

NO. 2947

AN ORDINANCE AMENDING CHAPTER 42 (HOTELS, MOTOR COURTS, LODGINGHOUSES, ROOMINGHOUSES, ONE-FAMILY RENTAL DWELLINGS, TWO-FAMILY RENTAL DWELLINGS AND MULTIPLE-FAMILY RENTAL DWELLINGS) OF TITLE 5, OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

THE CITY OF LIVONIA ORDAINS:

Section 1. Chapter 42 of Title 5 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

CHAPTER 5.42

HOTELS, MOTOR COURTS, LODGINGHOUSES, ROOMINGHOUSES, ONE-FAMILY RENTAL DWELLINGS, TWO-FAMILY RENTAL DWELLINGS AND MULTIPLE-FAMILY RENTAL DWELLINGS

Sections:

- 5.42.005 Purpose.
- 5.42.007 Scope.
- 5.42.010 Definitions.
- 5.42.015 Rental registry.
- 5.42.020 License--Required.
- 5.42.030 License--Application—Contents required.
- 5.42.040 License--Fee payment.
- 5.42.050 License--Expiration date.
- 5.42.060 License--Application--Investigation and report required.
- 5.42.065 License inspection.
- 5.42.070 License--Issuance conditions.
- 5.42.080 License--Refusal, suspension or revocation—Grounds--Notice required.
- 5.42.090 License--Refusal, suspension or revocation--Appeal procedure.
- 5.42.100 License--Form and contents.
- 5.42.110 License--Display required.
- 5.42.120 License--Transfer prohibited.
- 5.42.130 Rules and regulations generally.
- 5.42.140 Health requirements.
- 5.42.150 Record of occupants required.
- 5.42.160 Rental restrictions.
- 5.42.170 Damaging premises or evading rental payment prohibited.

5.42.005 Purpose. The City finds that there are rental dwellings in the City which have become deteriorated to the extent that they no longer provide safe, secure and sanitary living quarters. The City also finds that the elimination and prevention of the conditions such as those outlined in this article are necessary and in the best interest of the City and its citizens. The City recognizes a compelling interest in establishing standards for the maintenance and occupancy of sanitary and safe rental dwellings within the City. Such standards are an important factor supportive of the general health, safety and welfare of all of its citizens. This article is designed to promote the continuing maintenance of quality and safe rental dwellings, and to maintain and enhance property values. To accomplish these goals, it is the intention of the City to exercise its full powers to protect the public health, safety and welfare, whether the powers exercised are derived from the constitution, state law or the City Charter.

5.42.007 Scope. (a) This article shall apply to any dwelling, in whole or in part, which is let for occupancy by persons pursuant to any oral or written rental or lease agreement or other valuable compensation, or to any occupant therein.

(b) This article shall be governed by the applicable codes currently adopted by the City, including definitions and applicable terms, and other City ordinances.

(c) This article does not apply to jails, hospitals, skilled care facilities, schools, assisted living facilities, retirement homes or foster care homes.

(d) This article shall apply to the inspection of hotels and motels as permitted under applicable codes.

(e) Compliance with the requirements imposed by this article shall not excuse compliance with other applicable laws, ordinances, rules or regulations and compliance with other applicable laws, ordinances, rules and regulations shall not excuse compliance with this article.

5.42.010 Definitions. The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, as follows:

- A. "Agent" means any person authorized by the owner who has charge, care or control of a rental dwelling or rental unit which is let or offered for occupancy. The owner must officially notify the City of any agent authorized to act on his behalf. The owner may authorize a tenant to act as agent for a rental dwelling or rental unit.
- B. "Applicable codes" mean the current fire prevention, building and property maintenance codes adopted by the City, including definitions and applicable terms, and other City ordinances.

