

AN ORDINANCE TO AMEND THE ECORSE CITY CODE CHAPTER 7; ARTICLE XII; SECTION 7-RENTAL PROPERTY REGISTRATION; SECTIONS 7-160 THROUGH 7-171.

THE CITY OF ECORSE ORDAINS:

ARTICLE XII. RENTAL PROPERTY REGISTRATION

Sec. 7-160. Definitions. (NEW)

As used in this article, the following terms shall have the following meanings respectively ascribed to them in this section:

Certificate of compliance. A certificate issued by the building department which certifies compliance with the provisions of the codes and ordinances of the city for each rental dwelling and rental unit. A certificate of compliance shall be valid for ONE (1) YEAR from the date of registration unless the property is sold or transferred. A new inspection and a new certificate of compliance shall be required each year and prior to the sale or transfer of a rental dwelling or a rental unit.

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

New rental dwelling. Any structure, building or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence or sleeping unit that has never been occupied as such and is not owner occupied. This definition includes, but is not limited to, one- and two-family dwellings, multiple dwellings, apartment units, boarding houses, rooming houses, hotels, motels and flats.

Notice of violation. A notice issued to the owner or responsible local agent stating that there has been a violation of a provision of this article or any other applicable codes, ordinances, rules or regulations concerning said premises. Service of violation notices, other notices, and tickets shall be by first class mail to the address as furnished under section 7-162.

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

Owner. Any person, agent, firm or corporation having a legal or equitable interest in the premises.

Premises. Any lot or piece of land inclusive of the rental dwelling or rental unit.

Rental dwelling. Any structure, building or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence or sleeping unit and is not owner occupied. This definition includes without limitation one- and two-family dwellings,

multiple dwellings, apartment units, boarding houses, rooming houses, hotels, motels and flats.

Rental unit. Any one area, room, structure, flat, apartment, or facility of a rental dwelling that is being leased or rented to a tenant, group of tenants, or family under one lease and is not owner occupied.

Sec. 7-161. Registration required.

The owner of any rental dwelling or rental unit shall register each rental dwelling and all rental units contained within the rental dwelling with the city and shall designate a person, as defined in section 7-164, as the responsible local agent who shall be legally responsible for operating the registered rental dwelling or rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to ensure compliance with the terms of this article and all applicable codes and ordinances adopted by the city. A "Certificate of Compliance" shall not be issued if the registration provisions of this article are not complied with.

Sec. 7-162. Registration forms and fee.

- (a) Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the building department and shall include at least the following information:
 - (1) The name and address of applicant.
 - (2) The names, addresses, and a copy of a valid driver's license or state identification card of all owners of the rental dwelling. No post office box addresses shall be accepted.
 - (3) The name, local address and telephone number of the responsible local agent as well as a copy of his or her current driver's license or state identification card.
 - (4) The number of rental units in each rental dwelling and the address of the rental dwelling and each rental unit.
 - (5) The authorization appointing a responsible local agent signed by both the owner and the responsible local agent.
- (b) The fee of fifteen dollars (\$15.00) for each rental dwelling and each rental unit registered shall be paid at the time the inspection fees are paid. No post office boxes will be accepted as a legal address.

Sec. 7-163. Registration term and renewal.

Registration shall be made prior to the use or occupancy of any rental dwelling or rental unit. The term of the registration shall be valid for the duration of the certificate of compliance. Any new owner shall register in accordance with section 7-161 and apply to have a new certificate of compliance for each rental dwelling and rental unit within twenty (20) days of the date of the transfer of ownership.

Sec. 7-164. Responsible local agent.

The responsible local agent shall be a person or representative of a corporation, company, partnership, firm, joint venture, trust, association, organization, or other entity, having his or her place of residence in the County of Wayne or within a one hundred (100) mile radius of the City of Ecorse, and shall be designated by the owner as responsible for operating such premises in compliance with all the provisions of the city codes and ordinances. The owner may act as the responsible local agent provided that he/she resides in the County of Wayne or within a one hundred (100) mile radius of the city. All official notices and tickets of the city may be issued to the responsible local agent, and any notice and ticket so issued shall be deemed to have been issued to the owner of record.

Sec. 7-165. Transfer of ownership.

Before a rental dwelling or rental unit can be transferred, conveyed, leased, or sold, including by land contract, a new inspection shall be required. The inspection fee will follow the same guidelines as stated in section 7-167. It shall be unlawful for the owner of any rental dwelling or rental unit who has received a notice of violation or ticket to transfer, convey, lease, or sell, including by land contract, his/her ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee or transferee a true copy of any and all notices of violation and tickets and shall have furnished to the building official a signed and notarized statement from the grantee or transferee acknowledging the receipt of the same.

Sec. 7-166. Certificate of compliance required.

