

CITY OF LUNA PIER

ORDINANCE NO. 219  
Amendment to Ordinance 208

AN ORDINANCE TO REQUIRE THE REGISTRATION AND INSPECTION OF RENTAL HOUSING TO PROTECT THE HEALTH AND SAFETY OF CITY RESIDENTS AND VISITORS AND TO AUTHORIZE ADDITIONAL REGULATIONS, AND TO PROVIDE PENALTIES FOR VIOLATIONS AND REPEAL ALL OTHER ORDINANCES, RESOLUTIONS AND PARTS THEREOF, IN CONFLICT.

**THE CITY OF LUNA PIER ORDAINS:**

**SECTION 1.**

TITLE.

This ordinance shall be referred to as the **Luna Pier Rental Housing Inspection Ordinance.**

**SECTION 2.**

DEFINITIONS.

- A. For the purposes of this ordinance, "rental housing" means a building or portion thereof, designed, used, or made available for occupancy by one or more persons for residential purposes for compensation or under an oral or written lease or rental agreement with the property owner.
- B. As used in this ordinance, the term "property owner" includes a landlord, property manager, rental agent, sub-lessor, and other representatives of the owner, and other persons having an interest in the property as land contract vendee, joint owners, or partners, members or shareholders of an owner.
- C. The sale of a rental unit includes the sale, conveyance, gift, assignment, devise or other transfer of title or a majority of title, equity or ownership interest in the rental unit.

**SECTION 3.**

A. REGISTRATION OF RESIDENTIAL HOUSING.

It is the responsibility of all property owners of rental housing to register with the City of Luna Pier each unit of rental housing.

1. Rental housing units in existence on the effective date of this ordinance shall be registered within 30 days of the effective date of this ordinance.
2. All newly constructed or converted rental housing shall be registered prior to any use or occupancy as a residence.
3. Upon the sale of a rental housing unit, the unit shall be registered or re-registered by the new owner within 30 days of the closing or transfer date. Any existing certificate of compliance

shall be transferred to the new owner and shall continue to be valid until another inspection is scheduled.

4. All property owners of rental housing shall register by completing a registration form and filing it with the city clerk, and by paying a registration fee in the amount established by the city council from time to time. The form shall contain the following information:
  - A. The name, address and telephone number of the registrant.
  - B. The location of the rental housing unit.
  - C. The name, address, telephone number and date of birth of all owners of the rental housing property.
  - D. The name, local address and telephone number of a responsible local agent who does not reside or have a principal office located within 30 miles of the housing unit signed by both the owner and the local agent. The Local Agent shall be authorized to accept service of all notices from the City.
  - E. Name, telephone number and date of birth of tenant.

A post office box alone is not an acceptable address.

5. All property owners shall promptly notify the city clerk of any changes in the owner's or the local agent's name, address or telephone number.
6. All property owners shall promptly notify the city clerk whenever a rental housing unit is rented or leased to new tenants and whenever there is a turnover of a majority of the tenants since the last inspection of the rental unit, so that another inspection can be scheduled.

## B. INSPECTIONS

1. The City of Luna Pier authorizes the following persons, agencies and/or firms to conduct rental housing inspections: the building officials, blight enforcement officers, other city employees, and such public or private agencies and companies as are designated in writing from time to time by the mayor and council.
2. The inspectors shall inspect the units of rental housing for compliance with the attached Rental Housing Inspection Checklist, or such other checklist as is approved by the city council from time to time.
3. The Frequency of Inspections:
  - a. Units of rental housing will typically be inspected every two (2) years, except as provided herein.
  - b. Units shall also be inspected prior to the sale of a rental unit.
  - c. Units shall be inspected before a unit is rented or leased to new tenants and whenever there is a turnover of a majority of the tenants in the rental unit.

- d. The frequency of inspections of any particular unit of rental housing may be varied, based upon the following factors:
    - i. Geographical area inspected simultaneously or within short period of time;
    - ii. Complaints
    - iii. Percentage of units inspected
    - iv. Recurrent or uncorrected violations
    - v. History of compliance
  - e. The interval between inspections shall not exceed two (2) years, except as provided in sub-paragraph f.
  - f. If the last inspection found no violations, the tenants have not turned over and the building has not been sold in the interim, the interval between inspections may be longer, but shall not exceed four (4) years.
4. A Certificate of Compliance shall be promptly issued if the inspector determines that the rental housing unit substantially complies with the Rental Housing Inspection Checklist. Any items not compliant with the checklist shall have completion dates set forth on the report, as determined by the inspector, not to exceed 60 days.

