

# CHAPTER 1482, Rental Units

## 1482.01 DEFINITIONS.

As used in this chapter:

(a) "Dwelling" means a building designed for the habitation and residence of people.

(b) "Hotel," "motel," "boarding house" and "rooming house" mean a building held out to the public as a place for lodging for a nightly, weekly or monthly rate, including bed and breakfasts.

(c) "Owner" means the person or persons who or which own the rental unit, or who or which are purchasing it pursuant to a land contract.

(Ord. 468. Passed 1-27-92.)

(d) "Rental unit" means any hotel, motel, boarding house, rooming house, apartment, one or two-family dwelling unit, or multiple unit dwelling, which is occupied by any individual, family member or nonfamily member in return for compensation in cash, services or forbearances to the owner.

"Rental unit" shall not include any hotel, motel, boarding house, rooming house, apartment, one or two-family dwelling unit, or multiple unit dwelling, when occupied by the owner's family, with no compensation received by the owner, either in cash, services or forbearances.

(Ord. 502. Passed 2-13-95.)

## 1482.02 PURPOSE.

The purpose of this chapter is to protect the public health, safety and welfare of citizens residing in rental housing in the City of Coldwater by requiring the registration and issuance of a certificate of compliance determining that rental units comply with applicable City ordinances, and to encourage the maintenance of properties by adopting legislation which will be applicable to all rental housing units.

(Ord. 468. Passed 1-27-92.)

## 1482.03 REGISTRATION.

(a) Responsibility of Owners and Local Agents. The owner of a rental unit shall register such rental unit with the City and shall designate a person, as set forth in subsection (d) hereof, as the local agent who shall be legally responsible for operating the registered rental unit in compliance with this chapter and shall also be responsible for providing access to such property for the purpose of making any inspections necessary to insure such compliance. Each local agent shall maintain a current list of the number of occupants of each rental unit for which he or she is responsible. A rental unit certificate shall not be issued unless there is compliance with the registration provisions of this chapter.

(b) Forms. Applications for registration shall be made on such forms and in accordance with such instructions as may be provided by the Building Commissioner and shall include at least the following information:

(1) The address of the rental unit;

- (2) The name and addresses of all of the owners of the rental unit;
- (3) The name, address and telephone number of the local agent authorized to collect rent from the rental unit;
- (4) The number of dwelling or rooming units in each building on the premises; and
- (5) The authorization appointing a local agent, signed by both the owner and the local agent.

(Ord. 468. Passed 1-27-92.)

(c) Term and Renewal; Unregistered Rentals. Application for registration for existing units shall be made within ninety days of the effective date of this chapter. Newly built or converted rental units shall be registered prior to the commencement of use as a rental unit. The term of registration shall be for two years and shall expire two years from the date of the first inspection in each cycle. Renewal registration shall be automatically mailed to the owner and shall be completed and returned with payment within the time period specified. In the event of a transfer of ownership, the registration shall become invalid for the previous owner upon receipt of a completed, signed affidavit, which shall be filed within ten days. Any new owner shall register within ten days of the date of transfer. A new inspection will not be required if no complaints have been received until the end of the original two-year inspection. If the new owner requests it, a new inspection can be made, giving the new owner full advantage of a two-year registration fee.

In the event that a substantiated complaint is received indicating that a property is an unregistered rental, the owner of record shall be notified by first class mail. If the property is in fact not a rental, an affidavit stating that it is, in fact, a private residence shall be filed with the Rental Housing Coordinator within two weeks of the mailing of the notice to the owner.

(Ord. 554. Passed 8-25-97.)

(d) Responsible Local Agent. The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity, and shall be designated by the owner of the rental unit as responsible for operating such property in compliance with all the provisions of City ordinances. All official notices of the City may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record. The responsible local agent shall file his or her address and phone number with the City and shall keep the City informed of any changes in them.

(e) The initial two year term of registration for a rental unit issued pursuant to subsection (c) hereof may be extended for an additional period of up to two years, without filing a new application or payment of fees, in the sole discretion of the Building Commissioner or his or her designee. Any such extension shall be conditioned on the landlord/owner's written consent, at the time of the extension, to a re-inspection of the rental unit at any time during the extension, without cause, upon seven days' advance written notice from the Building Commissioner or designee.

(Ord. 468. Passed 1-27-92; Ord. 723. Passed 11-10-08.)

#### **1482.04 TRANSFER OF OWNERSHIP OF NONCOMPLYING RENTAL UNITS.**

(a) It shall be unlawful for the owner of any rental unit who has received a compliance order or upon whom a notice of violation has been served to transfer ownership of the rental unit, or to permit tenants to move into the rental unit, until the provision of the compliance order or notice of violation has been complied with.

