

# REVISED ORDINANCE NUMBER FIFTY-SEVEN

A REVISED ORDINANCE AND APPRENDIX TO REGULATE AND PROVIDE FOR MINIMUM STANDARDS IN THE MAINTENANCE OF RENTAL HOUSING PROPERTIES WITHIN THE CITY OF CARSON CITY, MICHIGAN.

THE CITY OF CARSON CITY ORDAINS:

## CHAPTER 57.1

### ESTABLISHMENT OF ORDINANCE

- 57.101 **Short Title.** This Ordinance shall be known and cited by its short title as “The Carson City Rental Housing Code.”
- 57.102 **Authority.** Pursuant to Section 2.3(m), (p) (u) of the City Charter, it is the purpose of this Ordinance to provide for minimum standards for the protection of the health, safety, and welfare of the general public and the owners and occupants of certain residential buildings within the City of Carson City.
- 57.103 **Purpose.** The purpose of this Ordinance is to regulate rental dwellings for the purpose of maintaining adequate sanitation and public health, to protect the safety and welfare of the people, and to encourage the maintenance of properties by legislation which shall be applicable to all rental dwellings now in existence or hereafter constructed by:
- A. Establishing minimum standards for rental dwellings;
  - B. Establishing minimum standards for basic equipment and facilities in rental housing;
  - C. Fixing the responsibilities of the City, owners, operators, and occupants of all rental dwellings;
  - D. Providing for administration and enforcement of rental dwelling standards.
- 57.104 **Matters Covered.** The provisions of this Ordinance shall apply to all rental dwellings and premises, which are now, or may become in the future, substandard with respect to: structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, over-crowding, or other conditions set forth in this ordinance which may be deemed to constitute a menace to the safety, health or welfare of their occupants.

57.105 **Applicability.** After the effective date of this Ordinance, every portion of a building or premises used or intended to be used for rental dwelling purposes shall comply with the provisions of this Ordinance and the Building Code, the Zoning Ordinance and other Ordinances and Regulations of the City of Carson City, County of Montcalm, State of Michigan.

57.106 **Existing Buildings.** This Ordinance establishes minimum requirements for the occupancy of all rental dwellings and does not replace or modify requirements otherwise established for the construction, repair, alterations or use of buildings, equipment or facilities.

## CHAPTER 57.2

### DEFINITIONS

57.201 **Applicability.** All definitions related to this Ordinance are contained in Appendix A and are applicable to this Ordinance only.

57.202 **Terms Not Defined.** Where terms are not defined in this Section or Appendix A or under other provision of this Ordinance of the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

57.203 **Comprehensive Inclusion.** Whenever the words “rental dwellings”, “multi-family dwelling”, “residence building”, “dwelling unit”, “rooming house”, “rooming unit”, or “premises” are used in this Ordinance, they shall be construed as though they were followed by the words “or any part thereof”.

## CHAPTER 57.3

### ADMINISTRATION AND ENFORCEMENT

57.301 **Enforcement Officer.** It shall be the primary duty and responsibility of the Code Enforcement Officer (CEO) along with an inspector to enforce the provisions of this Ordinance.

57.302 **Relief from Personal Liability.** Neither the City, the CEO, Inspector, nor any other officer, agent or employee of the City who acts in good faith in the discharge of duties in the enforcement of this Ordinance shall be liable for any damage accruing to any person or property as the result of such acts or alleged failure to act.

57.303 **Administration and Enforcement Procedures and Criteria.** The Administration and enforcement procedures and criteria necessary to insure the implementation and compliance with the provisions of the Housing Rental Ordinance are contained in Appendix B which is an integral part of this Ordinance.

57.304 **Appointment.** The CEO will be appointed by the Mayor and may be replaced by the Mayor. The inspector will be hired by the CEO.

#### CHAPTER 57.4

#### **REGISTRATION OF RENTAL UNITS**

##### 57.401 **Registration of Rental Units; and Fees:**

- A. As of July 1, 1995, every present and new owner of a rental dwelling(s) or unit(s) shall register the same with the City Comptroller. Each registration shall be accompanied by an appropriate fee in accordance with a schedule of fees applicable to this Ordinance as established by resolution of the City Council.
- B. In the event an owner shall fail to comply with the provisions of this Ordinance, the owner shall pay in addition to the filing fee a late filing fee according to the schedule of fees applicable to this Ordinance.
- C. An initial Schedule of Fees applicable to this Ordinance will be established by resolution of the City Council. The schedule of fees may be amended thereafter by resolution of the City Council.
- D. In the event that the owner had not paid required by Section 57.401 A, B and/or C, after mailing by the City Comptroller of the Notices of the amount of the costs, the unpaid fee shall be thereafter considered a lien after the notices regarding the fees and any costs incurred by the City pursuant to this Ordinance have been served on the owner. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, et seq.).

