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RENTAL CODE ORDINANCE

CHAPTER #1428

Purpose. Sec - 1

- (a) [*Purpose.*] The City of Negaunee recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures and for improving rental properties within the City. Such standards are an important factor supportive of the general health, safety and welfare of all of its citizens of the City of Negaunee. This chapter is designed to promote the continuing maintenance and quality of safe rental properties and to enhance and maintain property values throughout the City of Negaunee.
- (b) *Scope.*
- (1) This code shall apply to any structures or part thereof, which is let or available for occupancy by persons pursuant to an oral or written rental or lease arrangement or other valuable consideration; or to any occupant therein. Such structures shall include, but not be limited to, single-family dwellings, multiple-family dwellings, rooming houses, housekeeping units, rooming units, bed and breakfast establishments, bed and breakfast inns, and short-term rentals.
 - (2) This chapter does not apply to hotel/motels (where the average overnight stay is less than 30 days), jails, nursing homes, school dormitories, hospitals, nor federally licensed and inspected properties. Nor does it apply to facilities offering healthcare of any kind that are inspected, certified and/or licensed by the State of Michigan.
 - (3) This chapter shall be enforced by the City Manager or his/her authorized representatives. The administrator may utilize additional personnel to assist with the enforcement including individuals with specialized technical training or experience necessary to evaluate the condition of rental properties and determine compliance with this chapter.

Sec - 2

Definitions.

- (a) *Definitions.* In the interpretation of this chapter, the following definitions shall apply:

Approved shall mean accepted by the building inspection officer or his authorized representative as a result of their experience or investigation, or by reason of tests, or acceptable to a recognized testing laboratory, designated by the building inspection officer.

Basement shall mean a story partly underground, provided that where the vertical distance from the average grade to the ceiling of a basement equals or exceeds five feet, the basement shall be considered a story.

Bed and Breakfast Establishment shall mean a single-family residence where no more than 5 (five) guest's rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment.

Bed and Breakfast Inn A Structure used primarily for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but no more than 9 (nine) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and the persons temporarily residing at the establishment.

Building shall mean any structure used, designed or intended for the protection, shelter or enclosure of persons, animals or property

Building inspection officer shall mean the legally designated building inspection authority of the City of Negaunee or his authorized representative.

Dwelling shall mean any house, building, structure, trailer or vehicle, or portion thereof, which is occupied or intended for occupancy in whole or in part as the home, residence, living, or sleeping place of one or more human beings, either permanently or transiently. A house trailer shall be subject to all the provisions of this chapter, as well as all other ordinances of the City of Negaunee, except that house trailers or other vehicles duly licensed as a vehicle, may be occupied or used as a dwelling for reasonable periods or lengths of time, without otherwise being subject to the provisions of the act for dwellings, when located in a park, provided that such parking sites are equipped with adequate electric, water, safety and sanitary facilities.

Dwelling unit shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, which meets all of the following criteria:

1. It complies with the minimum square footage requirements for building floor area for the applicable District.
2. It has a minimum width along any exterior side elevation of 24 feet and a minimum internal height of seven and one-half feet.
3. It is firmly attached to a solid foundation constructed on the site in accordance with the Michigan Building Code and Michigan Residential Code.
4. It does not have exposed wheels, towing mechanisms, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains storage area(s) either in a basement located under said dwelling, in an attic area, in a closet area or in a separate fully enclosed structure on the site, equal to not less than 15% of the interior living area of the dwelling.
7. The dwelling is aesthetically compatible in design and appearance to conventionally on-site constructed homes.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room shall mean a room used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or connecting corridors, closets, and storage space.

Human habitation shall mean the use of any room, rooming unit, dwelling, dwelling unit, apartment unit, building or premises for living, sleeping, cooking, or eating purposes by one or more persons.

Infestation shall mean the presence of any insects, rodents, or other pests within or around a dwelling, building, or premises.

Occupant shall mean any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.

Operator shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner shall mean any person who, alone, jointly or severally with others:

- (1) Shall have legal title to any dwelling, dwelling unit, rooming unit, building or premises with or without accompanying actual possession thereof; or
- (2) Shall have charge, care, or control of any dwelling unit or rooming unit, as owner or agent of the owner, or as executor, executrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Person shall mean and include any individual, firm, corporation, association, or partnership.

Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Efficiency Rental is a small rental dwelling unit with a living and bedroom spaces being combined into one room. Sometimes, a bathroom and a kitchen area or kitchenette may be combined into one room.

Premises shall mean any lot or piece of land inclusive of the buildings and shall include parking lots or other places or enclosures however owned or occupied.

Rental structure shall mean any dwelling that contains, at a single property address, one or more dwelling units intended for rental.

Short-Term Rental shall mean any dwelling or condominium or portions thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

Sanitary Maintenance any condition in which any significant amount of filth, trash, or human waste is present in such a manner that a reasonable person would believe that the condition might constitute a health hazard; or of strong, persistent, chemical or human waste odors sufficient to deter use of the facility, or give rise to a reasonable concern with respect to exposure to hazardous fumes. Such conditions include, but are not limited to, a toilet bowl filled with human waste, soiled toilet paper, or other products used in the toilet compartment, that are present due to a defective toilet facility that will not flush or otherwise remove waste; visible human waste residue on the floor or toilet seat that is present due to a toilet that overflowed; an accumulation of soiled paper towels or soiled toilet paper on the floor, toilet facility, or sink; an accumulation of visible dirt or human waste on the floor, toilet facility, or sink; and strong, persistent chemical or human waste odors

Structures anything constructed or erected, the use of which requires permanent location on the ground

Studio Apartment is a small rental dwelling unit with a living and bedroom spaces being combined into one room. Sometimes, a bathroom and a kitchen area or kitchenette may be combined into one room.

Tenants A person to whom a landlord grants temporary and exclusive use of land or a part of a building, usually in exchange for rent.

Rooming unit shall mean a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish shall mean combustible and noncombustible waste materials except garbage; and the said term shall include but not be restricted to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, dust, animal and human feces, and the residue from the burning of combustible materials.

Supplied shall mean paid for, furnished, provided by, or under the control of the owner or operator.

(b) *Meaning of certain words.* Whenever the words "building", "dwelling", "dwelling unit", "premises", "structures" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof". The singular of any word shall also mean the plural.

Utilities some commodity or service, such as electricity, gas, water, transportation, or telephone or internet service

Registration. Sec – 3

(a) [*Requirements.*] All rental structures regulated by this chapter are required to be registered pursuant to this chapter and shall comply with the following:

- (1) All existing rental structures shall be registered by property address by close of business of (Date TBD) the effective date of this chapter. Registration, which is the owner's responsibility, if is on file prior to this date it will be at no cost;
- (2) All newly constructed rental structures shall be registered prior to any use or occupancy as a rental structure;
- (3) All existing nonrental structures which are legally converted to rental structures shall be registered, prior to the date on which the property is first occupied for rental purposes;
- (4) A new owner or purchaser shall register a rental structure which is sold, transferred or conveyed from previous owners within 30 days of the date of the sale/closing. New owners of rental structures are responsible for the completion of the registration process;
- (5) Registration is one time only for an owner of a rental structure. A rental structure registered under this chapter must be reregistered only when the rental structure changes ownership as described in subsection 3(a)(4) or loss of registration has occurred.
- (6) All property taxes must be current with no balances at time of registration

(b) *Registration forms*

- (1) Registration application forms shall be made in such form and in accordance with such instruction as may be provided by the administrator of the department of planning and zoning or his/her authorized designees. It is the property owner's responsibility to obtain and submit the registration form in accordance with the provisions of this chapter.

Sec - 4

Minimum standards for basic equipment and facilities.

- (a) *Requirements.* No owner or operator shall let, rent or hire to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:
- (b) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to water and sewage system.
- (c) *Water closet, lavatory, and bath.* Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, a lavatory basin and a

bathtub or shower. The water closet, lavatory basin, and bathtub or shower unit must be properly installed and maintained in working order and must be kept free from obstructions, leaks and defects. They must be capable of performing the functions for which they are designed. They must be properly connected to a water and sewage system. They must be maintained in a safe, sanitary and functional condition.

