

ORDINANCE NO. 2012 - 03

**CITY OF ST CLAIR
ST CLAIR COUNTY, MICHIGAN**

**AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN
TO AMEND CHAPTER 14 OF THE CITY CODE OF ORDINANCES**

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT

Chapter 14 of the Code of Ordinances of the City of St. Clair is hereby revised and amended adding Article X as follows:

ARTICLE X. RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS

Sec. 14-271. Purpose.

To help protect the health, safety and welfare of the citizens by attempting to prevent blight, avoid the creation and maintenance of nuisance and insure minimum maintenance of residential rental dwellings and rental units recognizing how the conditions set forth in this article can affect the general well-being and property values of residents, and identifying procedures for enforcement and providing penalties for violation.

Sec. 14-272. Definitions.

Certificate of compliance. A certificate issued by the Building Department, which certificate certifies compliance with these Codified Ordinances.

Common utility areas. All areas of a rental dwelling other than the dwelling units themselves, including, but not limited to, all mechanical rooms, utility rooms, storage areas, exit facilities, recreational areas and other public spaces within or connected to the building.

Lease. Any written or oral agreement that sets forth conditions concerning the use and occupancy of rental dwellings or rental units.

Notice of violation. A notice issued to the owner or registered agent stating that there has been a violation of this chapter or any other applicable code, ordinance, rule or regulation concerning the premises.

Occupancy. Includes all tenants, lessees and persons residing within a rental dwelling or rental unit.

Owner. Any person having a legal or equitable interest in the premises.

Premises. Any lot or piece of land, inclusive of the rental dwellings, rental units, common utility areas and all other improvements or any part thereof.

Rental dwelling. Any structure, building or other facility promised and/or leased in whole or in part to a residential tenant for use as a home, residence or sleeping unit, regardless of the type, form or amount of remuneration received as a result of any such lease or other arrangement. "Rental dwelling" includes, but is not limited to, all two-family dwellings, multiple dwellings, apartment buildings, boarding houses, rooming houses, hotels, motels and flats, and all single-family houses (excluding those houses which are owner-occupied and are not rented in whole or in part). "Owner-occupied" shall only include the following: The actual owner of record, surviving spouse, children, parents or grandparents.

Sec. 14-273. Compliance Required.

Every owner of a rental dwelling or rental shall comply with each of the various requirements of this chapter so as to obtain and keep current a certificate of compliance for the premises of each rental dwelling and all dwelling units therein. The Building Official may revoke a certificate of compliance for any violation of this Code, the Codified Ordinances, rules and regulations of the City or any State-mandated codes or regulations.

Sec. 14-274. Registration of rental dwelling and units.

(a) The owner of a rental dwelling, occupied or unoccupied, shall register with the Building Department his or her name and business address, the location of each dwelling and the number of rental units within such dwelling. Notification of change in ownership or use of any rental dwelling shall be officially provided within thirty days after such change for the purpose of maintaining an accurate registry of such information. This requirement does not relieve the registered owner of any such property of the responsibility to fully comply with the inspection, maintenance and code compliance requirements of this chapter.

(b) A registry of owners and premises shall be maintained by the Building Department. Such registry shall be kept as a public record and shall be available for public inspection. Owners who do not reside within a twenty-five mile radius of the City shall appoint a resident agent or other responsible party who will act as emergency contact on behalf of the owner when necessary.

(c) If rental dwellings are managed or operated by an agent or representative, the agent or representative's name and business address shall be provided to the Department, and shall be placed with the owner's name and business address in the registry. If the owner is a corporation, the names and addresses of its officers shall be provided and recorded in the registry. A post office box shall not be used as a legal address for the owner/agent. An actual property address shall be listed.

(d) Any change in address of the owner, agent or representative shall be provided by such owner, agent or representative to the Department within thirty days of such change.

(e) If any rental dwelling is sold, it shall be the obligation of the seller or his or her agent to provide the purchaser with a current certificate of compliance for such dwelling and to also notify the Department, within thirty days, of the name and address of the purchaser. If the certificate of compliance was last issued more than twelve months

prior to the date of the sale, then the premises must be inspected prior to the sale. Correction of identified violations may be assumed by the purchaser if the Department is provided with an affidavit of such assumption from the purchaser. This requirement shall not relieve any owner of a rental dwelling of the responsibility to keep registrations current and to comply with every provision of this chapter.