57.402 **Registry of Rental Dwellings.** The owner of a rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental units.

57.403 **Certificate of Registration and Register of Rental Dwellings Application.** Registration of Rental Application shall be made in such form and in accordance with such instructions as may be provided by the CEO, and City Comptroller shall maintain a registry of the owners (and their responsible agents, if any) of all rental dwellings in the City which will include:

- A. The address of the rental dwellings;
- B. The number of dwelling units;
- C. The name, residence address, and phone number of the owner;
- D. The name, address, and phone number of the responsible agent designated by the owner;
- E. The date of registry and registration identification number; and
- F. Total amount of registrations fees.

#### CHAPTER 57.5

##### **INSPECTION BASIS, FEES, AND ENFORCEMENT PROCESS**

57.501 **Inspections.** The CEO or his/her representative is authorized to make inspections of all rental units in the City occupied or held for rental at any reasonable time. Inspections shall be made to determine compliance with the standards of this Revised Ordinance.

#### CHAPTER 57.6

##### **ENVIRONMENTAL EXTERIOR AND INTERIOR REQUIREMENTS**

Every rental dwelling shall comply with the following requirements:

57.601 **Exterior Property Areas.**

- A. **Accessory Structures.** All accessory structures, including detached garages, shall be maintained structurally.
- B. **Insect and Rodent Harborage.** All exterior property areas shall be kept free from infestation of insects, rodents, vermin, and pests. The owner

shall be responsible for the extermination of insects, rodents, vermin, or other pests.

- C. Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.
- D. Trash Stored Outdoors. Any trash placed outdoors for a period of longer than six (6) hours shall be kept in rigid containers which are closed with a tight-fitting lid. Trash stored in plastic or paper bags must be stored inside a closed area. All trash allowed to be stored outside must be removed weekly. Multiple units are encouraged to have a screened area or building for the storage of trash or an approved commercial dumpster. Trash cannot be stored in any front yard except the 24-hour period prior to pick-up.
- E. Removal of Trash and Garbage. Trash and garbage shall be removed from the premises weekly. It is the responsibility of the owner to insure that clean and sanitary conditions are maintained unless otherwise specified in a written agreement between owner and tenant.
- F. Outdoor Storage of Material. Outdoor storage of materials shall not be permitted in front yard. Materials kept outside shall be stored in a safe and sanitary manner.

57.602

**Structure Exterior.**

- A. Exterior Walls. All exterior surface material must be painted or maintained in good repair. Chimneys shall be maintained structurally sound and in a safe, operable condition.
- B. Roof and Gutters. The roof shall be structurally sound, tight, and have no major defects which admit rain. If there are gutters and downspouts they shall be firmly affixed and maintained free from defects.
- E. Windows, Doors, and Hatchways.
  - 1. Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
  - 2. Windows to be Able to Open. Every bedroom shall have one window capable of being easily opened and held in position by window hardware, except where other means of ventilation, such as, but not limited to, air conditioning, is provided.

3. Door Hardware. Every exterior door, door hinge and door latch shall be maintained in good condition.
4. Window and Door Frames to Fit in Wall. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude wind and rain as completely as possible.
5. Exit Doors. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.
6. Basement Every. basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or other device that will effectively preclude such entry.

57.603

**Structure Interior.**

- A. Sanitation. The interior of every dwelling and structure shall be maintained in a clean and sanitary condition free from accumulation of rubbish or garbage.
- B. Insect and Rodent Harborage. Buildings shall be kept free from insect and rodent infestations, and where insects and rodents are found, they shall be promptly exterminated by safe and acceptable processes. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests.

CHAPTER 57.7

**UTILITY SERVICES AND EQUIPMENT TO BE MAINTAINED**

57.701

**Necessary Services.** An owner, except as provided herein, shall not cause any of the following utilities, services or equipment to be shut off, disconnected, removed or otherwise terminated or interrupted when the utility, service or equipment is being furnished to or used by the occupant of a dwelling unit: water or sewer service, fuel, heating or ventilation equipment, hot water or electrical service.

57.702

**Temporary Interruption.** This Section does not apply to any necessary and temporary interruption of service required for maintenance, repair or replacement, or to any such interruption needed to act upon an emergency or hazardous condition.

