

ORDINANCE NO. 2019-09

AN ORDINANCE TO ADD ARTICLE VIII, SECTIONS 190 THROUGH 201 OF CHAPTER 12, RENTAL PROPERTY REGISTRATION, OF THE CODIFIED ORDINANCES OF CITY OF EATON RAPIDS, EATON COUNTY, MICHIGAN, TO ALLOW FOR THE REGISTRATION AND REGULATION OF RENTAL PROPERTIES

THE CITY OF EATON RAPIDS ORDAINS:

Section 1. Article VIII, Sections 190 through 201, of the Codified Ordinances of the City of Eaton Rapids, shall be added as follows:

ARTICLE VIII RENTAL PROPERTY REGISTRATION

12-190 PURPOSE

- a. The City of Eaton Rapids finds the act of renting or leasing dwelling units is a business activity. The City also finds that dwellings or dwelling units, which are leased or rented to the public, when improperly maintained, by reason of their structures, equipment, sanitation, use or occupancy, may adversely affect public health, safety and general welfare as well as the aesthetic value of surrounding property and community. To correct unsuitable conditions which exist within rental properties and to establish mechanisms for the maintenance of a sound rental housing stock within the City of Eaton Rapids, and to promote the public health, safety and general welfare of its citizens, the City of Eaton establishes these regulations which shall require the registration of rental dwelling units and provide for the enforcement of minimum rental housing standards.
- b. This Article enforces the *INTERNATIONAL PROPERTY MAINTENANCE CODE* that has been adopted by the City of Eaton Rapids. It supplements and augments the existing housing code which the City of Eaton Rapids uses for protecting and promoting the health, safety and welfare of the citizens of the City of Eaton Rapids by requiring the registration of all rental dwelling units in the City of Eaton Rapids. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the housing code and the applicable building codes adopted by the City of Eaton Rapids. These codes set allowable standards for adequate maintenance for habitable dwellings. This ordinance is not intended nor shall it be used for the purpose of including the City of Eaton Rapids in civil disputes between rental owners and tenants including but not limited to, non-payment of rent, evictions and/or personal disputes.

12-191 DEFINITIONS

- a. For the purpose of this article, certain terms, phrases, words and their derivatives shall be construed as specified in this article. If not specified in this article, or elsewhere in the Eaton Rapids City Code, the term shall have its ordinary accepted meaning within the context used.
  - i. Authorized City Official refers to the Building Official for the City of Eaton Rapids and his/her agents and designees.
  - ii. Code means any code or ordinance adopted by the City of Eaton Rapids.

- iii. Common Area is the area in a rental dwelling or rental complex not within a tenant's private rental unit. It may include, but is not limited to, hallways, basement areas, common exterior stairways, balconies and spaces, which contain mechanical, electrical or plumbing equipment.
- iv. Owner any individual holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee or title to a public, private or not of profit corporation, a firm or partnership. Owner shall not mean a tenant.
- v. Owner Occupied Dwelling means a dwelling, which a person both owns as an owner and lives in mobile home or house trailer. Owner shall also mean any individual, association of individuals, a as his or her true, fixed and permanent home to which, whenever absent, the person intends to return.
- vi. Rental Complex is a group of rental dwellings.
- vii. Rental Dwelling is any dwelling containing a rental unit, a rooming unit, or hotel/motel unit including single-family homes and mobile homes occupied by a tenant or tenants or lessee.
- viii. Rental Property refers generally to all rental complexes, rental dwellings and rental units.
- ix. Rental Unit is a particular living quarters within a dwelling intended for occupancy by a tenant or person other than the owner and the family of the owner, including mobile homes, single-family homes, apartments, hotel/motel units, rooming units, and for which a remuneration or consideration of any kind is paid.
- x. Tenant is a person residing in a rental property who is not an owner, as defined by this ordinance, of the rental property, and who pays a remuneration or consideration of any kind for residing on the rental property.
- xi. Violation Notice is a written correspondence issued by an authorized City of Eaton Rapids Official advising an owner, or his agent, of a violation of this Article or a code. Violation notices shall list all infractions and corrective measures necessary to comply with this Article or a code and a time period within which such corrections must be completed.

## 12-192 APPLICABILITY

- a. This Article shall apply to all persons, firms, partnerships, associations and corporations owning or exercising control over any building or premises used for dwelling purposes, or which subsequently may be constructed or so designated, which is in total or in part, rented or leased, and which is located within the City of Eaton Rapids. An owner of any rental dwelling located within the City of Eaton Rapids shall not rent to another, any rental dwelling, or rental unit, unless such rental dwelling or rental unit is registered pursuant to this Article and is in compliance with all applicable Federal, State, and local laws, rules, ordinances, and regulations.

