

STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF CANTON

CHAPTER 78 – BUILDINGS AND BUILDING REGULATIONS

**AN ORDINANCE TO AMEND ARTICLE 78 OF THE
CANTON TOWNSHIP CODE OF ORDINANCES TO ADD A
NEW ARTICLE VIII TO PROVIDE FOR REGISTRATION
AND INSPECTIONS OF RENTAL HOUSING**

THE CHARTER TOWNSHIP OF CANTON ORDAINS:

SEC. 1. ORDINANCE AMENDMENT

**ARTICLE VIII. RESIDENTIAL RENTAL REGISTRATION AND
INSPECTIONS.**

Sec. 78-277. - Short title.

This ordinance shall be known and may be cited as the Residential Rental Registration and Inspection Ordinance.

Sec. 78-278. - Purpose.

The Township recognizes the need for a registration and inspection program for residential rental units within the Township for the health and safety of its residents and to provide an efficient system for compelling landlords to correct violations and to maintain, in proper condition, rental property within the Township. The Township recognizes that the most efficient system to provide for residential rental housing inspections is the creation of a program requiring the registration and inspection of all residential rental housing units within the Township as defined in this article, so that effective and regularly scheduled inspections can be performed by designated Township Building Code Officials.

Sec. 78-279. - Definitions.

As used in this article, the following terms shall have the following meaning, unless the context clearly indicates that a different meaning is intended:

Applicable codes means the current fire prevention, building and property maintenance codes adopted by the Township, including definitions and applicable terms, and other Township ordinances.

Dwellings shall include the following:

(1) **Single-family dwelling.** A building designed exclusively for and occupied by one family.

(2) **Two-family dwelling (duplex).** A building designed exclusively for occupancy by two families living independently of each other.

(3) **Multi-family dwelling.** A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

(4) **Boarding house, rooming house, lodging house and tourist house.** A building arranged or used for lodging, with or without meals, for compensation, by individuals who are not members of the family.

(5) **Hotel.** A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, boarding house, rooming house, tourist house, dormitory or a place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

Let for occupancy or let means to permit, provide, or offer possession or occupancy of a rental dwelling or rental unit by a person who is not the legal owner pursuant to an oral or written rental or lease agreement or other valuable compensation.

Occupancy means the purpose for which a dwelling unit is utilized or occupied.

Occupant means any individual living or sleeping in a dwelling unit or having possession of a space within a rental unit.

Owner means any person or legal entity have an equitable interest in a rental dwelling; or recorded in the official records of the County or Township as holding title to the rental dwelling; or otherwise having control of the rental dwelling, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of a rental dwelling by a court.

Person means any individual, firm, partnership, association, joint stock company, joint venture, limited liability company, public or private corporation or receiver, executor, personal representative, trustee, conservator or other representative appointed by order of any court.

Permanent resident means any person who occupies or has a right to occupy any room or rooms in a hotel or motel for at least thirty consecutive days.

Premises means any lot, plot, or parcel of land including the buildings or structures thereon, which also includes dwelling units, rooming units and dwellings.

Property manager or agent means that person authorized by the Owner to act on his, her, or its behalf.

Property owner means any person who owns the premises defined in this article.

Rental dwelling means any building or structure let for occupancy which is wholly or partly used or is intended to be used as habitable space. 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.

(1) **Single-family rental dwelling** means a dwelling let or occupancy or let as a single housekeeping unit by a single family or functional family.

(2) **Multiple family rental dwelling** means a dwelling let for occupancy or let containing two or more rental units, each unit occupied as a single housekeeping unit by a single family or functional family.

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.

Township means the Charter Township of Canton.

Building Division means the Charter Township of Canton Municipal Services Department's Building Division.

Building Code Official means the Building Official for the Charter Township of Canton, Municipal Services Building and Inspection Services Division, or his or her designee.

Sec. 78-280. – 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 Township, including definitions and applicable terms, and other Township ordinances.
- (c) This article does not apply to mobile homes, jails, hospitals, skilled care facilities, 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 where occupancy by the same person or persons is continuous for 30 days or more.
- (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.