- 57.703 **Payment of City Water and Sewer.** The tenant and the owner shall be responsible to the City for payment of municipal water and sewer charges to dwelling units. In the event of tenant default on any payments due and owing, the owner shall be responsible for any balance due and owing for any balance not covered by tenant's water deposit. Neither an owner nor a tenant shall cause a utility service to be terminated, for non-payment or otherwise, without giving immediate notice to the other party to the rental agreement.
- 57.704 **Payment for Trash Disposal.** An Owner shall be responsible for providing trash disposal through the City Contracted trash disposal hauler. Neither the owner nor the tenant shall cause the trash service to be terminated, for non-payment.

CHAPTER 57.8

**SPACE AND OCCUPANCY REQUIREMENTS**

- 57.801 **Minimum Ceiling Height.** Habitable rooms shall have a clear ceiling height over the minimum area required by this Section of n less than seven (7) feet. A ceiling height of less than seven (7) feet will be considered a built-in deficiency and shall be exempt from compliance, provided that such built-in deficiency was in compliance with the building code at the time of construction.
- 57.802 **Required Space in Sleeping Rooms.** Every room occupied for sleeping purposes by one (1) occupant shall be a minimum gross floor area of a least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant.
- 57.803 **Required Space.** A living area of not less than (220) square feet of floor area with an additional one hundred (100) square feet of floor area for each occupant in excess of two (2). This footage requirement shall not include space used for halls, bathrooms, bedrooms or utility rooms.
- 57.804 **Access Limitation of Dwelling Unit to Commercial Uses.** No habitable room, bathroom, or toilet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctors or dentist's examination or treatment room, or similar room used for public purposes.
- 57.805 **Location of Rooms.** No dwelling or dwelling unit containing two (2) or more sleeping rooms shall be arranged so that access to a bathroom or toilet can be obtained only by going through another sleeping room, bathroom or toilet. This

requirement shall not apply to single family rental dwellings in which no lodgers are occupants.

57.806 **Required Space in Efficiency Unit.** Each efficiency unit shall include:

- A. A living area of not less than two hundred twenty (220) square feet of floor area with an additional one hundred (100) square feet of floor area for each occupant in excess of two (2).
- B. A kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front.
- C. A separate bathroom containing a toilet, lavatory and bathtub, or shower.

57.807 **Basement Space.** No basement space shall be used as a habitable room or dwelling unit unless:

- A. The floor and walls are impervious to leakage of underground and surface run-off water.
- B. The total window area in each room is equal to at least five (5) percent of the floor area of the room or 10 square feet whichever is lesser.
- C. The total window area which must be able to open in each room is equal to forty-five (45) percent of the minimum window area, except where there is supplied a mechanical ventilation system to the outside air capable of completely changing the air in the room every thirty (30) minutes.
- D. The ceiling height throughout the unit is at least seven (7) feet.
- E. It is separated from heating equipment, incinerators, or other equipment by a partition.
- F. Access can be gained to the unit without going through a furnace room.
- G. Two (2) independent means of egress are provided from every basement dwelling unit or habitable room. Every basement hatchway shall be capable of being opened from the inside easily and without the use of a key.

## CHAPTER 57.9

### **FIRE SAFETY, PREVENTION, AND PROTECTION REQUIREMENTS**



All rental units shall be subject to the following safety and fire prevention requirements:

- 57.901 **Smoke Detectors.** The owner shall install, maintain and replace when defective, an Underwriters Laboratory (U.L.) approved smoke detector in each sleeping area of every dwelling unit.
- 57.902 **Flammable Materials.** Flammable matter, such as paints, volatile oils, cleaning fluids, or combustible refuse, including waste paper, boxes or rags, shall not be accumulated or stored except in reasonable quantities consistent with normal usage.
- 57.903 **Exit Doors.** Egress doors shall be readily operable from the inner side without the use of keys.
- 57.904 **Exit Provisions.** There will be an unobstructed means of exit from the interior of every rental dwelling to a street, or to a yard, court, or passageway leading to a public open area at grade level.
- 57.905 **Vehicles and Machinery.** No vehicle or machinery of any type containing gasoline or the flammable liquid shall be repaired, operated or stored in a basement or any part of a dwelling unit.
- 57.906 **Exits.** Every rental dwelling exceeding two (2) stories in height above grade, not including basements, shall have two (2) independent exits from each floor above the second floor. Two (2) story buildings containing four (4) units or less shall have one (1) approved independent exit from the second floor. Exit signs, when required, shall be illuminated and easily visible by occupants. Every room used as a sleeping unit shall have egress complying with the existing building code.
- 57.907 **House Identification Numbers.** Every rental unit shall have affixed to the front outside exterior the number identifying the proper address of that premises. Said numbers shall be at least three (3) inches in height and be clearly visible from the street.