The owner of a rental unit which has received a compliance order or upon whom a notice of violation has been served may sell, by land contract or outright, or transfer ownership of, the rental unit, provided that the grantee or vendee furnishes to the Building Commissioner a signed and notarized statement acknowledging receipt of a copy of the compliance order or notice of violation. The grantee, who acknowledges receipt of the compliance order or notice of violation, shall then become the owner of the rental unit, and is subject to the requirements of this section and this chapter.

(Ord. 468. Passed 1-27-92.)

(b) In the event that the rental unit is transferred to a buyer who converts the rental unit to an owner-occupied dwelling, any discovered violations must still be corrected within the time frame granted by this chapter, even if the rental unit has become an owner-occupied dwelling. All repairs must be made in compliance with the International Property Maintenance Code.

(Ord. 645. Passed 2-11-02.)

### **1482.05 POSTING OF CERTIFICATE OF COMPLIANCE, AGENT'S NAME, ETC.**

The following information shall be posted in a conspicuous place either within each rental unit or in a common area shared by all occupants of a building:

- (a) A copy of the current certificate of compliance; and
- (b) The name, address and telephone number of the responsible local agent.

(Ord. 468. Passed 1-27-92.)

### **1482.06 CERTIFICATES OF COMPLIANCE.**

- (a) For Rental Units.

(1) Required. No person shall operate, lease, rent or occupy a rental unit unless there is a valid certificate of compliance issued by the Building Commissioner in the name of the operator and issued for the specific rental unit. A separate certificate shall be issued for each rental unit contained in a rental building.

(2) Not required. Any rental unit which is required to be inspected by or for the government of the State of Michigan or the government of the United States of America shall be permitted to submit the inspection certificate, indicating compliance with the requirements of the governmental unit involved, in order to comply with requirements to obtain a valid certificate of compliance from the Building Commissioner. Only those units which are required to be inspected under State or Federal rules or regulations shall be exempt under this paragraph. Owners of rental units exempt from inspection shall still be required to register under the provisions of Section 1482.03 and to furnish their certificate of inspection to the Rental Housing Registration Department. Failure to provide a certificate of inspection, within ten days of registration of the rental unit, will require that the rental unit be inspected under this chapter.

(Ord. 502. Passed 2-13-95.)

(3) Interim operation. Owners of rental units must apply for a certificate within ninety days of the effective date of this chapter. The owner shall then be permitted to operate, lease, rent or otherwise allow occupation of a rental unit pending the issuance of the certificate or formal denial following inspection.

(4) Prerequisites for issuance. The Building Commissioner shall not issue a certificate of compliance unless a current housing registration is in effect, the responsible local agent is properly designated, any fees for registration plus penalties are paid in full, and an inspection of each unit has determined that compliance has been secured with all City ordinances and State laws. Such ordinances shall include, but not be limited to, Section 690.12 and Chapters 1060 and 1480 of these Codified Ordinances and all relevant building codes and ordinances.

(b) Revocation. Whenever the Building Commissioner finds that the owner of any rental unit has failed to comply with a notice of violation or compliance order issued pursuant to City ordinances, the certificate of compliance may be revoked. Failure to comply with any provision of any relevant City ordinance or State law shall be grounds for the issuance of a notice of violation or compliance order.

(Ord. 468. Passed 1-27-92.)

(c) Appeal or Denial of Registration or Revocation of Certificates. An appeal through the Housing Board of Appeals must be filed within sixty days of the date of mailing of the notice of denial or revocation, or before 5:00 p.m. on the day of the reinspection, in order to stay legal action. Should the owner fail to appeal within this time period, the City shall proceed with judicial action to enforce compliance with this chapter. However, in the event that the appeal is timely filed, within sixty days of the date of mailing of the notice of denial or revocation, or before 5:00 p.m. on the day of the reinspection, the City shall suspend court action for any violations, other than those violations which are deemed health or safety dangers, pending the determination of the Housing Board of Appeals. (Ord. 554. Passed 8-25-97.)

(d) Vacation of Units. Upon revocation of a certificate of compliance and/or determination by the Housing Board of Appeals that the rental unit is unfit for human habitation, the owner or operator of said unit or units shall immediately vacate said unit or units and no person shall thereafter occupy for sleeping or living purposes the unit or units therein until said unit or units are in compliance with Chapter 1480 or any subsequent minimum housing standards ordinance.

(e) Multiple Unit Dwellings. The Building Commissioner may, after inspection, issue a certificate of compliance for all units in a multiple unit dwelling. The Building Commissioner may also, after inspection, issue a certificate of compliance for a portion, but not all, of the units in a multiple unit dwelling. If the certificate of compliance is not issued for all units in a multiple unit dwelling, it shall be a partial certificate of compliance, and noncomplying units may not be operated, leased, rented or allowed to be occupied. Owners of noncomplying units and multiple unit dwellings may appeal the decision of the Building Commissioner through the procedures listed below. For the purposes of this subsection, multiple unit dwellings shall include all hotels, motels, boarding houses, rooming houses, two-family dwelling units and multiple unit dwellings. (Ord. 468. Passed 1-27-92.)