- (d) *Shared sanitary facilities.* Except for section 8, shared sanitary facilities are not allowed under this chapter. Provided further that the provisions of this section shall in no way supersede or alter the requirements of the building code pertaining to new structures or conversions of old structures.
- (e) *Water connections.* Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of subsections (b), (c) and (d) shall be connected with both hot and cold-water lines.
- (f) *Water heating facilities.* Every dwelling shall have water heating facilities which are properly installed, maintained, have a current inspection tag if required by state law, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory basin, and bathtub or shower at a temperature of not less than 110°F (43°C) such that each required sink, lavatory basin, and bathtub or shower is capable of performing the function for which they were respectively designed.
- (g) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe, and sanitary condition.
- (h) *Anti-Discrimination* All Rentals shall be in compliance with the established Fair Housing Act (Title VIII of the Civil Rights Act of 1968)

In the event the administrator of planning and zoning or other designated City official finds that the area is not clean, safe or sanitary, the tenant shall be deemed responsible for cleaning the area. In the event an enforcement action is taken against the tenant for noncompliance, the City shall also notify the owner/operator of the action.

In the event the tenant does not comply with the required remedial action, the owner/operator shall be held liable for the cleaning. If, within a reasonable time of the owner/operator retaking legal control of the property, the required remedial action has still not been complied with, the owner/operator shall be held responsible.

Sec - 5

Minimum standards for light, ventilation, and heating.

- (a) *Requirements.* No owner or operator shall let, rent, or hire to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
- (b) *Windows.* Every sleeping room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room shall be one window of at least five and seven-tenths square feet. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 percent of the total floor area of such room. Every window and frame shall be kept in sound condition, good repair and weathertight. The City will not require apartment units, houses, etc. to be retrofitted to meet the minimum window square footage or total floor area requirement. These two requirements will be met when the unit, building, house, etc., is to be rehabilitated to a cost greater than 50 percent of the current value.
- (c) *Ventilation.* Every sleeping room shall have at least one window or skylight which can be easily opened for adequate ventilation, except where there is supplied some other device or method affording adequate ventilation and approved by the building inspection officer.
- (d) *Bathroom lights and ventilation.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (b) and (c),

except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with an operational ventilation system approved by the building inspection officer.

- (e) *Heating Facilities.* Every dwelling shall have heating facilities which are properly installed and inspection tagged if required by law, are maintained in safe and working condition such that they are capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68°F (20°C).
- (f) *Electrical outlets.* Every room shall contain at least two electrical convenience outlets or one such convenience outlet and one lighting fixture. Additional convenience outlets shall be provided such that each electrical device and appliance located within each room can be plugged in and operated. Cords to appliances and devices shall not be run through doorways, under rugs or stapled to wood base boards, door casings, or through holes in partitions or floors. All installations and repairs of electrical outlets are to be made in a manner that conforms to the electrical codes in force in the County of Marquette at the time of inspection. Dwellings and dwelling units already in existence will not have to be retrofitted to meet the outlet amount requirement.
- (g) *Lighting public halls and stairways.* Every public hall and stairway in every dwelling containing four or more dwelling units shall be adequately lighted at all times. Adequate lighting for public halls consists of one constantly shining electrical lighting fixture for every 100 feet of hall length. Adequate lighting for stairways consists of a proper number of constantly shining electrical lighting fixtures to enable each riser and landing to be visible. Every public hall and stairway in structures of four or more dwelling units, shall have emergency lighting and exit signs.
- (h) *Screens, basement or cellar windows.* 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 such other device as will effectively prevent their entrance.

Sec - 6

Minimum maintenance requirements.

- (a) *Requirements.* No owner or operator shall let, rent, or hire to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements, unless otherwise provided in this chapter:
 - (1) *Roofs and drainage:* The roof shall be sound and weathertight, without defects that would cause leakage. All roof gutters and downspouts if installed shall be free from obstructions and without holes or damage that would compromise their ability to perform the task for which they were designed. All roof gutters and downspouts must be securely attached to the building. No storm drainage shall be connected to the sanitary sewer.
 - (2) *House and unit numbers:* Each building shall have the street number displayed in four-inch Arabic numbers in a position easily observed and readable from the street. Additionally, each unit that is assigned a unit, room or apartment number or letter shall be clearly marked on the entrance door to the unit, room or apartment.
 - (3) *Handrails and guards:* Every handrail and guard shall be firmly fastened and maintained in good condition. Every exterior and interior flight of stairs having more than four risers and every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade shall have guards.
 - (4) *Exterior walls:* All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.
 - (5) *Foundation walls:* All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent entry from rodents.