## CHAPTER 57.10

### **LANDLORD/TENANT RESPONSIBILITIES**

- 57.1001 **Landlord's Responsibilities.** In addition to all other responsibilities under the terms of this Ordinance, the following provisions shall apply to landlords:
  - A. **Compliance.** Prior to Rental No landlord shall rent, lease or otherwise offer or provide for occupancy a rental dwelling unit which does not meet

the requirements of this Ordinance and does not have a certificate of compliance.

- B. Eviction of Tenants. If a landlord is prevented from complying with the provisions of this Ordinance due to the actions or negligence of a tenant, it shall be the responsibility of the landlord to promptly terminate the tenancy and cause the tenant to be evicted as permitted by Michigan Law.
- C. Shared or Public Areas. All shared or public areas of a rental dwelling containing two (2) or more rental dwelling units shall be maintained in a clean and sanitary condition by the Landlord.
- D. Utility Services. Landlords shall make available utility services as are required and permitted pursuant to Chapters 57.7 of this Ordinance.
- E. Structures and Fences. Every structure, wall, fence, driveway and sidewalk on rental dwelling premises shall be maintained in good repair by the landlord. In lieu thereof, the landlord may remove any fence or structure. Any damage caused by the tenant shall be the responsibility of the tenant and not the landlord and tenant shall be responsible for its repair and any costs related to same.
- F. Sale of Rentals. Unit Upon the sale or change of use of a rental unit, the landlord shall promptly notify the CEO.

57.1002 **Responsibilities of Tenants.** In addition to all other responsibilities under this Ordinance, the following provisions shall apply to tenants.

- A. Certificate of Occupancy. No tenant shall occupy a dwelling unit unless a certificate of occupancy has been issued for the dwelling unit.
- B. Sublets, etc. No tenant shall sublet a dwelling unit or allow non-tenants to occupy a dwelling unit except with written consent of the landlord; nor permit occupants to occupy a rental dwelling unit in excess of the number authorized on the Certificate of Compliance.
- C. Sanitary Condition. Every tenant shall maintain their rental dwelling unit and all other parts of a rental premises for which he or she is responsible in a clean and sanitary condition.
- D. Cooperation with Landlord. Tenants shall promptly notify the Landlord of any known violation of this Ordinance and shall cooperate with the landlord in maintaining the rental premises.

- E. Plumbing Facilities. All plumbing fixtures and toilet facilities shall be maintained in a clean and sanitary condition at all times. Tenants shall use reasonable care in the proper use and operation of all plumbing facilities.
- F. Parking Requirements. Tenants shall comply with all off street parking requirements as provided in this Ordinance, and other applicable City Ordinances.
- G. Extermination of Insects and Pests. Tenants shall promptly, take whatever precautions that are necessary to control and prevent the infestation all insects, rodents or other pests in their dwelling. Tenants should immediately notify the landlord of persistent pest problems.
- H. Exterior Areas. Tenants shall, when required by this Ordinance, maintain all exterior area of a rental premises in a clean, sanitary and orderly condition.
- I. Enforcement. The tenant responsibilities under this Ordinance shall be enforced by the CEO in cooperation with information reserved by other tenants or landlords.

#### CHAPTER 57.11

##### **SEVERABILITY**

Should any part or provision of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, such invalid or unenforceable part or provision shall not affect the validity or enforceability of the remainder of the Ordinance, if the remainder thereof can be given effect without such part or provision thus declared to be invalid or unenforceable.

#### CHAPTER 57.12

##### **CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED**

Any City ordinance and/or amendments thereto or resolutions that are in conflict or parts thereof which conflict with any terms of this ordinance are hereby rescinded. In case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which proceed each suction or subsection of the ordinance are for convenience and reference only and shall not be taken into consideration any construction or interpretation of any of the provisions or this ordinance.

CHAPTER 57.13

**FAIR HOUSING**

This Ordinance does not discriminate against any person or persons on the basis of race, color, religion, national origin, age, sex, height, weight, or marital status in the area of equal, fair housing. The City of Carson will continue this policy as reflected in this Ordinance.

CHAPTER 57.14

**EFFECTIVE DATE**

This Ordinance shall become effective 30 days after publication of the Ordinance or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

CHAPTER 57.15

**PUBLICATION**

A summary of this Ordinance was published in the Carson City Gazette on \_\_\_\_\_, 2014 pursuant to Section 7.4(b) of the Charter of the City of Carson City.

