

ORDINANCE NO. 80-793

AN ORDINANCE TO AMEND CHAPTER 28 OF THE CODE OF ORDINANCES
RELATING TO RENTAL LICENSE EXPIRATION, RENTAL PROPERTY TRASH
REMOVAL, AND PENALTY FOR RENTING WITHOUT A LICENSE

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 28, Article I, Section 28-1 of the Code of Ordinances
of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-1. - Adoption and incorporation of the International Property Maintenance Code.

Pursuant to the Home Rules Cities Act, Public Act 279 of 1909, MCL 117.3(k) as amended, the 2018 International Property Maintenance Code, as amended, is adopted by reference and incorporated into this chapter as if fully set forth in this section with certain insertions, deletions and amendments as listed in section 28-2 of this article. The International Property Maintenance Code is adopted to regulate the condition and maintenance of all premises, including residential and non-residential buildings and structures by providing the standards essential to ensure that structures and premises are safe, sanitary and fit for occupation and use. The International Property Maintenance Code, is on file and available for inspection at the office of the city clerk.

SECTION 2. That Chapter 28, Article II, Section 28-13 of the Code of
Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-13. - Licenses.

- (a) License required. No person shall rent, lease, offer for rent or lease, or occupy any rental dwelling or rental dwelling unit without applying for and obtaining a current and valid rental license from the Rental Inspections Division. Rental licenses are not transferable. The provisions of Chapter 18 of the Warren Code of Ordinances shall not apply to the licensing of rental property.
- (b) Notwithstanding exceptions outlined in section 28-21 below, occupancy of any dwelling by a person other than the owner of record shall be presumed to require a rental license. This presumption may be rebutted by evidence that the occupant has ownership equity of 25% or more of the fee or life estate as evidenced by a recorded deed, a recorded land contract, or an unrecorded land contract with supporting evidence that it was not entered into in order to circumvent the requirements of this article. A dwelling that is rented or leased with an option to purchase is considered a rental agreement until the lessee fully exercises the option to purchase.

(c) A rental license shall be issued by the Rental Inspection Division if the applicant meets the following requirements:

- (1) An application form is submitted pursuant to the provisions of section 28-18.
- (2) A biennial inspection is performed on the premises sought to be licensed as directed by section 28-20 of this article. All violations disclosed by this inspection shall be corrected or waived by formal motion of the city council.
- (3) All application inspection, renewal (with late fee if applicable), lock-out, and cancelled inspection fees are paid.
- (4) No rental license shall be issued until all of the following fees and debts to the city have been paid in full:
 - a. All previously billed property taxes;
 - b. All current or past due special assessments;
 - c. Water or sewer bills outstanding;
 - d. All charges against the property for mowing, cleanup, weed or debris removal, or any similar charges by the city;
 - e. Any fees, fines, penalties, or debts of any sort arising from provisions of the property maintenance code, including any blight violations.

(d) For license renewals, the rental license is valid for two years from the date of the expiration of the previous license. For first time applicants, the rental license is valid for two years from the date that the application is submitted (applied date) to the Rental Inspections Division. A rental license is automatically terminated upon transfer of ownership of the rental property.

(e) Application fees, inspection fees, and applicable late charges shall be established by resolution of the city council.

SECTION 3. That Chapter 28, Article II, Section 28-14 of the Code of

Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-14. Effect of rental registration.

Owners of registered rental properties with a valid certificate of compliance at the time of adoption of this article shall obtain a rental license before the expiration date of the existing certificate of compliance. Rental unit registration is construed to be an application for a rental license and admission of fact by the applicant that the applicant is conducting a rental property operation. The owner(s), including the property manager, shall apply for and obtain a rental license or ensure that a rental license is obtained by the process set forth in this Article. An application fee is not refundable or transferable.

SECTION 4. That Chapter 28, Article II, Section 28-17 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-17. - Designation of responsible local agent required.

The owner of any rental dwelling and rental dwelling unit shall designate a person as the responsible local agent who shall be responsible for operating the rental dwelling or rental unit and who shall provide access to the rental dwelling or unit for inspection by the code official for compliance with the applicable ordinance requirements. The responsible local agent shall be an individual and reside or physically work within a fifty-mile radius of the city.

SECTION 5. That Chapter 28, Article II, Section 28-18 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-18. - Application forms.

A rental license applicant shall fill out an application on a form created by the rental inspection division. The application shall include all of the following information:

- (a) The name and address (no post office boxes) of the applicant.
- (b) The names and addresses of all owners of the rental property. If any owner of the rental property is an entity, one member's, manager's, officer's, director's, partner's, proprietor's, or beneficiary's name, address, and copy of a government identification card.
- (c) With the exception of an owner-occupied property being rented or leased for a profit, tenant/occupant's name.
- (d) The responsible local agent's name, local address (no post office boxes), telephone number, and a copy of a government identification card.
- (e) The number of dwelling units in each rental property and the address of the rental property.
- (f) If applicable, the authorization appointing a responsible local agent signed by both the owner and the responsible local agent.
- (g) Any other relevant information required for the effective administration of this article that the Rental Inspections Division reasonably requests on its form.

SECTION 6. That Chapter 28, Article II, Section 28-24 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-24. - Eviction Container.

- (a) If the owner or responsible local agent of a rental property requests a court officer to execute an order of eviction, the owner or responsible local agent shall place a movable container for disposal of the tenant's personal property on the property before the court officer arrives to execute the order.
- (b) The container shall comply with all of the following:
 - (i) Be lidded, lockable, accessible from the side and the top, and sufficiently-sized to hold all of the tenants' personal property;
 - (ii) Be placed reasonably close to the rental property's exterior door; and
 - (iii) Be placed entirely on the owner's property.
- (c) The container shall be kept locked at all times, except when the tenants' personal property is being removed from the rental property or a tenant is retrieving his/her personal property.
- (d) The dumpster shall be removed within 48 hours after the court officer removes the tenants' personal property from the rental property.

SECTION 7. That Chapter 28, Article II, Section 28-32 of the Code of

Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-32. - Penalty.

- (a) Except as provided in subsection (b) and (c) below, a violation of a provision of this chapter is a municipal civil infraction punishable by a fine of up to ten thousand dollars (\$10,000) per violation, cost not exceeding five hundred dollars (\$500), and other sanctions as provided by MCL 600.8727.
- (b) A violation of subsections 28-25(2), 28-25(3), or 28-25(4) of this chapter is a misdemeanor offense punishable by incarceration for not more than ninety (90) days, a fine of not more than five hundred dollars (\$500.00), or both.
- (c) A second or subsequent violation of sections 28-13(a), 28-16, 28-23, 28-24, 28-25(1), or 28-25(5) of this chapter is a misdemeanor offense punishable by incarceration for not more than ninety (90) days, a fine of not more than five hundred dollars (\$500.00), or both.

SECTION 8. This Ordinance shall take effect on August 2, 2021.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-793 was adopted by the Council of the City of Warren at its meeting held on July 13, 2021.

SONJA BUFFA
City Clerk

Published: July 28, 2021