- C. " Dwelling unit" means a single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. This shall include any area within the building that contains mechanical equipment for the rental unit, hallways or other spaces that serve the rental unit, and the premises of the rental dwelling.
- D. "Family" means any number of persons living together in a single dwelling unit comprising a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family and including the domestic employees thereof, or a group of not more than five (5) unrelated individuals living together as a single housekeeping unit.
- E. "Hotel" means a building or part thereof occupied as the more or less temporary abiding place of individuals, in which the rooms are rented or leased singly for hire, and in which rooms no provision for cooking is made, and in which building there is a general kitchen and dining room for the accommodation of the occupants.
- F. "Lodginghouse" means a building or part thereof, other than a hotel, where lodgings are provided for hire more or less transiently without provisions for meals.
- G. "Motor court" means any establishment in which individual cabins, courts or similar structures or units are let or rented to transients for periods of less than one (1) month. The term "motor court" includes tourist cabins and motels.
- H. "Multiple-family rental dwelling" means a building containing three (3) or more dwelling units arranged either side by side and/or one (1) above the other, each unit occupied as a single housekeeping unit by a single-family or functional family.
- I. "One-family rental dwelling" means a building containing one (1) dwelling unit promised and/or leased to a single family not occupied by the owner.
- J. "Rental unit" means a single housekeeping unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- K. "Roominghouse" means any building occupied as a home or family unit where a certain room or rooms, in excess of those used by members of the immediate family, are leased or rented to one (1) or more persons and occupied by four (4) or more persons not members of the family. The term "roominghouse" also includes tourist homes, bed and breakfast establishments, and tourist accommodations other than motor courts.

- L. "Two-family rental dwelling" means a building containing two (2) dwelling units promised and/or leased to two (2) separate families, respectively, with at least one (1) unit not occupied by the owner.

5.42.015 Rental registry.

(a) A registry of owners and premises shall be maintained by the City of Livonia. Owners shall provide to the City in writing the information described in this section for the purpose of establishing and maintaining a rental registry. The City shall maintain a registry of all rental dwellings and rental units, upon such form as may be prescribed by the building official containing, at a minimum, the following information:

- (1) Rental dwelling and rental unit address;
- (2) Rental dwelling parcel number;
- (3) Number and type of rental units in the rental dwelling;
- (4) Name and address of the owner. In a case in which the owner is a corporation, limited liability company, or partnership, or other entity, the owner shall identify the president, chief executive officer, managing member, managing partner, or general manager of the entity.
- (5) Name and address of the agent designated by the owner;
- (6) Address and telephone number of the owner and/or agent responsible to accept notices and calls from the City. A local agent for every rental unit is required if an owner does not reside in Wayne County or any adjoining county. The owner is required to notify the City of the identity and contact information of the designated agent.

(b) It is a violation of this article for an owner to provide inaccurate information for the rental registry or fail to provide information required by the City for the rental registry.

(c) Upon adoption of this ordinance, owners shall comply with the following rental registry requirements:

- (1) All existing rental dwellings, including those currently not registered with the City, shall register within 90 days of this article.
- (2) All newly constructed rental dwellings shall register and receive a certificate of compliance prior to any use or occupancy as a rental dwelling.

- (3) All existing non-rental structures which are converted to rental dwellings shall register and receive a certificate of compliance prior to any use of occupancy as a rental dwelling.
- (4) Any change in the information required by this section shall be communicated in writing to the City Inspection Department within 30 days of the change.

(d) Subsequent to the registration of a rental dwelling, the building official shall schedule an initial compliance inspection as outlined in this Ordinance.

5.42.020 License--Required. No person shall lease, rent, use, operate or occupy or cause to be leased, rented, used, operated or occupied, any building, structure, premises, or part thereof within the city as a one-family rental dwelling, two-family rental dwelling, multiple-family rental dwelling, hotel, lodginghouse, roominghouse or motor court, or any combination thereof, unless there is in his or her possession and posted on such building, structure or premises, in a conspicuous place, an unrevoked license of current issue as provided in this chapter.