- (6) *Exterior openings; maintenance:* Every window, exterior door and basement hatchway shall be weathertight, watertight, and rodent-proof; and shall be kept in sound working condition and good repair.
- (7) *Plumbing fixtures; maintenance:* Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- (8) *Floor surfaces:* Every water closet compartment, bathroom, and kitchen floor surface shall be constructed and maintained so as to be water resistant and/or so as to permit such floor to be easily kept in a clean and sanitary condition.
- (9) *Supplied facilities; maintenance:* Every supplied facility, piece of equipment, or utility which is required under this chapter, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (10) *Public areas:* Every owner and occupant of a dwelling containing one or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the public areas of the dwelling and premises thereof.

Sec - 7

Minimum space, use, and location requirements.

- (a) *Requirements.* No owner or operator shall let, rent, or hire to another for occupancy and dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements, unless otherwise provided in this chapter:
- (b) *Cooking, sleeping in same room.* Where more than two persons occupy any dwelling unit, food shall not be prepared or cooked in any room used for sleeping purposes. Shall not apply to studio apartments or efficiency units.
- (c) *Ceiling height.* At least one-half of the floor area of every habitable room on the main floor, shall have a ceiling height of at least seven feet. The ceiling height of any room in a top floor or attic, shall be not less than six feet six inches over not less than one-third of the floor area of any room. The City will not require units to be retrofitted to comply with these requirements. Units will comply with these requirements at the time of rehabilitation or remodeling.
- (d) *Cellar and/or basement.* No cellar and/or basement space shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
 - (2) The total of window area in each room is equal to at least the minimum window area sizes as required in subsection 5(b);
 - (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
 - (4) Openable window area in each room is provided as required under subsection 5(c), except where there is supplied some other device affording adequate ventilation and approved by the building inspection officer.
 - (5) There are at least one means of egress directly to the outside in sleeping rooms.

Sec - 8

Minimum standards and requirements for Short-Term Rentals, Bed and Breakfast Inns and Bed and Breakfast Establishments ("SBR")

- (a) *Requirements.* No owner or operator shall own or operate a "SBR" or shall let or hire to another for occupancy any rooming unit in any "SBR" except in compliance with the provisions of every section of this chapter. (b) *Minimum basic facilities.* At least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewer system and in compliance with section 4, must be supplied for each eight persons residing within a "SBR", including members of the operator's family whenever they share the use of the said facilities. Provided that in a "SBR" where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. If the structure has only one facility, it shall not be located in a basement.
- (c) *Minimum space.* Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 20 square feet of floor space for each additional occupant thereof.
- (d) *Means of egress.* Every rooming unit shall have two remote means of egress, one of which may be a window that conforms to this chapter. Every rooming unit shall have safe unobstructed means of egress leading to an open space at ground level and this open space shall lead to a public street or alley as required by the laws of the State of Michigan and the City of Negaunee.
- (e) *Responsibility for maintenance.* The owner and occupant of every "SBR" shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- (f) *Maximum occupancy.* Every "SBR" registration shall contain the name(s) and address(es) of the owner and operator, the type of accommodation for which issued, the maximum number of rooms which may be rented, together with the maximum number of persons that may occupy such premises at one time. No person shall rent a greater number of rooms than is specified in his or her registration filed with the City clerk, nor shall accommodations be rented to a greater number of persons than is specified therein.
- (g) *Parking.* Every "SBR" shall provide adequate off-street parking as detailed in Chapter 1286 Sec 06
- (h) *Register.* Every "SBR" operator shall provide and maintain a register of the name and home address of any person other than members of the family of the owner or operator as listed in the registration filed with the planning and zoning administrator, occupying said premises or any part thereof. Said register shall be maintained in said premises and shall be submitted upon demand to any official or police officer of the City of Negaunee or to any police officer of the State of Michigan. It shall be a violation of this chapter for any person to inscribe in such register or to give for the purpose of being inscribed in such register, any false information.
- (i) Any Short-Term Rental where food is served shall comply with the Marquette County Health Department Food Preparation Codes.

