and 60 days before the expiration date of the certificate of compliance, the department responsible for certification shall send notification of expiration to the owner or responsible local agent, together with an invoice for re-certification.

(d) The designated enforcement officer shall inspect the premises before the certificate of compliance expires. Upon failure of the designated enforcement officer to conduct an inspection prior to expiration of the certificate of compliance, the owner may rent the property until the designated enforcement officer has conducted an inspection, and the owner will not be deemed in violation during that time. If, however, the designated enforcement officer's failure to inspect is due to the owner's or responsible local agent's action, failure to act or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner or responsible local agent shall not rent the property without a current certificate of compliance as required. A certificate of compliance shall expire three years from the date of issuance.

(e) A certificate of compliance shall not be issued for any premises as to which real estate taxes and/or assessments are delinquent.

06 INSPECTIONS.

(a) The designated enforcement officer shall inspect residential rental units on a periodic basis pursuant to this chapter or under any of the following circumstances:

(1) Upon initial registration of the residential rental structure and/or unit.

(2) Upon receipt of a complaint from an owner, owner's agent or occupant that the premises are in violation of this chapter. If the enforcing officer determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, a \$25 inspection fee shall be charged to the complainant.

(3) Upon receipt of a report or a referral from the Police Department, the Fire Department, a public or private school, or another public agency.

(4) Upon receipt of knowledge that a rental unit is not registered with the Village of Carleton as required by this chapter.

(5) Upon evidence of an existing Housing Code violation observed by the designated enforcement officer.

(b) The designated enforcement officer shall make an appointment for an inspection of the rental dwelling(s) with the owner or agent. The owner/agent must give at least a twenty-four-hour notice, with an alternative date and time, to change the appointment. The inspector shall issue a written inspection report noting any violations of this chapter or of any other provision of these Ordinances and shall provide a copy of the report to the owner or responsible local agent. The inspector shall direct the owner/agent to correct violations within the time set forth in the report. A reasonable time for correcting violations shall be determined by the inspecting officer in light of the nature of the violations and all relevant circumstances, which shall not exceed 60 days, unless correction of the violation within a sixty-day period is impossible due to seasonal considerations. Upon request of the person responsible for correcting violations, the inspecting officer may extend the time for correcting violations not to exceed an additional 30 days.

(c) The designated enforcement officer shall give confirmation notice, by first class mail,

to the owner/agent and tenant within seven days of the scheduled inspection, The owner/agent and tenant shall permit the inspection by the designated enforcement officer. The designated enforcement officer shall advise the owner/agent and tenant, at the time of the inspection, that the owner/agent and/or tenant shall have the right to refuse entry if the designated enforcement officer does not have a search warrant. The designated enforcement officer shall also advise the owner/agent and tenant that if the inspection is refused, an administrative search warrant will be sought. If the owner/agent and/or tenant refuses to permit a scheduled inspection, the designated enforcement officer may, through the Village Attorney, seek an administrative search warrant to conduct the inspection. The designated enforcement officer may, at the request of the owner/agent or tenant, inspect the property. If invited to inspect the property, no notice shall be required to be given.

07 INSPECTION FEES.

The Village Council shall, by resolution, fix and determine the fees and charges for the periodic inspections required by this chapter. Any unpaid inspection fees shall become a lien on the property and be collected as provided by law.

08 INSPECTION GUIDELINES.

A list of inspection guidelines to be used in inspections relating to the enforcement of this chapter follows the text of this chapter as Exhibit 1, "Village of Carleton Rental Property Maintenance Code." The inspection guidelines shall be effective upon adoption of this chapter. The adoption of said inspection guidelines shall not be construed to relieve the owner from compliance with any other requirements of codes adopted by the Village, including, but not limited to, housing, electrical, building, plumbing, mechanical and fire codes and zoning, blight and signage requirements.