5.42.030 License--Application--Contents required. Application for such license shall be made in writing to the city clerk, upon a form provided for that purpose, and shall be filed with the clerk. Such application shall include:

- A. The applicant's name and address;
- B. His interests in the building and the location thereof;
- C. The name and address of the owner of record of the building and premises;
- D. If applicant is a partnership, the names and addresses of the partners;
- E. If applicant is a corporation, the names and addresses of the officers thereof;
- F. A list of the rooms, suites or beds therein indicating the size of such rooms, number of beds in each room, sanitary facilities, and the maximum number of persons to whom it is desired to rent said premises when rented at full occupancy;
- G. The names, ages and relationship of all persons occupying the building as members of the family and description of the accommodations available for such family occupancy; and
- H. Such other information as may be required by the regulations authorized in Section 5.42.120 of this chapter.

5.42.040 License--Fee payment. Each application for license shall be accompanied by the fee prescribed by Section 5.03.170 of this code. Such fees shall be paid to the city treasurer and shall become a part of the general fund of the city. A license shall not be issued for rental dwellings with outstanding bills or liabilities to the City, including all fees as required by this article.

5.42.050 License--Expiration date. All licenses issued under this chapter shall expire one (1) year from the date of issuance, unless sooner revoked or suspended.

5.42.060 License--Application--Investigation and report requirements. Upon receipt of an application in proper form, the city clerk shall refer the same to the health department, the bureau of inspection, the fire department and the police department, each of whom shall make an inspection and investigation, together with a written report and recommendation. The object of such investigation and inspection is to determine whether or not the building and premises are properly located, constructed and equipped for the purpose for which it is desired to license the same, whether or not the applicant is a person of good moral character, and any other facts and circumstances which may be required under the provisions of this chapter and the regulations authorized herein.

5.42.065 License inspection.

(a) Initial license inspections shall be scheduled by the city officials subsequent to the registration of a rental dwelling as follows:

- (1) All newly constructed rental dwellings and rental units shall be scheduled for an initial license inspection at the time the building is scheduled for a final inspection to obtain a certificate of occupancy as required under the building code.
- (2) All existing non-rental structures which are converted to rental dwellings and rental units shall be scheduled by the owner or manager for an initial license inspection within thirty (30) days of the date that structure is converted to a rental dwelling.
- (3) All multiple family rental dwellings and rental units that were not registered with the City prior to the adoption of this Ordinance shall be scheduled for an initial compliance inspection within 60 days of submitting the rental registry information. The building official may inspect only a portion of the rental units in a multiple family rental dwelling with more than two rental units in order to issue a certificate of compliance, at the discretion of the building official. A fee will be assessed only for those rental units that are inspected.

- (4) All single-family rental dwellings that have not been registered with the City shall be scheduled for an initial compliance inspection within thirty (30) days of the date that structure is converted to a rental dwelling.

(b) Periodic compliance inspections shall be scheduled by the building official for registered rental dwellings and rental units prior to the expiration of the existing license as outlined in this Ordinance. Failure of the building official to conduct a periodic compliance inspection prior to the expiration of a certificate of compliance, which failure is not due to any actions of the owner, agent or tenant, shall result in the owner or agent being permitted to let for occupancy the rental dwellings and rental units until the building official has conducted an inspection.

(c) Non-periodic compliance inspections will be scheduled as soon as practical by the building official:

- (1) Upon receipt of a complaint from an owner, agent, occupant or citizen who would have occasion to be aware that the rental dwelling or rental unit is in violation of this article.
- (2) Upon receipt of a report or a referral from any City department, public or private school or other public agency.
- (3) Upon receipt of knowledge that a rental dwelling is not registered with the City as required by this article.

(d) No person shall cause a compliance inspection to be made for the sole purpose of harassing any individual, corporation, or governmental agency when a violation is not present.

(e) If the building official is unable to schedule an inspection due to the owners action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner shall not rent the rental dwelling or rental unit and, if occupants are utilizing the rental dwelling or rental unit, the building official may require vacation of the rental dwelling or rental unit.

