

**VILLAGE OF MILFORD
ORDINANCE NO. 231-181
RESIDENTIAL RENTAL ORDINANCE**

AN ORDINANCE TO AMEND CHAPTER 22, BUSINESSES, OF THE CODE OF ORDINANCES FOR THE VILLAGE OF MILFORD, BY ADDING ARTICLE IV, RESIDENTIAL RENTALS, IN ORDER PROVIDE FOR THE REGULATION OF RESIDENTIAL RENTAL PROPERTIES WITHIN THE VILLAGE THROUGH MANDATORY REGISTRATION, INSPECTION AND CERTIFICATION.

THE VILLAGE OF MILFORD ORDAINS:

Section 1. Amendment.

Article IV, Residential Rentals, shall be added to Chapter 22, Businesses, of the Code of Ordinances for the Village of Milford, which shall read as follows:

ARTICLE IV. RESIDENTIAL RENTALS

DIVISION 1. GENERALLY

DIVISION 2. REGISTRATION

DIVISION 3. CERTIFICATE OF COMPLIANCE

DIVISION 4. INSPECTIONS

DIVISION 1. GENERALLY

Sec. 22-90 Purpose.

The Village of Milford recognizes the importance of the rental housing segment in the overall Village housing scheme. As the entity responsible for the building and housing codes, it is in the interest of the Village to ensure that all residential rental units, structures and grounds leased for occupancy to the general public are in compliance with the minimum property maintenance standards adopted and enforced by the Village. Such compliance is necessary for protection of the health, safety and welfare of residents of rental properties and adjacent properties, and for the maintenance of property values and “quality of life” within the immediate neighborhoods in which residential rental units are located. Consequently, the Village determines it necessary to provide for regulation of such rental properties through mandatory registration, inspection and certification.

Sec. 22-91 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of Compliance means an official document stating that a residential rental dwelling unit and/or structure meets the minimum standards established by the Village for occupancy.

Landlord means any person who owns or controls a rental unit and rents such unit, either personally or through a designated agent, to any person.

Owner means the legal title holder of a rental unit or the premises within which the rental unit is situated.

Residential rental dwelling structure means any building containing one or more residential rental dwelling units including any common areas accessible to residents of all residential rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

Residential rental dwelling unit means distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid. Single family residences, duplexes, apartments and rooming houses may all contain and be classified as rental units.

Residential rental premises means the site upon which a residential rental dwelling unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

Responsible local agent means a person or representative of an individual, a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his place of residence in the county and designated by the property owner as responsible for operating such property in compliance with the ordinances adopted by the Village. All official notices of the Village may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

Sec. 22-92 Fees.

Fees for registration of residential rental dwelling units, inspections and certificates of compliance shall be as established by resolution of the Village Council.

Sec. 22-93 Penalty.

Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this article shall be responsible for a municipal civil infraction, subject to Chapter One of the Milford Village Code of Ordinances. As set forth in that Chapter, increased civil fines may be imposed for repeated violations.

DIVISION 2. REGISTRATION

Sec. 22-94 Required.

No property owner shall lease, rent or otherwise allow a rental unit to be occupied unless the rental unit is registered with the Village and a person is designated a responsible local agent. The responsible local agent shall be legally responsible for operating the registered rental unit in compliance with the ordinances adopted by the Village, shall be responsible for providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the ordinances adopted by the Village, and shall accept all legal notices or service of process with respect to the rental unit. The responsible local agent shall maintain a list of the names and number of occupants of each rental unit for which he is responsible.

Sec. 22-95 Registration term and renewal of existing rental units.

Property owners shall register any and all rental units within the Village and shall designate a responsible local agent. Such registration shall be effective for one (1) year, and it shall be the responsibility of the property owners to re-register such rental unit on the first day of the month immediately following the expiration of the registration for each rental unit. It shall be unlawful for any rental unit to be occupied unless a new certificate of compliance has been issued. A rental unit which has not been previously certified shall be deemed to have an expiration date on the date the responsible local agent is notified to register the rental unit. Upon registration, a certificate of compliance shall then be obtained pursuant to Division 3 of this Article prior to permitting occupancy of any new rental unit.

Sec. 22-96 Change in registration information.

The property owner of a rental unit registered with the Village shall re-register within sixty (60) days after any change occurs in registration information. A new owner of a registered rental unit shall re-register the rental unit as provided in this article. Registration and/or inspection fees shall not apply.

Sec. 22-97 Re-registration.

A property owner shall re-register prior to expiration of a certificate of compliance.

Sec. 22-98 Application for registration.

An application for registration of a rental unit shall be made in such form and in accordance with such instructions as may be provided by the Village building department and shall include at least the following information:

- (1) The address of the rental unit;
- (2) The names and addresses of all owners of the rental units;
- (3) The name, address and telephone number of the person authorized to collect rent from the individuals occupying the rental units;
- (4) The name, local address and telephone number of the responsible local agent; and
- (5) The number of rental units in each building.