09 VIOLATIONS.

Notice of Violation. Violations of Section 04 of the Codified Ordinances may be prosecuted without notice. Whenever the enforcing officer determines that there has been a violation of any other provision of this chapter, he or she shall give notice of such alleged violation and orders for correction of the violation as hereinafter provided. Such notice shall:

- (a) Specify the date of the inspection;
- (b) Specify the address where the violation was found;
- (c) Include the name;
- (d) Include a description of each violation observed by the inspector;
- (e) State that each violation is a separate punishable offense;
- (f) Specify a time limit for the performance of any act it requires;
- (g) Notify the owner or responsible local agent, as the case may require, of his or her right to appeal from the notice or order to the Housing Board of Appeals;
- (h) Be served upon the owner or the responsible local agent. Notice shall be deemed to be properly served if a copy thereof is served personally or if a copy thereof is sent by certified mail, return receipt requested, to the last known address. Notice given to the responsible local agent is deemed notice given to the owner. A copy of the notice shall be

posted on the property which is the subject of the notice;

- (i) State the specific section of the Housing Code that is in violation;
- (a) Order the premises to be vacated within a time to be set by the inspector, the length of which shall be determined by the extent of the danger to the occupants, but in no case to exceed 30 days, or, alternatively:
 - (1) Order correction of all violations within a time period not to exceed 15 days;
 - (2) State that a reinspection will be made to determine whether all violations have been corrected by the specified date. A fifty-dollar reinspection fee will be required to be paid prior to reinspection;
 - (3) State that failure to comply with the notice will result in prosecution; and
 - (4) Employ any other additional or optional corrective or enforcement measure as provided for in these Ordinances or by law.

10 APPEAL PROCESS.

(a) Right of Appeal. The owner or responsible local agent may appeal any decision of the designated enforcement officer to the Housing Board of Appeals. An occupant of a dwelling shall have standing to appeal any notice or order to vacate the dwelling.

(b) Procedure.

(5) Any owner, agent or occupant requesting an appeal shall file a written request therefor with the designated enforcement officer within 10 days after the date of receipt of the notice of violation, or within the time for taking any action indicated on a notice or Order, whichever time is shorter, on a form designated by the designated enforcement officer,

(6) The Housing Board of Appeals shall, within 10 days of receipt of a written request, fix a time, date and place for a hearing and shall hear testimony and argument from the owner and/or responsible local agent and enforcing officer and shall, by a majority vote, determine the question at hand.

11 PENALTY.

(a) In the event that the owner or responsible local agent does not correct a violation of any provision of this chapter, the designated enforcement officer shall revoke any existing certificate of compliance and may bring an action to seek the enforcement of this chapter by any appropriate legal remedy. Any structure not in compliance with this chapter is deemed a nuisance per se.

(h) Any owner or responsible local agent of a residential rental structure or unit who fails to register or who fails to obtain a certificate of compliance for each residential rental structure shall be guilty of a misdemeanor. Any owner or responsible local agent who fails to comply with any of the other requirements of this chapter shall be guilty of a misdemeanor.

(c) An owner or responsible local agent may be charged with more than one violation of the provisions of this chapter in a single complaint, provided that each violation so charged relates to the same property.

(d) A misdemeanor violation of any provision of this chapter shall be punishable by a fine of not more than \$500 and the cost of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each day that a violation exists is considered a separate punishable offense.

MINIMUM REQUIREMENTS FOR
EXISTING RENTAL DWELLING UNITS

PURPOSE - The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all rental residential buildings and structures within this jurisdiction.

GENERAL
SECTION

- 1.1 1001.11 UHC Exterior and interior areas will be kept in a clean and sanitary condition.
1001.4 UHC Occupants responsibility.
- 1.2 801 UFJC Exits will be unobstructed. Each sleeping area will have egress. Exits shall not lead through other sleeping areas, toilet or bathroom.
- 1.3 1001.2(12) UHC All structures and exterior property shall be kept free from rat infestation.
- 1.4 1001.3(5)1111C All structural members shall be
1.3 kept free from deterioration and be able to withstand the imposed loads. Interior surfaces shall be maintained in good, clean condition.
- 1.5 1001.8(2) UHC Windows and doors shall be in sound condition, good repair and weathertight. All windows, except fixed, shall be easily openable and capable of being held in position by window hardware. One window with screen shall be provided for each habitable room. Exterior doors shall be lockable. Basement windows and doors shall be such as to prevent entrance of rats, rain or ground water.
- 1.6 503.1 UFIC Sleeping rooms shall be at least 70 square feet for single occupancy and 50 square feet per occupant if more than single occupancy. Minimum ceiling heights shall be 7 feet 6 inches in habitable spaces and 7 feet in other areas (note exceptions). Minimum room widths of habitable rooms is 7 feet. Privacy shall be provided.
- 1.7 1001.2(10) UDC All habitable rooms shall have adequate lighting. All common hallways and stairways shall have adequate lighting.
504.4 UHC
- 1.8 310.9.1.1 IBC Smoke detectors shall be located in all bedrooms and on each floor, including basements. All smoke detectors shall be kept in good working order at all times.