Sec. 78-281. - Enforcement.

The Building Official or his/her designees, shall be the principal enforcement officer and is authorized to issue violations and appearance tickets pursuant to the provisions of this article.

Sec. 78-282. – Rental registry.

No owner shall permit to be let for occupancy or to let to another person for occupancy, any rental dwelling or rental unit within the Township for which a registration form has not been properly made and filed with the Building Division and for which a current Residential Rental Certificate of Compliance has not been issued by the Building Division for that building. Each separate building requires a separate Application and Registration Fee, regardless of the same ownership of similar buildings within a complex. Registration shall be made upon forms furnished by the Building Division for such purpose and shall require, at a minimum, the following information:

- (a) Name, address and telephone number of the property owner;
- (b) Name address and telephone number of the designated local property manager who has authority for receipt of service or notice of violation of the provisions of this article if different than the property owner, if any;
- (c) The street address of the rental property;
- (d) The number and types of units within the rental property as defined in section 78-279;
- (e) The maximum number of occupants permitted for each unit; and
- (f) The name, address and telephone number of the person authorized to make or order repairs or services for the property, if a violation is identified by the Building Official, if different than the owner or local property manager.

Sec. 78-283. - Manner of registering and request for inspection.

Registration and a request for an inspection shall be made by the property owner or designated local property manager in the office of the Building Division as follows:

- (a) For existing residential rental properties, within sixty (60) days of the effective date of this article.
- (b) For new residential rental properties, at the time when a temporary or permanent certificate of occupancy is issued by the Building Division.
- (c) During the application process, but prior to the initial compliance certificate being issued, an existing rental dwelling may continue to be occupied pending a final determination by the Building Code Official.

(d) Upon receipt of registration and request for an inspection, the Building Official shall have sixty (60) days to conduct its inspection, absent circumstances beyond its control, except for the initial implementation of the program. (first inspection for each rental unit)

Sec. 78-284. – Certificate of Compliance.

(a) No owner or agent shall let a rental dwelling unless there is a valid certificate of compliance issued by the Township in the name of the owner or agent for that rental dwelling. The Township will issue a Residential Rental Certificate of Compliance denoting that a rental dwelling has met the requirements of a compliance inspection.

(b) A certificate of compliance shall not be issued for rental dwellings with outstanding bills or liabilities to the Township, including, but not limited to, outstanding permit fees or delinquent real property taxes or water and sewer charges, and including all fees required by this article.

(c) A certificate of compliance shall be valid in accordance with the following guidelines:

(1) All premises for rent or lease as defined by this ordinance will be subject to an inspection by the Building Division at a minimum of every two years, upon the transfer of ownership, or upon discovery of a failure to register.

(2) The certificate of compliance issued pursuant to this ordinance shall expire two years from the date of the initial inspection from that cycle, unless otherwise suspended and or revoked pursuant to this ordinance.

(3) Neither the common areas nor the dwelling or rooming units in structures newly constructed shall be further inspected after the completion and issuance of a Certificate of Occupancy and Compliance for a period of two years from the date of the said certificate, unless the Township has notice that the unit is not meeting minimum requirements of the Township ordinances or State of Michigan Building Codes. Thereafter, the said unit shall be inspected in accordance with the requirements of this ordinance.

(4) Nothing in this section shall preclude the inspection of said dwellings more frequently than every two years as determined by the Building Code Official.

Sec. 78-285. – Compliance inspection.