## 12-193 REGISTRATION OF RENTAL PROPERTIES

### a. Initial Registration

- i. Within ninety (90) days following the effective date of this ordinance, all owners of rental properties shall register with the City of Eaton Rapids Building Department each rental complex, rental dwelling, and rental unit within the boundaries of the City.
- ii. Newly constructed rental properties will be registered by the City at the time a certificate of occupancy is issued, and then must be subsequently re-registered and inspected as required by Section 12-194.

### b. Registration Requirements

- i. The registration of any rental property shall require at least the following information on forms provided by the City:
  1. The address of the rental property with each rental unit contained therein enumerated. If the rental units are within a rental complex, the property manager's address shall also be included.
  2. If applicable, the number of buildings, including rental dwellings, in the rental complex.
  3. The number of rental units per rental dwelling.
  4. The individual square footage of each bedroom, the kitchen, the living room, the dining room and total number of occupants currently residing in each rental unit.
  5. The name, address and telephone number of the registered agent or other responsible person designated by the owner, to receive official notices, legal processes, tenant concerns and correspondence from the City.
  6. The applicant shall sign the registration attesting to the truth and accuracy of its contents.
  7. Payment of all- applicable fees as established by resolution of the City Council of The City of Eaton Rapids.
  8. Verification that each rental dwelling is equipped with carbon monoxide detector(s).

### c. Changes in Registration Information

- i. The owner or his/her agent shall provide written notification to the City of Eaton Rapids Building Department of any changes in the above information. This notification must be sent to the City of Eaton Rapids Building

Department within 30 days of changes being implemented.

d. Additional Requirements

- i. An authorized City of Eaton Rapids Official or designated agent may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this Section.

12-194 INSPECTIONS

a. Scheduling Inspections

- i. The owner shall be notified of the date and time of a rental inspection via first class mail at least thirty (30) days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law. A list of inspection guidelines, prepared by the City of Eaton Rapids Building Department, shall be given to all owners at the time of rental property registration.

b. Periodic Inspections

- i. An authorized City Official may systematically inspect rental properties, including common areas, at least one (1) time every three (3) years. However, this Section shall not be construed as creating an obligation for the City of Eaton Rapids to inspect such properties.

c. Probable Cause Inspections

- i. Any rental property, even though not previously scheduled for inspection, may be inspected without prior notice to the owner and/or tenant if an authorized City Official has probable cause to believe that there exists on the rental property any condition which makes such rental property or any portion thereof unsafe or there is evidence that a violation of a code may exist.

d. Court Orders

- i. If access to a structure, premises or area for the purpose of inspection authorized by this Section is refused, an authorized City Official, upon showing that a probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of the Section with respect to such rental dwelling or rental unit, may petition and obtain an administrative search warrant from the Eaton County District Court.

e. Inspections in General

- i. Except for probable cause inspections, rental properties may only be inspected during reasonable hours, following notice as provided in this Article, upon presentation of proper identification by an authorized City Official. It shall be the rental property owner's responsibility to coordinate access to all areas of their

rental property, including common areas. Owner or owner's agent, who must be at least (18) years of age, must be present for the inspection.

f. Inspection of Rental Complex

- i. In a manner best calculated to secure compliance with this code, the authorized City Official may inspect a portion of a rental complex when conducting a periodic inspection.
- ii. In the event the authorized City Official inspects a portion of the rental complex as set forth in subsection (1), the following shall apply:
  1. 1/3 of the total number of rental units contained within a rental complex may be inspected annually such that all rental units within any rental complex may be inspected at least once every three-year period.
  2. The authorized City Official reserves the right to increase the number of rental units inspected should significant code violations be found or if the authorized City Official has reasonable cause to believe other violations exist in un-inspected rental units.
  3. The fees associated shall apply as set forth in this Article.

## 12-195 REGISTRATION, EXPIRATION, AND RE-REGISTRATION

- a. All residential rental properties within the City of Eaton Rapids shall be registered with the Building Department within ninety (90) days from the adoption of this ordinance. Thereafter, all residential rental properties shall be registered once every three (3) years, or with change of ownership, at least thirty (30) days before the expiration date assigned by the City, following the same requirements set forth in Section 12-193.

## 12-196 VIOLATIONS, NOTICES, AND INSPECTIONS

a. Violations Not Imminently Dangerous

- i. Upon inspection by an authorized City Official, if a violation of a code is discovered, but the violation is deemed by the Official not to be immediately dangerous to health, welfare or safety, a violation notice shall be issued to the owner in accordance with the applicable codes and ordinances. The owner shall have thirty (30) days to correct the violation.

b. Re-inspection and Fees

- i. Re-inspections of a rental property, if required, shall occur on the date specified on the violation notice, or sooner if requested by the owner and City Official scheduling permits for such inspections. It shall be the owner's responsibility to coordinate the access to all areas of their rental properties. A fee (if any) as established by resolution of the Eaton Rapids City Council shall be charged for each re-inspection after the first inspection.

c. Schedules

- i. Time schedules for the correction of violations shall be reasonable as determined by the authorized City Official. Correction periods exceeding the specified time, for corrections to be completed, will require the owner or his/her designee to request an extension period in writing to the Building Department and approved by the Building Official.