- (a) No person shall lease, rent or cause to be occupied a rental dwelling or rental unit unless there is a valid certificate of compliance issued by the city's building department to the owner or responsible local agent and issued for the specific rental dwelling and rental unit. The certificate shall be displayed in a conspicuous place in each rental dwelling and rental unit at all times or in a common area shared by all occupants of a rental dwelling and rental unit. The certificate shall be issued after making application with the building department and an inspection by the building/mechanical inspector, electrical inspector, plumbing inspector, and the department of public safety to determine that each rental dwelling and rental unit complies with the provisions of the codes and ordinances of the city. An inspection report shall be completed by the inspectors after

completing the inspection of the property. The report shall note all violations found in the dwelling.

- (b) Before a certificate of compliance is issued, all violations must be corrected by the property owner or responsible local agent and then inspected and approved by the appropriate City personnel. For each occupied rental dwelling and rental unit, the owner or responsible local agent shall complete all repairs denoted in any inspection report and schedule a re-inspection of the same within thirty (30) days of the issue date of each inspection report, unless the inspector deems something to be a dangerous condition requiring repair within a shorter time.
- (c) A certificate of compliance is valid for ONE (1) YEAR from the date of registration provided that each rental dwelling and rental unit remains in compliance with all applicable codes and ordinances and are not sold or transferred.
- (d) For a newly constructed or renovated rental dwelling or rental unit, a certificate of compliance shall be issued simultaneously with the certificate of occupancy, and shall remain valid for only ONE (1) YEAR provided that the rental dwelling and rental units remain in compliance with all the applicable codes and ordinances and are not sold or transferred.
- (e) When a rental dwelling or rental unit is sold or transferred to a new owner not previously named as an owner of the premises in any certificate of compliance issued by the city, a new inspection and a new certificate of compliance shall be required. The inspection fees will follow the same guidelines as stated in section 7-167.
- (f) The building department may revoke a certificate of compliance for a violation of any code, ordinance, rule, or regulation of the city. Upon revocation of a certificate of compliance, application for a new certificate of compliance must be made within thirty (30) days of any such revocation in order for the premises to continue to be occupied by any residential tenant.

Sec. 7-167. Certificate of compliance application form and fee.

- (a) Application for a certificate of compliance shall be made in such form and in accordance with such instructions as may be provided by the building department and shall include at least the following information:
 - (1) Name, address, phone number, and copy of valid driver's license/state identification card of the owner(s).
 - (2) Name, address and phone number of responsible local agent.

- (3) Address and number of units proposed to be covered under the certificate of compliance.
 - (4) A copy of a furnace certification or passing salt test results for each furnace servicing each rental dwelling and rental unit covered in the application. The test or certification must be current, meaning performed and the certification or test result issued within 30 days of the date the subject application is submitted to the city.
 - (5) A statement that all water bills pertaining to each rental dwelling and rental unit included in the application have been paid or a copy of a payment plan signed and agreed to by the property's owner or responsible local agent and approved by the city.
 - (6) A check or proof of payment of any late fees or fines due to the city for any failure to comply with this Ordinance, including but not limited to a twenty-five dollar (\$25) late fee where a certificate is being applied for after the expiration of the applicant's most recent certificate of compliance.
- (b) The inspection fees for a certificate of compliance for each rental dwelling and rental unit as well as renewal inspection fees shall be adopted by resolution of the council as needed. In addition to the standard fees so adopted, in the event that an inspector is not permitted sufficient access to any premises in order to complete any required inspection at a designated date and time, then the owner or responsible local agent shall be charged thirty dollars (\$30) for each inspector so denied access, which fee must be paid to the city prior to any rescheduling.
- (c) A copy of the inspection and renewal inspection fees adopted by resolution of the council shall be available in the Building Department.

Sec. 7-168. Posting of certificate of compliance.

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

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

Sec. 7-169. Exemption.

The provisions of the rental dwelling and rental unit ordinance concerning registration and inspection shall not apply to senior housing premises that are inspected by any federal agency.

Sec. 7-170. Violations; penalty.

Any owner of a rental dwelling or rental unit who shall fail to register his/her rental dwelling and rental units or who shall fail to obtain a certificate of compliance for each of his rental dwellings and rental units shall be guilty of a misdemeanor. Any owner who fails to comply with any of the requirements of this article shall be guilty of a misdemeanor.

Upon conviction under this section, the owner shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day a violation exists shall constitute a separate offense. Each violation for each rental dwelling and rental unit shall constitute a separate offense.

Sec. 7-171. Lien against property.

If any owner fails to pay any fees required by this article, then the amount due shall accrue interest at the rate of six (6) percent per annum from the date when it becomes due and, when permitted by statute, shall be a lien upon the subject land and premises and collected in the manner fixed by law for the collection of taxes and assessments..

Severability. Should any word, sentence, phrase, or any portion of this ordinance be held in a manner invalid by any court of competent jurisdiction, or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase, or any portion of the ordinance held to be so invalid, shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Savings Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by the Ordinance.

Conflicting Ordinances. All prior existing ordinances or parts of existing ordinances adopted by the City of Ecorse inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

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