(a) Initial compliance inspections shall be scheduled by the building owner or representative through the Building Code Official subsequent to the registration of a rental dwelling as follows:

- (1) All newly constructed rental dwellings and rental units shall also be issued a Residential Rental Certificate of Compliance at the time the building receives a Certificate of Occupancy & Compliance as required under the Building Code. The Application and Registration Fees that are required for each building included in the rental program must be submitted before the Certificate of Occupancy & Compliance is issued.
- (2) All existing non-rental structures which are converted to rental dwellings and rental units after the adoption of this ordinance shall be scheduled by the Property Owner or his/her designee for an initial compliance inspection within 30 days of submitting the program application, and paying the associated fees.
- (3) All existing multiple and single family rental dwellings and rental units that were not registered with the Township prior to the adoption of this ordinance shall be scheduled for an initial compliance inspection by the Property Owner or his/her designee within 30 days of submitting the application and paying the associated fees. During the first cycle (Initial Inspection), the Building Division does not have to complete the inspection within 60 days.

(b) Periodic compliance inspections shall be scheduled by the Property Owner or his/her designee for registered rental dwellings and rental units thirty (30) days prior to the expiration of the existing Residential Rental Certificate of Compliance as outlined in Section 78-284. Failure of the Building Code Official to conduct a periodic compliance inspection within 30 days of the inspection request is considered as not due to any actions of the owner, agent or tenant, and shall result in the owner or agent being permitted to let for occupancy the rental dwellings and rental units until the Building Code Official has conducted an inspection.

(c) Non-periodic compliance inspections will be scheduled as soon as practical by the Building Code Official:

- (1) Upon receipt of a written 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 Township department, public or private school or other public agency.

- (3) Upon receipt of knowledge that a rental dwelling is not registered with the Township 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 Code Official is unable to inspect a property due to the owner's 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 Code 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 the Building Code Official as follows:
- (1) The Building Code 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 Code Official is authorized to revoke the existing certificate of compliance, 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 Code Official is authorized to pursue administrative warrants or pursue other recourse as provided by law.
 - (2) The owner or agent must accompany the Building Code 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 applicable codes, the Building Code 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 certificate of

compliance 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 Code 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 Township may revoke a Residential Rental Certificate of Compliance if a rental dwelling or rental unit fails any inspection.

Sec. 78-286. - Transfer of ownership.

(a) Every subsequent owner of residential rental property that is subject to this article, whether as fee owner or contract purchaser, shall be required to furnish to the Building Code Official, within thirty days (30) of the transfer of ownership, all the information required in Sections 78-282 and 78-283. A registration fee shall be required of the new owner during the year in which the ownership transfer takes place, even if the previous owner has paid all registration fees and is in compliance with all requirements of this article and all applicable codes.

(b) A Residential Rental Certificate of Compliance issued pursuant to this article shall be transferable to succeeding owners; provided, that within seven days of the transfer, the transferor shall provide written notice of said transfer to the Building Code Official.. Such notice shall contain the name and address of the succeeding owners. The failure to provide such notice shall result in the suspension of the compliance certificate. Further, upon receipt of written notice of transfer of ownership, the Township, at its option, reserves the right to conduct an inspection of the premises to determine whether the premises are in compliance with all applicable Township ordinances and State codes before approving a Residential Rental Certificate of Compliance transfer.

Sec. 78-287. - Fees.

(a) The Township Board shall establish by resolution an appropriate fee schedule for registration and inspections for rental dwellings. Such fees shall be effective thirty days (30) after publication of an adopting resolution in a newspaper of general circulation in the Township. Failure to pay fees required by this article may, in addition to the penalties described below, result in the suspension and/or revocation of a compliance certificate. All fees shall be payable at the Building Code Official's administration office. An investigation fee of \$200.00 will be charged in addition to the regular Registration Fee for all rental

properties (per building) found to be not registered with the Building Division after the initial deadline for registration has expired. A \$200.00 fee for each building where the current Residential Rental Certificate of Compliance expires without a re-inspection request from the Property Owner or his/her designee 30 days prior to the certificate's expiration date, which is indicated on the compliance certificate. (see Section 78-285 b)

(b) In addition to any other remedies available at law, the Township may impose a lien on the premises for any unpaid fees. Said lien may be collected in the same manner as provided by the laws of this state relative to the collection of delinquent real property taxes.

Sec. 78-288. - Maintenance of records.

(a) All records, files and documents pertaining to this article shall be maintained by the Building Code Official and made available to the public as required by law.