**APPENDIX 57A**  
**DEFINITIONS**

1. Approved: Approved as applied to a material, device or method of construction shall mean approved by the Code Enforcement Official (CEO), or approved by other authority designated by law to give approval on the matter in question.
2. Basement: A portion of the building partly underground, having more than half of its clear height below the average grade of the adjoining ground.
3. Basic Structural Elements: The parts of a building which provide the principal strength, stability, integrity, shape and safety, including but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry, and all other essential components.
4. Boarding House: See “Dwellings.
5. Building Code: The Building Code (B.O.C 1990 Edition) officially adopted by the City of Carson City and the County of Montcalm for the regulation of construction, alteration, addition, repair, removal, demotions, use, location, occupancy and maintenance of buildings and structures.
6. Certificate of Occupancy: A certificate issued by the Code Enforcement Official (CEO) stating that a structure or portion thereof complies with the requirements of this Ordinance and other applicable provisions of the City Ordinances.
7. Civil Infraction Action: Means a civil action in which the defendant is alleged to be responsible for a civil infraction.
8. Civil Infraction Citation: Means a written complaint or notice prepared by the CEO, directing a person to appear in court regarding the occurrence or existence of a civil infraction violation by the person cited.
9. Code Enforcement Official: The official appointment by the Mayor to enforce the provisions of this Ordinance, or his or her duly authorized representative (hereinafter referred to as the “CEO”).
10. Dwelling Units: One or more rooms and a single kitchen designed as a unit for occupancy by one family, with provisions of cooking, living, sanitary and sleeping facilities.
11. Dwellings:
  - (a) One-Family Dwelling - A detached building contained one (1) dwelling unit. (See “Dwelling Unit”)
  - (b) Two-Family Dwellings - A building containing two (2) dwelling units. (See “Dwelling Unit”)

- (c) Multi-Family Dwellings - A building containing three (3) or more dwelling units.  
(See "Dwelling Unit")
  - (d) Efficiency Unit
12. Efficiency Unit: A dwelling unit consisting of one room plus a bathroom.
  13. Emergency: A condition of imminent danger calling for immediate action in order to avoid possible death, injury or illness to a human being or the destruction or severe damage to real or personal property.
  14. Exterior Property Areas: The open space on the premises and on adjoining property under the control of owners or responsible agent of a rental premises.
  15. Family: An individual or couple and the children thereof with not more than two other persons related directly to the individual or couple by blood; living together as a single housekeeping unit in a dwelling unit.
  16. Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
  17. Good Repair and Workmanship: Completing a task of construction, repair or replacement to industry standards and installed so as to be functional for its present and intended use and to be safe and sanitary.
  18. Gross Floor Area: The total area of all habitable space in a building or structure.
  19. Ground Level: The finished grade touching the outside foundation or a wall. The tops of a window well structure shall be considered as ground level.
  20. Habitable Floor Area: The square foot floor area of a habitable room or habitable rooms, excluding any part of a room where the ceiling is less than five (5) foot above the floor.
  21. Habitable Room: Any room which meets all light, ventilation and area standards.
  22. Hazardous: A condition which the CEO has determined to be likely to result in the death, injury or illness of a human being or in the severe damage to real or personal property or in the unauthorized entry into a dwelling unit or accessory building if corrective measures are not taken expeditiously.
  23. Heating: The provision of heating facilities that are capable of heating all habitable rooms, bathrooms, and toilet compartments located therein to a temperature of sixty-five (65) degrees Fahrenheit when the outside temperature is ten (10) degrees below zero at a point three (3) feet above the floor and three (3) from any exterior wall.
  24. Hot Water: Water heated to a temperature of one hundred twenty (1 20) degrees Fahrenheit at the outlet.

25. Infestation: The presence, within or contiguous to a structure of insects, rodents, vermin or other pests.
26. Junk: Includes, but shall not be limited to, parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off materials of any kind whatsoever, whether or not the same could be put to any reasonable use.
27. Kitchen: A room used or intended to be used for the preparation of food or for both the preparation and consumption of food, but not for any other living or sleeping purpose.
28. Kitchenette: A portion of a room used or intended to be used for the preparation of food or for both the preparation and consumption of food while the remainder of the room is used or may be intended to be used partially for purposes other than sleeping.
29. Multi-Family Dwelling: (See “Dwellings”)
30. Occupant: Any person over five (5) years of age (Including owner or responsible agent), living and sleeping in a dwelling unit or having actual possession of said dwelling unit or rooming unit.
31. Owner: The person(s) or entity to whom a dwelling unit is assessed on the City of Carson City’s tax rolls. When the person listed on the tax rolls is the holder of a mortgage on the assessed premises, the owner shall be the person(s) named as the mortgagor(s) on the mortgage document.
32. Plumbing or Plumbing Fixture: Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.
33. Premises: A lot, plot or parcel of land including the buildings or structures thereon.
34. Rental Dwelling: Dwelling units and dwelling rented or offered for rent, including the property on which the rental dwelling is located.
35. Rented: A dwelling unit legally occupied by a person other than the owner or other than the mother, father, or child of the owner.
36. Responsible Agent: An attorney in fact or other agent or employee of a rental dwelling owner who is responsible for or is in charge of or in control of the operation of a rental dwelling on behalf of the owner.
37. Responsible Party: An owner, responsible agent, occupant or tenant of a rental dwelling or dwelling unit who has a duty, under the terms of this ordinance, to issue that the rental dwelling or dwelling unit complies with the terms of this Ordinance.