1.10 801 UHC All bedrooms shall have two paths of egress. Aft egress window constitutes one path of egress.

1.11 1006.9 UBC Stairs with four risers or more and
1006.10 UBC landings or a balcony 30 inches or more above grade shall have a guardrail or handrail. These guardrails or handrails shall be kept in a secure condition and shall be capable of supporting normally imposed loads,

ELECTRICAL/PLUMBING/MECHANICAL

2.1 505.4 UHC All kitchen sinks, lavatories, laundry
1001.2(5)UHC facilities, bathtubs and showers shall have hot/tempered
and cold running water,

2.2 505.4 UHC All plumbing shall be free of
2.3 obstructions, leaks or defects.

2.3 505.4 UHC All plumbing fixtures shall be in good working order, with
adequate clearance for usage and cleaning.

2.4 505.6 UHC All toilet rooms and bathrooms shall provide privacy.

2.5 504.3 UHC All habitable rooms shall have an openable window for ventilation.
All bathrooms/toilet rooms shall have an openable window or mechanical means of
ventilation.

2.6 1010 RECI All electrical services shall be in good working condition, properly
fused, properly grounded, free of defects and be at least 60 amp. three wire service.

2.7 1007 RFC! All electrical wiring shall be free of
1011 RECI defects, open splices or damage. Each
701,2 habitable space shall have 2 separate
and remote receptacles. Each laundry shall have at least one grounded
type receptacle; each batluoom at least one receptacle.

2.8 1010 RECI Electrical systems shall be free of all defects, improper fusing,
inadequate service, insufficient outlets, deterioration or damage.

2.9 104.4 UMC All heating facilities shall be provided
701.1 UHD and operated in accordance with safe practices and will maintain a
temperature of 65 degrees.

2.10 608.5 UPC Water heaters shall be installed
608.6 UPC properly with a temp/pressure relief valve and discharge pipe.
It shall provide a minimum of 110 degree water.

2.11 504.3 UMC Clothes dryers shall be installed according to manufacturer's instructions and independent of other exhaust systems. The use of plastic vent pipe is prohibited.

2.12 505.1 UHC Every dwellin unit shall contain its own bathtub or shower, lavatoiy, water closet and kitchen sink. These plumbing fixtures shall be maintained in a sanitary, safe working condition.

EXTERIOR

- 3.1 All exterior property shall he free of weeds and grasses over 10 inches in height.
- 3.2 All sidewalks and driveways shall be maintained in a safe manner.
- 3.3 1001.4 MC All occupancies shall be kept free from
1001.11 UHC)any accumulation of rubbish or garbage.
This is the occupant's responsibility. Containers shall be provided by the owner.
- 3.4 502 UHC All structures shall have address numbers displayed. These must be visible from the street and at least 3 inches high and of a contrasting color from the structure.
- 3,5 601.1 HNC All outbuildings, garages and fences
401 UHC shall be kept in good repair
1001.8 UHC
- 3.6 1001.3(1) UHC Foundations shall be structurally sound and free of cracks and breaks.
- 3.7 1001.8(3) WIC Exterior walls shall be free of deterioration and weatherproof. All exposed wood surfaces shall bet protected from the weather by paint or slain.
- 3.8 1001.8(2) WIC Roofs shall be waterproof and drained *so as* not to be a public nuisance and provide adequate drainage to prevent dampness or deterioration in walls or interior portions of the structure.
- 3.9 1001.3 (8) UHC All chimneys, flues and towers shall be maintained in a safe manner.

- 3.11 All premises shall be graded to prevent standing water.

FIRE SAFETY

- 4.1 100131 UHC Hazardous materials shall not be stored, except by the requirements of the Building and Fire Prevention Codes.
- 4.2 1001.13 U1.-1C All required tire-resistance ratings shall be kept.
- 4.3 1001.13 UHC All fire protection systems shall be kept in good working order.

HAZARD ABATEMENT

- 5.1 Appendix 3014 UDC All elevators/escalators/dumbwaiters shall be maintained in a safe manner. Where required, elevators shall have recall.
- 5.2 1001.13 UHC MI required smoke and heat detectors shall be maintained in good working condition.