(b) It shall be a violation of this article to knowingly provide false information as part of the registration, licensing, or inspection provisions of this article.

Sec. 78-289. - Contents of the Residential Rental Certificate of Compliance.

(a) A compliance certificate issued pursuant to this article shall provide the date the rental property was last inspected and that the property appears to be in compliance with applicable Township ordinances and State codes. The Residential Rental Certificate of Compliance shall contain the following in bold face type:

This Residential Rental Certificate of Compliance Does Not Constitute any Representation or Warranty as to the Condition of the Premises Described Herein (or any Aspect of Such Conditions), and Interested Persons are Advised and Encouraged to Make Their Own Independent Inspections of the Premises in Order to Determine the Condition Thereof. The Subject Premises Have Been Visually Inspected by a Building Official Employed for This Purpose, not by a Certified Housing Inspector. The Inspection and Related Reports are Evidence Only of What Has Been Observed and What He/She was Able to Reasonably Observe at the Time of the Inspection.

(b) No person shall alter or deface any compliance certificate issued pursuant to this article.

(c) The Residential Rental Certificate of Compliance shall have the expiration date prominently displayed on its face.

Sec. 78-290. – Residential Rental Certificate of Compliance.

Upon the request of an existing or prospective tenant, the owner or the owner's agent or property manager shall produce the Residential Rental Certificate of Compliance confirming inspection by the Building Code Official.

Sec. 78-291. - Suspension or revocation of compliance certificate.

If the Building Code Official determines that any person has failed to comply with this article or any applicable codes, the Building Code Official may suspend the compliance certificate held by that person. A notice of suspension shall be provided by first class mail. A person aggrieved by such a suspension, or the initial denial of compliance certificate, may appeal to the Construction Board of Appeals of the Township in writing within twenty days of issuance of notice of the suspension or denial of compliance certificate. During the appeal process to the Construction Board of Appeals, the dwelling unit may continue to be occupied until a final determination of the Construction Board of Appeals. A fee of two hundred dollars (\$200.00) is required at the time an appeal application is filed. Upon receipt of the request for appeal and application fee, the Board of Appeals shall hear and consider the matter. Failure to file a timely appeal shall result in revocation of the compliance certificate. The property owner and/or property manager or property owner's agent shall have the right to appear and be represented by counsel. The Board of Appeals, after proper hearing, shall issue its Order of Decision. There shall be no appeal to the Township Board. If an appeal is denied the compliance certificate is revoked. If the appeal is granted, the compliance certificate suspension is terminated and the application fee shall be returned by the Building Code Official. A notice of revocation shall be provided by first class mail.

Sec. 78-292. - Other actions, prosecutions.

(a) Nothing in this article shall prevent the Township from taking action under any of its applicable codes for violations thereof or to seek injunctive relief or criminal prosecution of such violations in accordance with the terms and conditions of the particular ordinance under which the Township would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this registration, licensing, and inspection article.

(b) Further, any violation of this article is hereby declared to be a nuisance per se. In addition to any other relief provided by this article, the Township may apply to a court of competent jurisdiction for an injunction to prevent the continuation of any violation of this article.

SECTION 2. VIOLATION AND PENALTY

Any person or entity that violates any provision of this Ordinance may, upon conviction be found guilty of a misdemeanor and, be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than Ninety (90) days, or both, in the discretion of the court.

SECTION 3. SEVERABILITY

If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged

by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES

All Ordinances, Adopted Codes or parts of Ordinances and Adopted Codes in conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 5. SAVINGS CLAUSE

All rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 6. PUBLICATION

The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law.

SECTION 7. EFFECTIVE DATE

This Ordinance, as amended, shall take full force and effect upon publication as required by law.

CERTIFICATION

The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the __ day of _____ 2014, and was ordered to be given publication in the manner required by law.

Terry G. Bennett, Clerk

Introduced: 9/9/2014
Adopted: 9/23/2014
Published: 10/2/2014
Effective: 10/2/2014