38. Rubbish: Combustible and non-combustible waste materials including garbage and including the residue from the burning of wood and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass and dust and other similar materials.
39. Sanitary: Free of grease, excrement, dirt, food residue, garbage, rust or similar matter which can harbor bacteria unsafe to human beings or animals, or which produces strong odors or which provides food for, or is an available source of food for, animals and insects.
40. Structural Alterations: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.
41. Structure: Anything constructed or erected, such as a building, which requires location on the ground, or attachment to something having location on the ground, except wall, fences, ornamental landscape features, driveways and sidewalks.
42. Tenant: Any person other than a legal title holder, occupying or possessing a rental dwelling or part thereof.
43. Unfit for Human Habitation: Any rental dwelling or dwelling unit which is a hazard to the health and welfare of the occupants because it lacks maintenance; is in disrepair; is unsanitary; is vermin or rodent infested; or because it lacks sanitary facilities.
44. Unit: A collective term for any dwelling unit.
45. Unsafe: A condition which is reasonable likely to cause injury to human beings or property.
46. Vacant: Not being used as a regular place of residence for one or more persons.
47. Ventilation: The process of supplying and removing air by natural or mechanical means to or from any space.
  - (a) Mechanical - Ventilation by power-driven devices.
  - (b) Natural - Ventilation through windows, skylights, doors, louvers, or stacks without using a wind or power-driven device.
48. Yard: An open, unoccupied space on the same lot with a building extending along the entire length of a street, or a rear or interior lot line.

## **APPENDIX 57B**

### **ADMINISTRATION AND ENFORCEMENT PROCEDURES AND CRITERIA**



The following Sections define the administrative and enforcement procedures and criteria to be utilized to insure compliance with the provisions of the Rental Housing Ordinance.

Section 57B.101     Time to Correct Violations. All violations notices shall provide a specified time period to correct the violation in relation to the seriousness of the violation. The following time limits shall apply:

- A.     The landlord shall have 10 days to correct after the first violation notice.
- B.     Twenty-four (24) hours to correct an emergency violation which shall be indicated on the violation notice.
- C.     Not more than ten (10) days for removing domestic refuse; to provide adequate heat or water; or to correct hazardous conditions.
- D.     Not less than thirty (30) days or more than sixty (60) days for all other violations.
- E.     Violation Notices issued between October 31 and April 1 for exterior, or for any other exterior work adversely affected by cold or snow, shall provide additional time for completion of such work, but in no case longer than June 30.
- F.     The CEO may extend the time period for correction of violations if:
  - 1.     There are extenuating circumstances; and
  - 2.     The responsible party has made a substantial and documented effort to correct the violations within the time allotted. In no event shall the CEO grant an extension for more than double the time period allowed in the original violations notice. All extensions shall be in writing and served on the responsible party in the same manner as the violation notice.
- G.     Not more than one extension shall be granted by the CEO. Further extensions, if any, may be granted only by the City Council for good cause shown.

Section 57B.102     Final Notice to Repair. Upon observing the continued existence of a violation of this Ordinance as stated in a violation notice, the CEO shall serve a final notice to repair on the responsible party. The notice shall:

- A. Specify the date the inspection and the address where the violation was found.
- B. Have attached thereof a true copy of the violation notice.
- C. Include a description and location of each violation observed by the CEO.
- D. Order correction of all listed violations by a specified date.
- E. State that each violation is a separate punishable offense.
- F. State that a re-inspection will be made to determine whether all violations have been made by the specified date.
- G. Advise of applicable re-inspection fees charged by the City.
- H. State the failure to comply with the final notice to repair will be a violation of his Ordinance.

Section 57B.103 Enforcement. Upon failure of a responsible party to comply with a final notice to repair, the CEO may refer the matter to the City Attorney for enforcement.

Section 57B.104 Emergency Orders. If the CEO determines that a condition exists or is likely to exist which is an emergency, the CEO shall immediately attempt to verbally notify the owner or owner’s agent, and all occupants of the rental unit(s) of the nature of the emergency, and verbally order the responsible party to immediately correct the condition(s) causing the emergency. The CEO shall prepare and serve a violation notice on the responsible party as soon as practicable after the verbal order has been given or attempted. Failure to comply with an emergency order is a violation of the Ordinance.