## **1482.07 FEES.**

(a) Registration and Inspection; Transfers; Renewals. Any landlord/owner who shall register and apply for a certificate of compliance shall pay a registration and inspection fee to the City of Coldwater. Also, any landlord/owner who shall apply for a transfer of registration, or renewal of registration, shall pay a fee to the City of Coldwater. The schedule of fees shall be set by resolution of the City Council of Coldwater. (Ord. 468. Passed 1-27-92.)

(b) Reinspections. Reinspection fees for violations shall be assessed after the original inspection and one reinspection. There will be no exceptions or extensions for immediate health, safety and life threatening violations. Following is a list of reasons that a reinspection fee may be charged: failure to appear for inspection; failure to comply with violation notices; and failure to permit inspection.

(c) Inspections. Inspection fees shall be set by resolution of the City Council. Such fees may be changed from time to time by resolution of Council.

(Ord. 502. Passed 2-13-95.)

(d) Appeals. A landlord/owner shall have the right to file an appeal with the Coldwater Housing Board of Appeals based upon a notice of violation, compliance letter, denial or revocation. Only one such appeal shall be allowed with respect to any notice of violation compliance letter, denial or revocation. There shall be no fee for such appeal. (Ord. 545. Passed 3-24-97; Ord. 723. Passed 11-10-08.)

## **1482.08 INSPECTIONS.**

(a) The City employee assigned to inspect a particular rental unit shall give confirmation notice, by first class mail, to the local agent and the tenant within seven days of the scheduled inspection. The landlord, the tenant and the agent shall permit the inspection by the City inspector. The City inspector shall advise the landlord, tenant and/or agent, at the time of the inspection, that the landlord, tenant and/or

agent shall have the right to refuse entry if the inspector does not have a search warrant. The City inspector shall also advise the landlord, tenant and/or agent that, if the inspection is refused, an administrative search warrant will be sought. If the landlord, tenant and/or agent refuses to permit a scheduled inspection, the inspector may, through the City Attorney, seek an administrative search warrant to conduct the inspection.

The City inspector may, at the request of the landlord, the tenant or the agent, inspect the property. If the inspector is invited to inspect the property, no notice shall be required to be given.

(Ord. 534. Passed 7-8-96.)

(b) A reinspection notification shall be given by first class mail or by telephone within seven days of the scheduled reinspection.

(Ord. 554. Passed 8-25-97.)

## **1482.09 EFFECTIVE DATE.**

This chapter shall become effective on July 1, 1992.

(Ord. 468. Passed 1-27-92.)

## **1482.10 ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.**

The Building Commissioner and his or her designated representative, and/or the Director of Police and Fire Services and his or her designated representative, are hereby designated as the authorized City officials to issue Municipal civil infraction citations (directing alleged violators to appear in court) or Municipal civil infraction violation notices (directing alleged violators to appear at the City of Coldwater Municipal Ordinance Violations Bureau) as provided in Chapter 211 of the Administration Code.

(Ord. 500. Passed 12-12-94.)

## **1482.11 NONCOMPLIANCE WITH NOTICE OF VIOLATION; REMEDIES OF CITY.**

In the event a landlord/owner shall fail to comply with a notice of violation, the City Attorney shall be authorized to seek an order, through a court of appropriate jurisdiction, requiring a landlord to remove any tenants who are presently occupying a noncomplying rental unit. Further, in the event that the dwelling is posted as uninhabitable, the City may take action against the occupants of the building for removal from the placarded rental unit.

(Ord. 502. Passed 2-13-95.)

## **1482.12 HOUSING BOARD OF APPEALS.**

The Housing Board of Appeals, established hereunder, shall be the same Board of Appeals established pursuant to Section 111.2 of the International Property Maintenance Code, which Code was adopted pursuant to Section 1480.01.

(Ord. 645. Passed 2-11-02; Ord. 723. Passed 11-10-08.)

## **1482.99 PENALTY.**

A person who violates any provision of this chapter is responsible for a Municipal civil infraction and shall be subject to the payment of a civil fine of not less than one hundred dollars (\$100.00), plus costs and other sanctions, for a first infraction. A second offense, within a period of one year, shall be subject to a civil fine of not less than three hundred dollars (\$300.00), plus costs and other sanctions, for each infraction. Third and subsequent offenses, within a one-year period, shall be subject to a civil fine of not less than five hundred dollars (\$500.00), plus costs and other sanctions, for each such infraction. Second, third and subsequent infractions shall be defined as the issuance of a civil infraction ticket within a period of one year after an initial finding of responsibility, or admission of responsibility, in a court of competent jurisdiction. The issuance of the ticket shall be the basis for a finding of second, third or subsequent offenses, not the final adjudication of the subsequently issued tickets.

(Ord. 554. Passed 8-25-97.)

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