Sec. 14-275. Registration forms and fees.

(a) There shall be an initial registration fee for each rental dwelling. Such fees shall be paid by the owner or his or her agent or representative at the time of registration. A schedule of fees will be adopted by resolution of the City Council. A copy of the schedule, as amended from time to time, shall be made available at the City Clerk's office.

(b) A late fee of one-hundred dollars (\$100.00) shall be added to the registration fee for every registration which, within thirty days of the transfer of ownership interest, has not been re-registered

(c) Any change in address of the owner, agent or representative shall be provided by such owner, agent or representative to the Building Department within thirty days of such change.

Sec. 14-276 Inspections: Right of Entry

(a) The Building Official and such other code enforcement officials as the Superintendent may designate are hereby authorized to make inspections of rental dwellings, occupied or unoccupied, as follows:

(1) Prior to the sale thereof, if a certificate of compliance has not been issued within the twelve months preceding such sale;

(2) Prior to being removed from the registry for the purpose of becoming an owner-occupied single-family dwelling, if a certificate of compliance has not been issued within the twelve months preceding such change in occupancy;

(3) Upon identification of external violations documented by the Superintendent or upon receipt of a written and signed complaint registered by a tenant, resident and/or neighborhood association if, after investigation, the Superintendent determines that such inspections are reasonably required to accomplish the intent of this chapter; and

(b) All owners, agents, representatives and tenants shall comply with inspection requests of the Superintendent and such other code enforcement officials as are provided for in subsection (a) hereof.

A request for inspection shall read in part:

NOTICE: PURSUANT TO CHAPTER 14, Article X OF THE CODE OF ORDINANCES OF THE CITY OF ST. CLAIR, A RENTAL INSPECTION IS REQUIRED. YOU MAY REFUSE ENTRY TO AN INSPECTOR WHO DOES NOT HAVE A SEARCH WARRANT. SHOULD AN OWNER, AGENT, REPRESENTATIVE OR TENANT REFUSE TO CONSENT TO AN

INSPECTION, A SEARCH WARRANT SHALL BE REQUIRED AND MAY BE OBTAINED TO CONDUCT AN INSPECTION.

The owner of such property shall pay the prescribed fees and schedule the required inspections within ten days of the date of the notice of inspection. The owner shall inform all tenants of the scheduled inspection and assure entry into each unit and access to all areas at the time of inspection. The Superintendent or his or her representative shall provide seven days notice of inspection for the premises, and every owner, agent, representative and tenant shall provide unrestricted access to the premises for the purpose of making such inspections. In the event of an emergency or life threatening situation, the owner, agent, representative or tenant shall allow immediate inspection. Refusal to grant access for inspection will not preclude the Superintendent from obtaining a search warrant to allow inspection.

Sec. 14-277. Records of Violation; Notice to Correct

(a) If, upon inspection of a rental dwelling and premises, any unit or any part thereof is found to be in violation of this chapter or any applicable building code, zoning regulation or other code relating to the maintenance or conditions of said property, such violation shall be recorded by the Building Department. Notice thereof, by regular mail, shall be given to the owner, agent or representative as such appears in the registry.

(b) It shall be the property owner's responsibility to correct all life-safety code violations immediately and to maintain such property in a safe and compliant manner at all times. All violations shall be corrected within sixty days.

(c) Correction of maintenance violations which can be performed without obtaining a permit must be verified and documented by an inspector; this will be done without additional cost provided that the owner corrects all violations and request verification within the prescribed time.

(d) Correction of violations which must be performed by an appropriately licensed or qualified person shall be done in compliance with the permit requirements specified in these Codified Ordinances. Every such permit shall be additionally identified as a "correctional permit."

(e) A certificate of compliance shall be issued by the Building Department for each rental dwelling when it is established that such dwelling or facility is in compliance with all of the code requirements applicable to existing structures or residential occupancies. Said certificate shall remain in effect until the sale, transfer or change in ownership for said premises.

Sec. 14-278. Inspection Fees.