Section 57B.105 Abatement of Emergency. If the responsible party cannot be contacted by the CEO, or, if following a verbal order to correct an emergency condition, a responsible party fails to correct an emergency condition within the time allotted, the CEO shall turn it over to the City Attorney for legal action to abate the emergency condition.

Section 57B.106 Inspection Entry. For the purpose of enforcing the provisions of this Ordinance, the CEO or his representative is authorized to inspect rental units at any time during reasonable hours with the consent of a responsible party, owner, responsible agent or any occupant. Upon

refusal, the City Attorney may apply to the appropriate court for a court order authorizing entry as provided by State law.

Section 57B.107 Change of Ownership. Any new occupant, owner or the responsible agent for any rental unit which has been cited for violations shall correct the violation as set forth in the original violation notice or a final notice to repair if one has been issued. The responsible party who has failed to comply with a violation notice and/or final notice to repair shall not be relieved of the responsibility of having violated any provision of this Ordinance by transferring ownership, occupancy or responsible agent status.

Section 57B.108 Recurrent Violation. A responsible party who violates any provision of this Ordinance, in or about the same rental dwelling, three (3) or more times in a twelve (12) month period, or who does not correct a cited violation within thirty (30) days after being found responsible for, violating a provision of this Ordinance, shall be presumed to be a willful violator of the provisions of this Ordinance and to be causing undue expense to the City in the administration of this Ordinance. In such cases:

- A. The CEO shall issue a final notice to repair after determining that a violation still or against exists.
- B. The CEO shall specify the shortest time period permitted by this Ordinance for the correction of any existing or further violation.
- C. All inspections and/or re-inspection fees then in effect shall be doubled.
- D. The CEO may revoke the compliance permit to maintain a dwelling unit or units and/or order legal action through the City Attorney.

Section 57B.109 Service of Notices or Orders. A person shall be deemed to be served with a violation notice, final notice to repair, civil infraction citation or any other official notice or order of the CEO, if a copy is served personally; or if a copy thereof is sent by certified mail to the address of the owner or responsible agent shown on the register of rental dwellings or to the occupant at the address of the rental unit and a copy is posted in a conspicuous place in or on the rental dwelling containing the rental unit affected by such notice or order; or if he or she is served with a copy thereof by any other method authorized by the laws of this state. The time of performance shall commence on the date of personal service or the date of posting or the date of mailing, whichever is later.

Section 57B.110      Structure Unfit for Human Occupancy. Whenever the CEO finds any rental dwelling or dwelling unit to be:

- A.      A hazard to the safety, health or welfare of the occupants or to because it lacks maintenance; or
- B.      In disrepair, unsanitary, vermin-infested or rodent-Infested; or
- C.      In violation of the minimum requirements of this Ordinance, but has not reached the state of complete disrepair as to be subject to condemnation as a dangerous building;
- D.      Is occupied by more occupants than permitted under this Ordinance; or
- E.      Erected altered or occupied contrary to law.

The CEO may cause it to be posted as unfit for human habitation and order it vacated. It shall be a violation of the ordinance to then occupy such dwelling or dwelling unit until it conforms to the provisions of this Ordinance.

Section 57B.111      Order to Vacate. Any rental dwellings or dwelling unit found to be unfit for human occupancy by the CEO shall be ordered repaired or rehabilitated to correct the conditions rendering it unfit for human occupancy. An Order to Vacate shall be in writing and include:

- A.      The street number or other description of the rental dwelling or dwelling unit sufficient for identification.
- B.      A description of the defects, conditions and/or violations of this Ordinance.
- C.      A directive that the dwellings or dwelling unit when vacated must remain vacant until the provisions of the Order to Vacate has been complied with and the Order to Vacate has been withdrawn in writing.

Section 57B.112      Posting a Notice. Any dwelling or dwelling unit declared unfit for human occupancy shall be posted in a conspicuous place or places with a NOTICE bearing the words: CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY.

Section 57B.113      Sale of Rental Unit. The sale of a rental dwelling or dwelling units shall automatically terminate any certificate of compliance with respect to such rental dwellings or dwelling unit(s). Prior to the sale, assignment or transfer by the owner of any interest in a rental dwelling or dwelling unit, the owner shall cause all rental units therein to be inspected by the CEO

or his representative who shall prepare a written report thereof and furnish the owner with a copy of the CEO's inspection report within seven (7) working days after receiving a written request for such inspection. The inspection report shall be valid for thirty (30) days unless extended in writing by the CEO, in lieu of an annual inspection.