#### C. ACCOMMODATION BY PROPERTY OWNERS

A property owner shall:

1. Provide the inspector access to the leasehold if the lease provides the owner a right of entry.
2. Provide access to areas other than a leasehold or areas open to public view, or both.
3. Notify a tenant of the inspector's request to inspect a leasehold, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a leasehold after an inspector has requested to inspect that leasehold, an owner of the leasehold shall promptly notify the inspector of that fact and provide for the inspection.
4. Provide prompt access to the leasehold if a tenant of that leasehold has made a complaint to an enforcing agency.
5. Pay a registration fee in the amount established by the city council from time to time. The fee shall be paid to the city clerk at the time of each registration and re-registration.
6. Pay an inspection fee in the amount established by the city council from time to time. The fee shall be paid to the city clerk prior to each scheduled inspection.
7. Pay a re-inspection fee in the amount established by the city council from time to time, for a new tenant.

**D. AUTHORITY OF OFFICIALS, EMPLOYEES AND INSPECTORS.**

The mayor and city council are hereby authorized to revise the Rental Housing Inspection Checklist from time to time to fulfill the purposes of this ordinance and to protect the public health and welfare of city residents and property owners.

The mayor and city council are hereby authorized to designate in writing the city officials, employees, public or private agencies, firms or companies authorized to conduct rental housing inspections.

All city officials and employees of the city are authorized to notify the rental housing inspectors if they become aware of any unregistered rental housing unit, other residences not occupied by the owner, or residences for which the tax bill is sent to an address other than the address of the subject property.

The city treasurer, clerk and inspectors are authorized to notify property owners of the necessity to register all rental housing units.

Rental housing inspectors are authorized to:

1. Inspect for compliance with the attached Rental Housing Inspection Checklist or such other checklist as is approved by city council.
2. Exercise reasonable discretion in interpreting and applying the checklist in order to protect health and safety, improve the dwellings available, avoid unreasonable costs to property owners, and recognize the historic nature of many residences in the City of Luna Pier.
3. Issue Certificates of Compliance.
4. Report possible violations of building, zoning, blight and other municipal ordinances to the appropriate enforcement officers and employees

**SECTION 4.**

**A. PROHIBITED ACTS.**

1. It shall be unlawful for any person to fail to register a rental housing unit whenever required by Section 3 of this ordinance.
2. It shall be unlawful for any property owner to lease or rent a rental housing unit that does not have a valid certificate of compliance.
3. It shall be unlawful for any property owner to fail to accommodate an inspection as required by Section 3 of this ordinance.
4. It shall be unlawful for any property owner to fail to pay a registration fee or an inspection fee or both. Any registration or inspection fee that remains unpaid for 45 days shall also become a lien on the property and shall be collected in the same manner as a tax levied on the property.
5. No property owner, tenant or other person shall interfere with an inspection conducted by an authorized inspector who has given reasonable notice of a planned inspection.

6. It shall be unlawful to occupy any rental housing unit that does not have a current certificate of compliance.

**B. PENALTY.**

1. *Penalty; civil infraction.* Except as otherwise provided in this section, a person who commits any of these violations, which may either be the owner or occupants, or both such owner and occupant, is responsible for a municipal civil infraction as defined in Michigan law, and may be issued a municipal civil infraction citation and be subject to a civil fine determined by Resolution of the Luna Pier City Council. Each such act which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate misdemeanor violation of this section.
2. *Penalty; misdemeanor.* Upon failure, neglect, or refusal of any person to comply with the provisions of this Ordinance, Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment for not more than ninety (90) days or both, in the discretion of the court. Each day that a violation continues is a separate offense that is subject to a separate penalty. Property owners shall also be responsible for all legal fees incurred by the City to enforce the provisions of this ordinance. Any unpaid fines and costs shall become a lien on the property and be collected as provided by law.

**SECTION 5.**

**EXCLUSIONS.**

This Ordinance shall not apply to the following properties:

- A. Hotels or motels licensed and inspected by the State of Michigan;
- B. Multiple-unit apartment complexes that are under the jurisdiction of, or that have a financial obligation to a State or Federal agency such as the Michigan State Housing Development Authority or the US Department of Housing and Urban Development. The foregoing exception does not apply to dwellings subject to the Michigan State Housing Development Authority Section 8 inspections performed by the State because the resident(s) qualify for assistance from the State; and
- C. Houses occupied by the owner and one or two roommates who share costs, or who pay rent, room-and-board, utilities or other consideration to or for the owner.
- D. Properties rented on a weekly or monthly basis shall be inspected annually or at the discretion of the enforcement official.

**SECTION 6.**

REPEAL.

Any and all other ordinances, resolution and parts thereof in conflict with this ordinance are hereby repealed.

**SECTION 7.**

SEVERABILITY.

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 8.**

SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

**SECTION 9.**

EFFECTIVE DATE.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Luna Pier, Luna Pier, Michigan held on the 12th day of September 2013.

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Crystal Manley, Deputy Clerk

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30 Day Waiting Period Effective Date: October 14, 2013