12-197 VACATION OF RENTAL DWELLINGS OR CAUSE TO HAVE VIOLATIONS REMEDIED

a. Violations That Threaten Life or Property

- i. If upon inspection of a rental property the authorized City Official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, the Official shall demand that the violation(s) be corrected immediately and/or that the rental property be vacated immediately in accordance with applicable codes.

b. Notices and Orders

- i. All notices and orders of the Building Department shall be in accordance with the Eaton Rapids City Code.
- ii. A Rental Certificate of Occupancy will be issued upon satisfactory completion of all required inspections. This Certificate will be good for not more than a three (3) year period.

12-198 PENALTIES

a. Failure to Comply with Requirements of this Ordinance

- i. Any person, firm or corporation or any others acting on behalf of said person, persons, firm or corporation violating or failing to comply with any provision of this ordinance, or who shall hamper, impede or interfere with the performance of the duties of any authorized City Official or agent of the Official or other Officer under the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Sections 2-132 of the Eaton Rapids City Code. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense. Abatement shall not be considered as payment or part payment of a violation's penalty.

12-199 APPEALS

- a. The owner of a dwelling may appeal a violation of this ordinance or a violation of the International Property Maintenance Code to the Eaton Rapids Construction Board of Appeals. The appeals form will be provided by the City of Eaton Rapids and must be submitted within fourteen (14) days of the receipt of a notice of violation of this ordinance.

## 12-200 TRANSFER OF RENTAL PROPERTY REGISTRATION AND CHANGE OF STATUS

### a. Registration Transfers and Fees

- i. A purchaser of a rental property shall cause a registration to be transferred upon the sale of a rental property. The new owner shall sign all appropriate agreements and affidavits for registration and shall complete a new registration application. All the above shall be provided to the City by the new owner or the real estate closing institution within thirty (30) days of closing of the sale of said property. The fee (if any) shall be paid when said application is delivered to the City of Eaton Rapids.

### b. Change of Status

- i. If a dwelling previously used as a rental property is no longer to be used as a rental property, a statement and affidavit to this effect must be provided to the City of Eaton Rapids Building Department within thirty (30) days of the change in status. No inspection or transfer shall be required.

## 12-201 MISCELLANEOUS PROVISIONS

### a. Building and Trade Permits

- i. Owners shall procure and pay any associated fees for the appropriate building, mechanical, plumbing, and/or electrical permits from the authority having jurisdiction for all corrections requiring such permits. Those violations discovered which require such permits will require an inspection by an appropriate licensed and certified inspector for the authority having jurisdiction for any and all required permits. Each permit having an inspection must have been approved. All State of Michigan and local licensing requirements must be observed.

### b. Fees

- i. Owners shall be required to pay a fee for registration and for any inspections, including re-inspections. If an owner and/or his agent fails to coordinate access to a rental property for any reason for inspection or re-inspection, the owner may be subject to no show/inspection fees. The Eaton Rapids City Council shall establish by resolution and publish a schedule of fees. Registration fees shall be paid at the time of registration. Inspection and re-inspection fees shall be paid at the time of registration and re-registration.
- ii. In the event the authorized City Official inspects or re-inspects a portion of a rental property as set forth herein, the fee associated with that inspection may be calculated to reflect the portion of rental units inspected.
- iii. All fees under this Article must be paid at the Eaton Rapids City Hall. The authorized City Official may not accept payment while conducting an inspection under this Article.

- iv. A failure to pay any fee required by this Article shall constitute a violation of this Article and be subject to fines and costs as set forth herein. In addition, if any owner fails to pay any fees required by this Article at the time said fees are due an administrative service fee, as established by the Eaton Rapids City Council by resolution, may be assessed.

Section 2.     Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3.     Repeal, Effective Date, Adoption.

- (1)     Repeal. All regulatory provisions contained in other City ordinances which conflict with the provisions of this ordinance are hereby repealed.
- (2)     Effective Date. This ordinance shall become effective on December 29, 2019, twenty (20) days following its adoption, and shall be published prior to its effective date as mandated by charter and statute.
- (3)     Adoption. This ordinance was adopted by the City Council of the City of Eaton Rapids at a meeting thereof held on December 9, 2019.

Laura Boomer, Clerk  
City of Eaton Rapids