Sec - 9

Fire safety.

- (a) *Scope of responsibility.* The owner of a rental dwelling unit shall provide and the renter shall maintain fire safety facilities and equipment in compliance with the requirements of this section, other ordinances, and state law. No person shall rent to another for occupancy any premises which do not comply with the requirements of this section.
- (b) *Egress.* A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open area

at grade. If there is only one means of egress from above the second story, then an alternate exit must be provided through the use of fire escape stairs or an approved fire ladder.

- (c) *Direct exit.* Every dwelling unit or room shall have access directly to the outside or to a public corridor.
- (d) *Locked doors.* All doors in the required means of egress shall be readily openable from the inside without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.
- (e) *Fire escapes.* All required fire escapes shall be provided and maintained in working condition and shall be structurally sound.
- (f) *Emergency escapes.*
 - (1) *Windows or doors.* Every sleeping room shall have a safe means of emergency escape to the outside consisting of an emergency escape window or door.
 - (2) *Maintenance.* Emergency escape windows and doors shall be maintained operational and available to occupants of sleeping rooms in residential uses.
 - (3) *Security.* Bars, grilles, grates, or similar devices are permitted to be placed over a required emergency escape window provided that such devices must be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
- (g) *Accumulation and storage.*
 - (1) *Waste materials.* Waste, refuse, or other materials shall not obstruct stairways, passageways, doors, windows, fire escapes or other means of egress.
 - (2) *Flammable and explosive matter.* Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes, and rags shall not be accumulated or stored on residential rental premises except in reasonable quantities consistent with normal usage.
 - (3) *Flammable liquids.* A rental dwelling unit shall not be located within a structure containing an establishment handling, dispensing, or storing flammable liquids with a flash point of 110 degrees Fahrenheit (43.33 degrees Centigrade) or lower.
- (h) *Fire protection systems.*
 - (1) *Generally.* All fire protection systems and equipment shall be maintained in proper operating condition at all times.
 - (2) *Fire alarms.* Fire alarms and detecting systems shall be maintained and shall be suitable for their respective purposes.
 - (3) *Fire extinguishers.* All portable fire extinguishers shall be visible, accessible, and maintained in a safe operating condition with inspection tags attached. One will be required in the kitchen area and another in the heating system area.
 - (4) *Smoke detectors required.* At least one working smoke detector in each sleeping room, outside each sleeping room and on each additional story including basements, but not crawl spaces or uninhabitable attics. All detectors shall be installed in an approved location. All detectors shall be in working order at the time of occupancy by a renter.
 - (5) *Carbon Monoxide detector required.* If the unit contains a fuel-fired appliance and or an attached garage, a Carbon Monoxide detector is required.

Sec - 10

Inspection of the premises.

