

**RENTAL REGISTRATION POLICY
& FEE RESOLUTION**

RENTAL REGISTRATION POLICY

CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII, *RENTAL DWELLING REGISTRATION*, SECTIONS 8-151 THROUGH 8-158 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN

Sec. 8-151. 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:

Building inspector means the official who is charged with the administration and enforcement of this Code, or any duly authorized representative by the City Manager.

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

Owner means any person, firm, corporation or other legal entity having a legal or equitable interest in the premises.

Owner's representative means a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity designated by the owner of the premises as responsible for operating such property in compliance with all the provisions of the city's ordinances.

Rental dwelling unit means any single structure, building or other facility promised and/or leased to a residential tenant for use as a home, residence or sleeping unit. Such term includes, but is not limited to, one- or two-family dwellings, multiple dwellings and apartment units.

Sec. 8-152. Purpose of standards.

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the city as an important factor for the general health, safety and welfare of all of its citizens. This article is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property values.

Sec. 8-153. Applicability; exclusions.

(a) This article shall apply to any rental dwelling unit, or part thereof, which is occupied by persons pursuant to any oral or written rental or lease agreement or other valuable compensation. Such dwelling shall include, but not be limited to, single-family dwellings, multiple-family dwellings, rooming houses and boardinghouses. No person shall lease or rent a rental dwelling unit unless they have registered their property.

(b) This article does not apply to jails, hospitals, nursing homes, convalescent homes, foster homes or temporary group shelters provided by legal nonprofit agencies which are inspected, certified and/or licensed by the state.

Sec. 8-154. Registration.

(a) *Compliance required.* All rental dwelling unit owners are required to bi-annually register their rental dwelling units pursuant to this article and shall comply with the following:

(1) All existing rental dwelling units property shall be registered within 180 days of the effective date of the ordinance.

(2) All newly constructed rental dwelling units shall be registered prior to any use or occupancy as a rental dwelling unit and every year thereafter.

(3) A new owner shall register a rental dwelling unit, which is sold, transferred or conveyed, within 30 days of the date of the closing of such sale. Any existing registration shall be transferred to the new owner and shall be valid until its expiration or revocation for noncompliance with city codes and ordinances.

(4) All existing nonrental dwelling units, which are converted to rental dwelling units, shall be registered prior to the date on which the property is first occupied for rental purposes and bi-annually thereafter. Failure to comply will result in penalties as described in this ordinance or by resolution.

(b) *Applications.*

(1) Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the building inspector designated by the city manager and shall include at least the following information:

a. The name, address and telephone number of the owner (no post office box shall be accepted).

b. The name, address and telephone number of the owner's representative, if the rental property owner has opted to appoint a representative.

(2) Upon registration, the owner shall be responsible for notifying the building inspector of any change of address of either the owner or owner's representative.

(c) *Fee.* At the time of registration of the dwelling unit, there will be a prescribed fee, as adopted by resolution. Any unpaid registration fees shall become a lien on the property immediately and collected as an assessment pursuant to city ordinance. An owner shall not have a property as a rental dwelling unless it has registered with the City.

Sec. 8-155. Applicable standards.

The standards used to determine rental property and dwelling unit compliance with city codes and ordinances shall be the International Property Maintenance Code, as adopted and amended by the city council.

Sec. 8-156. Non-compliance with code.

(a) The building inspector may enter rental dwelling units under any of the following circumstances:

(1) After the registration of the rental dwelling unit which shows the possibility of not complying with local or state law.

(2) Upon receipt of a written complaint from an owner, owner's representative or occupant that the premises is in violation of this article.

(3) Upon receipt of a report or referral from the police department, fire department, public or private school, or another public agency, or a failure to comply with this ordinance.

(4) Upon evidence of an existing ordinance violation observed by the building inspector.

(5) At the request of the owner to determine compliance with the International Property Maintenance Code.

(6) If the proposed rental dwelling unit is being converted from a single-family home, the building inspector shall evaluate the property for public safety violations before first occupied for rental purposes.

(b) The building inspector may make an appointment with the owner or owner's representative of the rental dwelling unit. The owner or owner's representative must give the building inspector at least 24 hours' notice when changing the scheduled appointment with an alternative date and time. The building inspector shall issue a written report noting any violations of this article or any other provision of the city's ordinances and shall provide a copy of the report to the owner or owner's representative. The building inspector shall direct the owner or owner's representative to correct violations within the time set forth in the report. A reasonable time for correcting violations shall be determined by the building inspector in light of the nature of the violations and all relevant circumstances, which shall not exceed 60 days, unless correction of the violation within a 60-day period is impossible due to seasonal considerations. Upon request of the person responsible for correcting violations, the building inspector may extend the time for correcting violations, but not to exceed an additional 30 days.

(c) The building inspector may charge a nominal fee that equals the actual administrative cost to enter premises as established by resolution. If the building inspector determines that a complaint was filed without a factual basis and with malice, a fee may be charged to the complainant.

Sec. 8-157. Fees.

Fees for registration of rental units and penalties shall be established by resolution. The fee schedule shall be available to the public from the city clerk. Any unpaid inspection fees shall become a lien on the property and collected as provided by law.

Sec. 8-158. Violations.

(a) If the owner or owner's representative does not correct a violation of any provision of this article, the building inspector may bring an action to seek the enforcement of this ordinance by an appropriate legal remedy. Any structure not in compliance with this article is deemed a nuisance.

(b) Any owner or owner's representative of a rental dwelling unit who violates any section of this ordinance for the first offense shall be responsible for a municipal civil infraction as provided for in Section 1-8 of this Code with the fines as stated in subsection (c) below.

(c) The fines for municipal civil infractions for violating this ordinance shall be: \$200.00 per occurrence for the first offense; \$400.00 for a second offense if it occurs within two (2) years of the prior offense even if it occurs at the same time as the prior offense. Each day that a violation continues shall be a separate offense.

(d) The building inspector, building official, code enforcement officer and any other person designated by the City Manager are hereby designated as the authorized individuals to issue municipal civil infraction citations for violations of this ordinance.

(e) In addition to any penalties imposed by law, a finding of responsibility by the court for a violation of this article, the City shall be entitled to immediately revoke any existing Certificate of Compliance and shall entitle the City to seek the issuance of a court order compelling the eviction of all persons and property upon the premises until a Certificate of Compliance is issued by the City.

(f) An owner or owner's representative may be charged with more than one violation of the provisions of this article in a single complaint or municipal civil infraction, provided that each violation so charged relates to the same property.

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of March 16, 2009.

Amy K. Kohagen, City Clerk

RENTAL REGISTRATION PROGRAM FEE RESOLUTION

Motion by Councilperson Cline to adopt the following resolution to establish reasonable fees for acts and services performed as related to Owosso City Code Section 8-151 et seq., as amended.

**RESOLUTION NO. 12-2009
RENTAL UNIT REGISTRATION FEES**

WHEREAS the City of Owosso has adopted an amended Rental Registration Ordinance that requires that certain fees be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the following rental registration fees are adopted:

\$25.00 biennial registration fee per rental unit within a structure.

\$35.00 per complaint based inspection.

BE IT FURTHER RESOLVED THAT the above fees shall be effective April 5, 2009.

Motion supported by Councilperson Simmons.

Roll Call Vote.

AYES: Councilpersons Simmons, Forster, Cline, Frederick, Martenis, and Mayor Bruff.

NAYS: Mayor Pro-Tem Owen.

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of March 16, 2009.

Amy K. Kohagen, City Clerk