Section 57B.114

Civil Remedies for Violation

- A. Action in Circuit Court. In case any rental dwelling or dwelling unit is maintained in violation of any provision of this Ordinance or of any order of notice given hereunder, or in case a nuisance exists in any rental dwelling on dwelling unit, or within an accessory structure, the City, by and through the CEO, may institute an action in Circuit Court to prevent such unlawful maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of such dwelling, building, or structure, or to prevent any illegal act of conduct from existing in such rental dwelling or dwelling unit.
- B. Lien on Premises. In appropriate cases, the City shall have the lien upon the premises for the expenses necessarily incurred in the execution of any Circuit Court. Such lien may be foreclosed, as in the case of foreclosure of mortgages by Circuit Court action.
- C. Lis Pendens Notice. In any action instituted by the City under this Ordinance, the City Attorney shall file in the Office of the Register of Deeds of the County, a notice of lis pendens. A notice may be filed at the time of commencement of the action or proceedings, or at any time thereafter before final judgment or order, or at any time after the service of any notice or order issued by the City. Any notice may be vacated upon the order of the Circuit Court in which the action or proceeding was instituted or is pending, or upon consent in writing of the City Attorney.

Section 57B.115

Penalties

- A. A violation of this ordinance shall be a civil infraction and shall not be considered a lesser included offense of any criminal offense. A violation includes any act which is prohibited or made or declared to be unlawful or an offense of the ordinance and any omission or failure to act where the act is required by this ordinance.

- B. Each and every day a violation of this ordinance continues shall be a separate and distinct violation of this ordinance.
- C. Any rental dwelling or dwelling unit that is maintained in violation of this ordinance is a public nuisance.
- D. The sanction for a violation of this ordinance shall be a civil fine of not less than \$50.00 or more than \$500.00 plus costs & other sanctions for each infraction.
- E. Increased civil fines may be imposed for repeated violations of any requirements or provisions of this ordinance. As used in this Section, Repeat Offense' means a second (or any subsequent) municipal civil infraction violation of the same requirements or provision (I) committed within any 6 month period and (II) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
  - 1. The fine for any offense which is a first repeat offense shall be no less than \$250.00 plus costs.
  - 2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00 plus costs.
- F. In addition to civil fines the court shall determine the costs of the action which shall not be limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction up to the entry of judgment.
- G. In addition to any remedies available at law, the city may bring an action for an injunction or other process to restrain, prevent or abate any violation of this ordinance.

Section 57B.116

**Civil Infraction Procedure**

- A. Civil Infraction Action: commencement. A civil infraction charge may be commenced by the issuance by the CEO or by a City Police Officer of a civil infraction citation directing the alleged violator to appear in court.

B. Municipal civil infraction citations: issuance & service. Municipal Civil infractions citations shall be issued and served by the CEO or by a City Police Officer as follows:

1. The time of appearance specified in a citation shall be within a reasonable time after the citation is issued.
2. The place for appearance specified in a citation shall be the district court.
3. Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the City and issued to the alleged violator.
4. A citation for a civil infraction signed by the CEO or a City Police Officer shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing of the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
5. The CEO and/or City Police Officer may issue a citation to a person if:
  - (a) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a civil infraction; or
  - (b) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a civil infraction, official has reasonable cause to believe that the person is responsible for the infraction and if the city attorney approves in writing the issuance of the citation.

C. Civil infraction citations; contents.

1. A civil infraction citation shall contain the name and address of the alleged violator, the civil infraction alleged, the place where the alleged violator shall appear in court
2. The citation shall inform the alleged violator that he or she may do one of the following:

- (a) Admit responsibility for the civil infraction by mail, in person or by representation, at or by the time specified for appearance.
  - (b) Admit responsibility for the civil infraction “with explanation” by mail by the time specified for appearance, or in person, or by representation.
  - (c) Deny responsibility for the civil infraction by doing either of the following:
    - (1) Appearing in person for an informal hearing before the judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the City.
    - (2) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
3. The citation shall also inform the violator of all of the following:
- (a) That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
  - (b) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
  - (c) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the City.
  - (d) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.



- (e) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- 4. The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the alleged violator on the civil infraction.

## CERTIFICATION OF ADOPTION

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We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Revised Ordinance Number Fifty-Seven of the City of Carson City with the Table of Contents and Appendix, was introduced at a regular meeting of the City Council held on March 18, 2014 and was thereafter adopted at a regular meeting on April 15, 2014 by a vote of by a vote of six (6) for; zero (0) against; and zero (0) abstaining.

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Bruce Tasker, Mayor

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Staci Steere, City Comptroller