- (a) *Periodic inspection.* The administrator of planning and zoning or his/her authorized representative is hereby authorized to, and shall inspect all rental dwellings on a periodic rotating basis of once every three years; upon completion of the registration and receipt of the fee, the administrator of planning and zoning or his/her authorized representative shall schedule a compliance inspection within three years of registration. Efforts shall be made to schedule each compliance inspection at a reasonable time with respect to the inspector's and the owner's and operator's convenience. City will attempt to give vacant units priority.
- (b) *Satisfactory inspection.* Upon satisfactory completion of the compliance inspection, and upon receipt of the fee for said inspection, the administrator of planning and zoning or his/her authorized representative shall issue a certificate of compliance to the owner. A certificate of compliance shall be valid for a period of three years. Subsequent periodic inspections shall be conducted in accordance with this section. Satisfactory completion means that every applicable requirement found in this chapter has been adhered to and complied with. Only total compliance will be considered satisfactory completion.
- (c) *Unsatisfactory inspection/notification of noncompliance/reinspection.*
 - (1) If the administrator of planning and zoning determines that a dwelling unit does not comply with this code, he/she will notify the property owner, in writing, of all areas of noncompliance, steps that must be undertaken by the owner and/or operator to remedy the defects, and the time frame to remedy all areas of noncompliance.
 - (2) The administrator of planning and zoning must indicate in the notice of noncompliance, whether the conditions are such that the rental dwelling unit must be vacated, or whether steps to bring the unit up to code may continue while the unit continues to be occupied by tenants.
 - (3) Notice of violations of the code shall be mailed by registered first class mail to the owners and/or operators of the property and by first class mail to the tenants within seven (7) business days subsequent to the inspection. The notice of violation shall state the right to appeal and the instructions for making such appeal. Failure to remedy the violation within the time specified in the notice, and the owner fails to appeal within the time specified herein shall be deemed a violation of the code.
- (d) *Nonperiodic inspections.* Any rental unit may be subject to nonperiodic inspection if any of the following occur:
 - (1) Upon receipt of a complaint of an owner, operator, occupant or citizen who has reasonable cause to believe that the premises are in violation of this chapter.
 - (2) Upon receipt of a report or a referral from a police department, fire department, public or private school or other public agency that the rental property is not in compliance with this chapter.
 - (3) Upon reasonable belief that a rental structure is not registered with the City of Negaunee as required by this chapter;
 - (4) Upon evidence of a violation observed by, or brought to the attention of, the administrator of planning and zoning.
 - a. The administrator of planning and zoning is empowered to enter at any and all reasonable times upon and into any premises, building or structure for the purpose of examining and inspecting with owner or tenant consent. If the owner or tenant fails to permit an inspection, the administrator may seek a warrant as provided in subsection 11(b).
 - b. If a dwelling unit is required to undergo a nonperiodic inspection pursuant to any of the items in paragraph (b) above, the inspection will be based on the same criteria as periodic inspections, and failure to pass will lead to the administrator of planning and zoning nullifying any previously issued certificates of compliance. The administrator of planning and zoning will also establish clear requirements of what must be undertaken by the owner or operator, and what time frame, in order to schedule a reinspection and, when warranted, reissue the certificate of compliance. In addition, an administrator of planning and zoning

must indicate whether the conditions are such that the rental unit must be vacated, or whether steps to bring the unit up to code may continue while the unit continues to be rented by tenants.

1. If the rental unit that undergoes a nonperiodic inspection passes the inspection, there will be no fee for this inspection;
 2. If the rental unit that undergoes a nonperiodic inspection fails to pass the inspection, there will be a fee for nonperiodic inspection, as well as fees for re-inspections required to establish compliance with this chapter.
- (e) *Fees.* The City shall charge a nonrefundable fee for registration and inspections. Fees as set forth in the City of Negaunee fee schedule and shall be paid at the time of registration and at the time of the periodic inspection. Any fee under this act shall be set by resolution of the City council and be based on the administrative cost associated with enforcement of the chapter. The fee for inspection covers the initial inspection. If any subsequent re-inspections are required, the City council shall establish by resolution a reinspection fee.
- (f) *Payment.* Any fee for required registration, inspection or re-inspections, including the administrative service fee, shall be paid by the owner or party in interest whose name appears on the City's real property tax assessment records and/or the person or entity that registered the property.
- (1) *Notification to add to a tax roll.* In the event of nonpayment of the required fee, the taxpayer of record shall be notified of the amount of unpaid fees by first class mail at the address shown on the City assessor's records. If he/she fails to pay the amount owed within 30 days after mailing of the notice, the City assessor shall add the amount to the next tax roll of the City and it shall be collected as provided by law for the collection of City taxes, plus ten percent administrative fee for processing the tax information required.
 - (2) *Lien on property.* Any unpaid fees or costs assessed under this chapter shall be a lien against the real property and shall be reported to the City assessor for placement on the real property tax assessment records. Any fees and costs may also be collected as allowed by law. This provision does not limit any other remedies available to the City for violation of this chapter.