Sec. 22-99 Inaccurate or incomplete registration information.

It shall be a violation of this article for a property owner or a responsible local agent to provide inaccurate information for the registration of rental units or to fail to provide information required by the Village for such registration. In those cases in which the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each such owner.

DIVISION 3. CERTIFICATE OF COMPLIANCE

Sec. 22-100 Required.

No person shall own, operate, lease, rent or occupy a rental unit unless there is a valid certificate of compliance issued by the Village building official, which certificate of compliance shall be issued in the name of the owner and issued for the specific rental unit. The certificate shall be issued for each structure containing a rental unit. The certificate of compliance shall be displayed in a conspicuous place in each rental unit at all times. The certificate of compliance shall be issued only after both of the following are completed:

- (1) Registration of the rental unit with the building department; and
- (2) Inspection by the Village building official demonstrating compliance with all ordinances adopted by the Village and state law.

Sec. 22-101 Biennial inspections.

Subsequent to the registration of all rental units as required in Division 2 of this Article, the building official shall commence an inspection of all rental units. During the calendar year, the building official shall notify half of all registered owners of rental units

that an inspection must be completed. Once the rental unit is deemed to be in compliance with the criteria as set forth in this Article, the inspection required for issuance of a certificate of compliance shall be satisfied. During the following calendar year, the building official shall inspect the remaining half of the rental units. Once the rental unit is deemed to be in compliance with all ordinances adopted by the Village and state law, the inspection required for issuance of a certificate of compliance shall be satisfied. Prior to conducting the inspection on the second half of the rental units, the building official may issue a temporary certificate for such units. Once the inspection required for issuance of the certificate of compliance is satisfied, it shall then be valid for a period of two (2) years. The building official shall thereafter alternate inspection biennially. The biennial inspection shall not, however, eliminate the registered owners' responsibility to register such units on an annual basis.

Sec. 22-102 Temporary certificates.

Temporary certificates of compliance may be issued without prior inspection to owners of occupied rental units existing as of August 28, 2014. Such certificates may be issued as of the effective date of the initial registration following August 28, 2014, to allow property owners to operate such rental units until such time as an inspection may be made by the building official. At such time as an inspection is made by the building official and a determination has been made that compliance with the provisions of this article have been secured, the temporary certificate shall expire.

Sec. 22-103 Prerequisites for issuance.

The building official shall not issue a certificate of compliance unless a current rental unit registration is in effect, the responsible local agent is properly designated, any fees for registration plus any penalties are paid in full and inspection as required in this Article has determined that compliance has been secured with the minimum standards and other provisions of the ordinances adopted by the Village.

Sec. 22-104 Revocation.

If the building official shall discover the failure of any property owner to comply with a notice of violation issued pursuant to the provisions of the ordinances adopted by the Village, the certificate of compliance may be revoked.

Sec. 22-105 Appeal of denial of registration or revocation.

Any property owner whose rental unit registration has been denied or whose certificate of compliance has been revoked may file an appeal to the zoning board of appeals.

Sec. 22-106 Vacation or fine for revocation.

A. Upon revocation of a certificate of compliance and a determination by the zoning board of appeals that a rental unit is unfit for human habitation, the owner or operator of the unit shall immediately vacate the unit; and no person shall thereafter occupy the unit for sleeping or living purposes until such unit complies with this Article.

B. When a rental unit is found to be in violation of the provisions of the ordinances adopted by the Village but determined to be habitable, a vacation order shall not be entered; but the certificate of compliance shall be deemed expired and the rental unit shall be in violation of the terms of this Article.

Sec. 22-107 Renewal.

At least thirty (30) days prior to the expiration of a certificate of compliance, the Village shall notify the registered owner to re-register the rental unit and to arrange for a compliance inspection if necessary. The property owner shall be responsible for re-registering a rental unit and arranging a compliance inspection prior to the expiration date on the certificate. When a certificate of compliance is reissued in accordance with this article, it shall have a one (1) year expiration date with the same month and day as shown on the previous certificate, regardless of the date that the new certificate is actually issued.

Sec. 22-108 Certificate of compliance not required.

A certificate of compliance shall not be required for living or sleeping accommodations in:

- (1) Nursing homes, convalescent homes, retirement homes, foster homes or for temporary group shelters provided by legal not-for-profit agencies which are inspected, certified and/or licensed by other governmental agencies.
- (2) All residential rental units and/or complexes currently inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA).
- (3) Hotels, motels and bed and breakfast establishments as classified in the Michigan Building Code, as amended.
- (4) Parsonages.

DIVISION 4. INSPECTIONS

Sec. 22-109 Basis.