Each unit in a rental dwelling shall be inspected as required by this chapter. The fees shall be set from time to time by resolution of the Mayor and Council. The applicable fees shall be paid within ten days of the date of the notice. Accounting of the inspection fees collected and the distribution thereof shall be made through the Rental Ordinance Accounts.

Sec. 14-279. Enforcement

The Building Official and/or his or her authorized representative shall serve as ordinance officers for purposes of enforcement of this chapter and shall be authorized to issue notices, orders, violations and court appearance tickets relative to violations of this chapter.

(a) If any owner of any rental dwelling fails to comply with the registration requirements specified herein, a final notice and order to comply shall be issued. Failure to comply with the order shall result in the addition of an administrative fee of one hundred dollars (\$100.00) and the total of the unpaid fees shall then be assessed as a lien against the real property containing such rental dwelling.

(b) If any owner of any rental dwelling fails to comply with the inspection requirements specified herein after being properly notified, a final notice and order to comply shall be issued. If the order is not promptly complied with, each dwelling unit contained therein shall be posted with a notice requiring that the occupant of the unit provide entry for inspection purposes at a specified date and time, and an administrative fee of one hundred dollars (\$100.00) per unit shall be added to the prescribed inspection fees and assessed as a lien against the real property containing such units.

(c) If any owner of any rental dwelling fails to correct the violations identified in the inspection report, as required by this chapter, a final notice and order to comply shall be issued. If the order is not promptly complied with, each dwelling unit which is in violation of the applicable codes shall be posted with a notice that said unit is substandard and in violation of these Codified Ordinances. An administrative fee of one hundred dollars (\$100.00) per noncomplying unit shall be charged to the owner of the substandard rental property and court action to force compliance will be initiated.

Sec. 14-280. Conflict of Laws.

In any case where a provision of this chapter is found to be in conflict with any provision of any State statute or any zoning, building, fire, safety or health ordinance or code of the City, the provision which established the higher standard for the promotion and protection of the health, safety and welfare of the public shall prevail.

Nothing in this chapter shall be deemed or construed to impair the rights of the City under any ordinance or code relating to condemnation of structures or under any related code or ordinance regarding the maintenance, condition or safety of structures.

Sec. 14-281. Appeals

Any person affected by any notice which has been issued in connection with the enforcement of this chapter may request and shall be granted a hearing on the matter before the Hearing Board on Dangerous Buildings and Code Appeals provided that such person files, in the office of the Building Department, a written petition requesting such hearing and containing a statement of the grounds of the appeal within twenty days after the day the notice was served.

The Hearing Board on Dangerous Buildings and Code Appeals shall serve as the code appeals board, with all the powers and duties afforded to it under Chapter 1444 of these Codified Ordinances.

Sec. 14-282. Intent

It is the intent of this chapter to have all rental dwellings maintained according to the minimum codes governing existing buildings and residential occupancies. It is not intended to have such rental dwellings brought up to the current code requirements for new buildings.

Sec. 14-283. Penalty and Sanction- Misdemeanor

Any person violating any provision of this article or any regulation promulgated under it for which a penalty is not specifically prescribed shall, upon conviction thereof, be punished as provided for in section 1-12 of this Code.

Sec. 14-284 to 14-289 RESERVED

SECTION 2. SEVERABILITY

This Ordinance and each of the various parts, sections, subsections, sentences, phrases and clauses hereof are hereby declared to be severable if any part, section, subsection, sentence, phrase or clause is determined to be invalid or unenforceable by a court of competent jurisdiction. It is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH

Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4 RATIFICATION

All other provisions of the Code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5 PUBLICATION

This Ordinance shall be published in accordance with the terms, provisions and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

ORDINANCE DECLARED ADOPTED

Bill Cedar, Jr, Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 16th day of April, 2012, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Mayor Cedar, Burns, Foley, Kindsvater, Krebs, LaPorte, McCartney

Members Absent: None

It was moved by Member LaPorte supported by Member Cedar to adopt the Ordinance

Members voting yes: Krebs, LaPorte, McCartney, Burns, Foley, Kindsvater, Cedar

Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Janice B. Winn, City Clerk
City of St. Clair, Michigan

INTRODUCED: February 6, 2012

RE-INTRODUCED: April 2, 2012

ADOPTED: April 16, 2012

EFFECTIVE: April 25, 2012

PUBLISHED: April 25, 2012