Sec - 11

Certificate of compliance required

- (a) No owner or operator shall lease or rent a rental dwelling unit, unless there is a valid certificate of compliance issued by the administrator of planning and zoning and the name of the owners. The certificate shall be issued after registration and inspection by the administrator of planning and zoning to determine that each rental dwelling unit complies with the provisions of the codes and ordinances of the City of Negaunee. The only exception to this requirement is during the first certification period during which all rental dwelling units will be inspected over a three-year period.
- (1) An administrator of planning and zoning must inspect the premises before the certificate of compliance is initially issued. Upon failure of the building inspector to conduct an inspection prior to occupancy, the owner or operator may rent the property until the administrator of planning and zoning has conducted an inspection and the owner or operator will not be deemed in violation during that time. If, however, the inspector's inability to inspect the premises is due to the owner's or operator's action, failure to act, or inability to arrange the inspection after reasonable notice of the intent to inspect, the owner or operator shall not rent the property without a current certificate of compliance as required.
 - (2) Between 30 and 60 days before the expiration date of the certificate of compliance, the City will arrange with the owner or operator for an inspection date and time and indicate the amount due for the next periodic compliance inspection; said notice shall be by first class mail to the address as provided by the owner and/or operator. The inspector shall attempt to inspect the premises before the certificate of compliance expires. Upon failure of the inspector to conduct an inspection prior to expiration of the certificate of compliance, the owner or operator may rent the

property until the inspector has conducted an inspection, and the owners and operators will not be deemed in violation during that time. If, however, the inspector's inability to inspect is due to the owner's or operator's action, failure to act or refusal to permit an inspection after reasonable notice of the intent to inspect, the owners or operators shall not rent the property without a current certificate of compliance as required. If the tenants are utilizing the dwelling unit, the inspector is authorized to require vacation of the dwelling unit. A certificate of compliance shall expire three years from the date of issue.

(b) *Certification* Once certified the unit will be issued a Certification placard by the City: Emergency contact information and the Planning and Zoning Office contact information will be included in said placard as well as date of certification. Placed near the entrance in interior at a visible location

(c) *Warrants.*

- (1) *Nonemergency.* In a nonemergency situation, if a registered owner, registered agent or occupant demands a warrant for inspection of the premises, the administrator of planning and zoning shall obtain a warrant for inspection from a court of competent jurisdiction.
- (2) *Preparation of warrant.* The administrator of planning and zoning shall prepare the warrant, stating the address of the structure to be inspected, the nature of the inspection, as defined in this code or other applicable codes or statutes, and the reason for the inspection.
- (3) *Warrant shall be issued.* If the court finds the warrant is in proper form and in accordance with this code, it shall be issued forthwith.
- (4) *Emergency.* In the event of an emergency, no warrant shall be required.
- (5) [*Provisions.*] Tenant shall notify the landlord of any problems first before contacting the City.

Sec - 12

Appeals.

- (a) *Appeal procedure.* Any owner or operator affected by any notice of violation which has been issued under this chapter may request and shall be granted a hearing on the matter before the City Zoning Board of Appeals ("ZBA"). An appeal from a ruling of the Planning Commission or Zoning Administrator under this Code concerning the enforcement of the provisions of this Rental Code may be made to the "ZBA" within such time as shall be prescribed by ZBA in compliance with State statute. The applicant shall file with "ZBA" a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to ZBA all documents concerning the appeal. The notice requirements under state law shall be met as to the matters heard by "ZBA".
- (b) *Hearings.* "ZBA" shall fix a reasonable time for the hearing of an appeal and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. "ZBA" actions shall be in the form of a resolution clearly setting forth "ZBA" decision. "ZBA" may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the office or board or commission from whom the appeal is taken.
- (c) *Decisions and powers of the City Zoning Board of Appeals.*
 - (1) After a hearing, the "ZBA" may sustain, modify or withdraw the notice of violation depending upon its findings. In rendering these determinations, the powers of the "ZBA" shall be strictly limited to making interpretations of the provisions of this chapter, to the applicability of its specific provisions to the specific case being heard, and to granting exemptions to the provisions of this chapter. In granting exemptions, the ZBA shall be allowed to grant an exemption if it clearly appears that, by reason of special condition, undue hardship would result from strict application of any section of the chapter. However, no exemption shall be granted if the same would result in either the purpose or intent of this chapter, or of any particular sections

at issue, being nullified. In reviewing a request for an exemption, the ZBA shall consider the following to determine whether an exemption would be appropriate:

- a. Whether there are exceptional or extraordinary conditions applying to the property that do not apply to other similar properties;
 - b. Whether the exceptional or extraordinary conditions resulted from the action of the property owner;
 - c. Whether there exists alternative or equivalent methods or materials that would allow the purpose and intent of the particular sections at issue to be satisfied;
 - d. Whether the granting of an exemption would result in a substantial detriment to the property; and
 - e. Whether the exemption requested is the minimum exemption possible that would still allow the purpose and intent of the particular sections at issue should be met.
- (2) The ZBA may permit an exemption for mandatory provisions in such a manner that public safety shall be secured, substantial justice done and the spirit and intent of the provisions of this chapter are upheld. In no case shall this board grant an exemption which would lessen the safety, health and welfare requirements of this chapter. Any exemptions granted shall be for this chapter and shall not, and cannot, waive the requirements and provisions of any other ordinance or law. All decisions rendered under this chapter shall be in writing and shall be final. A copy of the decision shall be mailed to the appellant at the address shown on the appeal. Failure of the appellant or his/her representative to appear and state his or her case at the hearing, shall have the same effect as if no appeal was filed and the ZBA shall proceed to deny the appeal and affirm the notice of violation.
- (3) "ZBA" shall meet in a fixed place and all meetings shall be opened to the public. The ZBA shall keep a record of its proceedings, showing the actions of the ZBA and the vote of each member upon each question considered. These records shall be considered public records.
- (4) Appeal from "ZBA" decision. The decision of "ZBA" shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rules.
- (5) Severability. If any section, subsection, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent portion of this chapter and such holding shall not hold the validity of the remaining portions of this chapter.

Sec - 13

Rules and regulations.

The administrator of planning and zoning is hereby empowered to promulgate such rules and regulations as shall be necessary for the enforcement of this chapter subject, however, to the approval of the City Manager. When the rules and regulations made hereunder have been adopted and promulgated by the administrator of planning and development and approved by the City Manager, they shall be deemed to be as complete and binding a part of this chapter as if the same were herein specifically set forth; and the violation of any of said regulations so adopted shall be deemed a violation of this chapter. Copies of such rules and regulations shall be placed on file in the office of the City clerk for inspection by interested parties at any reasonable time.

Sec - 14

Penalty.

- (a) In the event that the owner or operator does not correct a violation of any provisions of this chapter, the administrator of planning and zoning may 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.
- (b) An owner of a rental structure who fails to register or who fails to obtain a certificate of compliance for each rental dwelling unit shall be responsible for a municipal civil infraction. An owner who fails to comply with any other parts of this chapter shall be responsible for a municipal civil infraction.
- (c) Upon first inspection by the City, the landlord (property owner) will be notified of any infractions. The code enforcement officer shall provide the landlord a reasonable amount of time to correct any noted defect(s). Upon reinspection at the appropriate time, if the infraction(s) has not been rectified, the landlord will be subject to citation. The first citation shall be \$100.00 and \$150.00 for any subsequent citations, up to a maximum of \$500.00 per violation. As set forth by the City Council.
- (d) An owner may be charged with more than one violation of the provisions of this chapter in a single complaint or a municipal civil infraction, provided that each violation and so charged relate to the same property.
- (e) Each day that a violation exists shall be considered a separate punishable offense. Except that after a third violation or failure to repair or eliminate eminently dangerous or life-threatening situations may be cited as misdemeanors at the discretion of the administrator of planning and zoning.
- (f) If a violation of this chapter occurs, only one citation per violation will be issued, regardless of the number of owners of the offending property.

Sec -15

Severability clause.

In the event that any provision(s) of this chapter shall be determined by future judicial decision to be invalid or unconstitutional, the remaining provisions of this chapter shall remain in full force and effect.

This Ordinance will go into effect one year after adoption.

This Ordinance shall be published as required by law, and shall be effective on the 25th day of March, 2019.

 3/28/19
Dave Kangas, Mayor


Judith Iwanski, City Clerk