Inspections may be made to obtain and maintain compliance with the standards of this article based upon one of the following:

- (1) A complaint received by the Village indicating that there is a violation of the standards or the provisions of the ordinances adopted by the Village;
- (2) An observation by the Village of a violation of the standards or the provisions of the ordinances adopted by the Village;
- (3) A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire damaged;
- (4) The registration, re-registration and certification of a rental unit as required by this Article;
- (5) The need to determine compliance with a notice or an order issued by the Village;
- (6) An emergency observed or reasonably believed to exist;
- (7) A request for an inspection by the property owner; or
- (8) Requirements of law where a dwelling is to be demolished by the Village or where ownership is to be transferred to the Village.

Sec. 22-110 Complaint-initiated inspections.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fees will be assessed against the owner of the inspected rental unit.

Sec. 22-111 Inspection procedures.

A. All structures, units and premises governed by this Article shall be inspected. All structures, units and premises inspected shall comply with the standards of the ordinances adopted by the Village.

B. If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent; and no inspection shall be completed until the fee is paid in full.

C. A property owner, local agent or tenant shall provide access to his/her residential rental dwelling unit(s) and/or structure(s). An individual refusing entry shall be notified of the Village's authority to inspect the property and that it will take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed herein.

D. Once the inspection required for issuance of the certificate of compliance is satisfied, it shall then be valid for a period of two (2) years.

Sec. 22-112 Inspection criteria.

A. The Village shall utilize the “International Property Maintenance Code” and other applicable ordinance requirements adopted by the Village council as the established standards for the inspection of residential rental dwelling structures and units.

B. The building official shall prepare a standardized checklist of items to be inspected consistent with the standards of the “International Property Maintenance Code”. The checklist shall be available to all residential rental property owners and tenants prior to an inspection.

C. The building official shall determine whether the rental dwelling structure(s) and uses comply with, or are legal non-conforming uses in their zoning district. In the event that a legal non-conformity cannot be established, action may be taken before the Village zoning board of appeals.

D. Water department approval shall be required indicating that the water service account for the rental dwelling structure or unit is current.

Sec. 22-113 Reinspection.

Where a reinspection must be made to ensure conformity with this Article or before a certificate of compliance is issued for those rental units that have been issued violation notices, there will be charged a separate fee for every inspection when the violation has not been abated or corrected.

Sec. 22-114 Enforcement authorization.

The Village building official, Village fire marshall and Village police officers are authorized to enforce the provisions of this Article.

Sec. 22-115 Administrative liability.

Except as may otherwise be provided by state statute, local law or ordinance, an officer, agent or employee of the Village charged with the enforcement of this Article shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Article.

Sec. 22-116 Right of entry.

When an inspection shall be made, the building official, or other enforcing officer, may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this Article. Permission to access the premises may be granted by the owner of the premises, his or her agent, or a tenant occupying the premises or any other occupant of the premises. If there is an emergency, then the building official, or other enforcing officer, shall have the right to enter at any time.

Sec. 22-117 Warrants for nonemergency situations.

In a nonemergency situation where the owner, his or her agent, a tenant or other occupant of the premises demands a warrant for the inspection of the premises, the building official, or other enforcing officer, shall obtain a warrant from a court of competent jurisdiction. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, compliance, etc.) established in this Article and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this subsection, and that it is for the purposes set forth in this Article and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this subsection, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.

Sec. 22-118 Access by owner.

Every tenant or other occupant of a property in the Village shall give the owner thereof, or his or her agent or employee, access to any part of the premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this Article.

Section 2. Repealer.

This Ordinance hereby repeals any ordinances in conflict herewith.

Section 3. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5. Adoption and Effective Date.

This Ordinance is hereby declared to have been adopted by the Village of Milford Village Council at a meeting thereof duly called and held on the 4th day of August 2014, and ordered to be given effect as mandated by Charter and statute.

Jerry Aubry, Village President

Deborah Frazer, Village Clerk

Introduction: July 21, 2014
Adoption: August 4, 2014
Published: August 28, 2014
Effective Date: August 28, 2014

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Milford Council on August 4, 2014 which was a regular meeting. I further certify that at said meeting there were present the following Council members:

Aubry, Frankford, Glagola, Heer, Kovach and Ziegler

I further certify that the adoption of said Ordinance was moved by Council member Heer and supported by Council member Ziegler.

I further certify that the following Council members:

Aubry, Frankford, Glagola, Heer, and Ziegler

voted for the adoption of said Ordinance and that the following Council members voted against the adoption of said Ordinance:

Kovach

I further certify that no Council members abstained from voting.

I hereby certify that said Ordinance has been recorded in the Ordinance Book in said Village and that such recording has been authorized by the signature of the Village President and Village Clerk.

Deborah Frazer, Village Clerk