(f) Reasonable entry and access to rental dwellings and rental units shall be granted to building officials as follows:

- (1) The building official is authorized entry and access to a rental dwelling or rental unit at reasonable times to inspect to ensure compliance with the terms of this article.
 - (i) If entry or access is not made available by the owner, the building official is authorized to revoke the existing license, pursue administrative warrants or pursue other recourse as provided by law.

- (ii) If entry or access is not made available by the tenant, the building official is authorized to pursue administrative warrants or pursue other recourse as provided by law. In the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.
 - (2) The owner, agent or tenant, if requested by the Inspection Department, must accompany the building official and allow full entry and access to the rental dwelling and rental unit.
- (g) If a rental dwelling or rental unit should fail a compliance inspection, a subsequent re-inspection will be required with an additional fee.
- (1) In the event an inspection discloses that a rental dwelling or rental unit is not in compliance with the applicable codes, the building official will establish a record of the requirements that must be undertaken by the owner, and in what timeframe, in order to schedule a re-inspection. A license will be issued or confirmed only when those requirements have been met.
 - (2) In the event an inspection discloses that a rental dwelling or rental unit is not in compliance with applicable codes and the rental dwelling or rental unit is occupied, the building official will indicate whether the conditions are such that the rental dwelling or rental unit must be vacated, or whether steps to bring the rental dwelling or rental unit into compliance with applicable codes may continue while the rental dwelling or rental unit continues to be occupied.
 - (3) The City may revoke a license if a rental dwelling or rental unit fails any inspection.
- (h) If the owner of the premises shall neglect, fail or refuse to comply with any notice from the City or the City Building Inspection Department to correct a violation relating to maintenance and repair of the premises under any code within the period of time stated in such notice, the City may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus ten percent (10%) of said costs for each time the City shall cause a violation to be corrected; and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the City and its Building Inspection Department may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of premises

as unfit for habitation; or suspension, revocation, or non-renewal of the License issued hereunder.

5.42.070 License--Issuance conditions. Upon the filing with the city clerk of a proper application together with the required fee, and upon the filing with the clerk of written reports from the health department, bureau of inspection, the fire department and the police department recommending the issuance of such license, the city clerk is authorized to issue to the applicant in the name of the city a license subject to the provisions of this chapter and the regulations authorized herein.

5.42.080 License--Refusal, suspension or revocation--Grounds--Notice required.

A. Any license requested under this chapter may be refused by the city clerk, and any license issued under the provisions of this chapter may be revoked or suspended by the mayor or city clerk at any time, for any of the following causes:

1. Fraud or misrepresentation in the application for license;

Fraud or misrepresentation in the operation of the licensee's business;
3. Any violation of this chapter or of the regulations authorized herein;
4. Any violation of any of the ordinances of the city;
5. Any violation of any of the laws of the United States and this state;
6. Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, morals, safety or welfare of the public; or
7. Any failure or inability on the part of the applicant to meet and satisfy the requirements and provisions of this chapter and the regulations authorized herein.

B. Written notice of refusal, revocation or suspension, stating the cause or causes therefor, shall be delivered to the applicant or licensee personally, or mailed to the address stated in the application.

C. A license, revoked for cause, will render the rental dwelling or rental unit unfit for human habitation. A license will be reinstated when a rental dwelling or rental unit is brought into compliance with applicable codes.

5.42.090 License--Refusal, suspension or revocation--Appeal procedure. Any person whose license is revoked or suspended or any person whose request for a license is refused shall have a right to a hearing before the council, provided a written request therefor is filed with the city clerk within ten (10) days following the delivery or mailing of notice of revocation or suspension, or within ten (10) days following such refusal. The council shall have the right to affirm and sustain any refusal to issue a license, or any revocation or suspension of a license, and the council may grant or reinstate any license.

5.42.100 License--Form and contents. Each license shall contain the name and address of the licensee and a brief description of the premises for which the license was issued, including the type of accommodation, maximum number of rooms or units which may be rented, maximum number of persons permitted to occupy such premises at any one (1) time, and such other information as may be required by the regulations authorized in this chapter.