GLOSSARY

REC.' Reciprocal Electrical Council, Inc.

UBC Uniform Building Code

UHC Uniform Housing Code

UMC Uniform Mechanical Code

UPC Uniform Plumbing Code.

RECIPROCAL ELECTRICAL COUNCIL, INC.
MINIMUM ELECTRICAL REQUIREMENTS
FOR EXISTING DWELLING UNITS

Section

2.7 1001 ENTRANCES AND EXITS - Where two or more entrances and/or exits exist, at least two shall be illuminated by exterior lights. Exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

2.7 1002 LIVING ROOM - The living room shall be provided with a conveniently located wall-switch-controlled light or receptacle. The switched receptacle may be one of the required receptacles in the room. A minimum of two additional duplex receptacles are required, equally spaced around the room.

2.7 1003 KITCHEN - The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch.

A separate kitchen appliance circuit shall be provided, supplying a minimum of three grounding-type duplex receptacle outlets. The grounding contacts of these receptacles shall be grounded. Two of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20 ampere capacity.

2.7 1004 BATHROOM - Bathrooms shall be provided with illumination and controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. All bathroom receptacles shall have GFCI protection.

2.7 1005 ALL OTHER HABITABLE ROOMS - Habitable rooms shall be provided with a conveniently located wall-switch-controlled light or receptacle. A minimum of two additional duplex receptacles are required, equally spaced around the room.

2.7 1006 BASEMENT - The basement shall have a minimum of one lighting outlet for general illumination, All enclosed areas that may be walked into (except coal bins) shall be provided with a lighting outlet.

2.7 1007 LAUNDRY AREA - Laundry areas shall be provided with illumination. A grounding-type duplex receptacle shall be provided adjacent to the laundry equipment, on a separate circuit. New laundry circuits shall be 20-ampere capacity.

2.9 1008 SPACE HEATING SYSTEM - Heating equipment that requires electricity for operation of any facet shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the equipment.

Exception: Thermopile controlled furnaces.

2.7 1009 STAIRWELLS - Stairwells shall be adequately illuminated. Lighting outlets shall be controlled by wall switches, Switches shall not be located where it is necessary to use darkened stair sections for their operation, Stairwells connecting finished portions of dwellings shall be provided multiple-switch control: one at the head, the other at the foot of the stairwell.

2.6 1010 SERVICE AND/OR FEEDER - The service or feeder to an existing dwelling unit shall be a minimum of 3-wire, 100-ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug type fuses shall be Type S.

Exception: An existing, properly installed 55-ampere capacity, 3-wire service and feeders of 30-ampere, 2-wire are acceptable if adequate for the load being

served.

2.6 1011 EXISTING WIRING AND EQUIPMENT - Existing wiring
2,7 and equipment shall be in good repair. Circuit extensions made
with flexible cord wiring in lieu of permanent wiring shall be eliminated.

2.7 1012 NEW WIRING - All new work shall conform to the National Electrical
Code, as amended.

2.7 1013 EVIDENCE OF INADEQUACY - Any of the following shall be
considered evidence of inadequacy.

2.7 A. Use of cords in lieu of permanent wiring.

2.6 B. Over sizing of over current protection for circuits, feeders or
service.

2,7 C. Unapproved extensions to the wiring system in order to provide
light, heat or power.

2.6 D. Electrical overload.

2.7

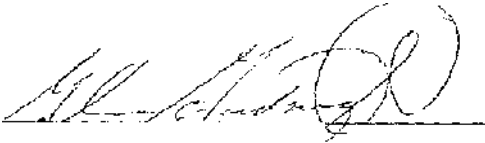
2.6 R Misuse of electrical equipment.

2.7 F. Lack of lighting fixtures in bathrooms, laundry rooms, furnace
rooms, stairways or basements.

Ordinance declared adopted: March 14, 2005


Lori Dahl, Clerk

ATTEST:



Glenn Goodnight
President

CERTIFICATION

This is to certify that the foregoing Ordinance was duly published in the Monroe Evening News, a newspapers of general circulation which is circulated in the Village of Carleton by publication on the 15 day of March, 2005. And further, a copy of this Ordinance was posted at the Village Office, 1230 Monroe Street, Carleton, Michigan; Standard Federal Bank, 859 Monroe Street, Carleton, Michigan, and Busch's Valu Land, 12601 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 15 day of March, 2005.


Lori Dahl, Clerk