5.42.110 License--Display required. Each license shall be posted in a conspicuous place on the premises for which issued, in accordance with the regulations of the police department.

5.42.120 License--Transfer prohibited. No license issued under this chapter shall be transferred or assigned.

5.42.130 Rules and regulations generally. The department of health, bureau of inspection, fire department and police department are authorized to make such rules and regulations as may be necessary to carry out the provisions of this chapter, copies of which shall be available for distribution to all interested persons.

5.42.140 Health requirements. Licensed premises shall at all times be occupied, kept and maintained in accordance with the applicable provisions of the building and housing ordinances and regulations of the city, and the State Housing Law. Where under the terms of any rental agreement it is the duty of any licensee to furnish linens, such licensee shall provide all beds with regulation sheets and pillowcases, the same to be laundered at least once each week; provided, that each new guest or patron shall be furnished with clean sheets and pillowcases. Where towels are provided, the same shall be individual towels furnished clean to each guest or patron and laundered at least once a week, and no common towels shall be permitted. Any licensee, having notice or knowledge that the licensed premises contain any vermin, shall within forty-eight (48) hours report the same to the board of health, and shall cause the same to be exterminated by such means as shall be approved by the board of health within five (5) days from the date upon which licensee first had notice or knowledge of the existence of the same. Where food is served to guests in any premises, the licensee shall be subject to and shall fully comply with all provisions of Ordinance No. 9 set out at Chapter 8.16 of this code, except that bed and breakfast establishments shall only be subject to the provisions contained in Sections 8.16.010 through 8.16.030 and Sections 8.16.130 through 8.16.360 of this code.

5.42.150 Record of occupants required. Every licensee shall maintain a record in which shall be entered the name, date(s) of occupancy, number or other identification of the portion of the premises occupied, and home address of any occupant, other than occupants listed, pursuant to Section 5.42.030 of this code, in the application for license. The record shall also show the make and license number of any motor vehicle owned or used by each occupant. The record shall be submitted upon demand to any official or police officer of the city or to any police officer of the state. The same shall constitute a public record. It shall be a violation of this chapter for any person to enter in such record or to give for the purpose of being entered in such record any false information. Knowing or having reasonable cause to believe such information to be false, the licensee or his employee shall notify the police department of such fact, and failure to do so shall be grounds for revocation of his license. This section shall not apply to one-family rental dwellings, two-family rental dwellings, or multiple-family rental dwellings.

5.42.160 Rental restrictions. No room or unit of premises licensed under the provisions of this chapter shall be rented or let for a period of less than twenty-four (24) hours, nor shall any such room or unit be rented or let to more than one (1) tenant for each twenty-four-hour period. The right to occupy any such room or unit shall not be assigned, transferred or sublet. No licensee shall approve, suffer or permit the assignment, transfer or subletting of any such room or unit. No such room or unit shall be used for gambling, immoral purposes or any other unlawful act. No person shall occupy or use as a guest or a tenant, or be permitted to occupy or use as a guest or tenant, any motel or the accommodations for a period of more than one (1) month in any calendar year.

5.42.170 Damaging premises or evading rental payment prohibited. Occupants of such premises shall not do or perform any act therein which will in any way damage the premises, nor shall they permit the occupancy of any room or portion of the premises let to them by persons other than those registered with the licensee, without the express knowledge and consent of the licensee. No person shall vacate any room or any premises or part thereof without having fully paid all items of rental due for his occupancy thereof.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

The above ordinance was passed at the regular meeting of the Council of the City of Livonia held Wednesday, November 6, 2013, at 8:00 p.m.

Terry Marecki, City Clerk

The foregoing ordinance was authenticated by me on this 8th day of November 2013.

Jack E. Kirksey, Mayor

Approved as to form:

Donald L. Knapp, Jr., City Attorney
Dated: November 8, 2013