

# VILLAGE OF DECATUR

## ORDINANCE NO. 2019-003

**TO PROVIDE FOR THE ANNUAL LICENSING OF RENTAL HOUSING WITHIN THE VILLAGE OF DECATUR AND TO CREATE A PROCEDURE FOR THE PROCUREMENT OF SUCH LICENSES; TO CREATE CERTAIN CONDITIONS FOR THE ISSUANCE OF THE LICENSE RELATING TO ITS DURATION, TO THE PROHIBITION OF UNLICENSED RENTAL HOUSING, TO PROVIDE FOR THE REVOCATION OF LICENSES FOR NONCOMPLIANCE OF THIS ORDINANCE; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.**

**THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

### **SECTION 1: TITLE.**

This Ordinance shall be known and may be cited as the Village of Decatur Rental Housing Licensing Ordinance.

### **SECTION 2: DEFINITIONS.**

The following definitions shall apply to the terms used in the provisions of this Ordinance:

- A. **AGENT.** For the purposes of this article, the responsible local agent shall be an individual person who represents the owner, a real estate holding company, corporation, partnership or other legal entity and must have a place of residence in the state within 50 miles of the Village limits. The responsible local agent shall be designated by the owner as legally responsible for operating such premises in compliance with all the provisions of the Village codes and Ordinances. The owner may act as the responsible local agent, provided he or she resides in the state and within 50 miles of the Village limits. All official notices of the Village may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record.
- B. **BUILDING OFFICIAL.** The Chief Inspector of the Village or authorized representative or other designated authority charged with the administration and enforcement of the building code.
- C. **BOARDING HOUSE.** A building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods), for compensation, for three (3) or more, but not exceed twelve (12) individuals. Such lodging house or boarding house shall not be open to transient guest, in contradistinction to a hotel as is herein defined.
- D. **CODE.** The International Property Maintenance Code, published by the International Code Council, Inc., or any other property maintenance code subsequently adopted by the Village Council of the Village of Decatur, Michigan.
- E. **DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit for the purpose of this Ordinance shall also include the individual sleeping rooms or group of rooms of an apartment building, bed & breakfast building, hotel, or motel to be occupied by a person or family. Each room or group of rooms so occupied or to be occupied shall constitute a separate dwelling unit.
- F. **IMMEDIATE FAMILY MEMBER.** Any person who is the owner or the owner's current spouse, parent or grandparent, child or grandchild, brother or sister, mother-in-law or father-in-law, brother-in-law or sister-in-law, daughter-in-law or son-in-law, nieces or nephews, aunts or uncles. Adopted, half, and step members are also included in immediate family. Any other relative not mentioned in this definition is not considered immediate family.
- G. **OWNER.** Any person, agent, operator, firm, limited liability company or corporation having a legal or equitable interest in the property; or recorded in the official records of the County as holding title to the property; or

otherwise having control of the property, including the guardian/conservator of the estate of any person, or the personal representative of the estate of a deceased individual.

- H. PARCEL. A separately described piece of land or a lot to which a property tax number applies.
- I. RENT. Includes let, lease, barter or any other arrangement whereby one person pays a consideration to another for the privilege of residing in a residential rental unit for any period.
- J. RESIDENTIAL RENTAL UNIT. All dwellings, dwelling units, or mobile homes which are leased or otherwise made available for rental purposes except:
  - 1. Hotels, motels, and bed-and-breakfast establishments.
  - 2. Dwelling units required to be occupied by an employee or agent of an owner as the condition of employment (i.e., parsonages).
  - 3. Any dwellings, dwelling units, or mobile homes which the State of Michigan has exclusive authority under State Law to inspect and regulate.
  - 4. The principal residence of the owner which is temporarily rented or occupied by persons other than the owner for not more than six (6) months of a calendar year.
  - 5. A dwelling house sold on a "land contract", if, within 30 days of its execution, (1) the land contract or memorandum of the land contract is filed with the Van Buren County Register of Deeds, and (2) a copy of the land contract or memorandum of land contract is provided to the Village.
  - 6. Any residential rental unit that is occupied by an immediate family member, without the owner occupying the residence, shall be registered with the Village of Decatur, indicating that an immediate family member is occupying the residence. Documentation shall be provided to the Village providing proof that the occupant is an immediate family member. Documentation shall consist of a copy of a recent photo identification of the occupant, along with a signed affidavit by both the occupant and owner that the occupant is an immediate family member. The occupant's name, date of birth, telephone number, and relationship to the owner shall be listed on the affidavit. A residence occupied by an immediate family member shall be exempt from the Rental License Process and Fee, provided that the residential rental unit is furnished for no rent.

### **SECTION 3: PURPOSE.**

The purpose of this Ordinance is to protect, preserve and promote the public health, safety and general welfare of the residents of the Village of Decatur, Michigan, and inhabitants in residential rental units; and to encourage the maintenance of residential rental units by requiring the licensure and inspection of same to insure compliance of said residential rental units with any property maintenance or existing structures code in effect and adopted by the Village of Decatur, Michigan at the time of said inspection. This Ordinance is adopted pursuant to the authority provided in MCL 125.525 et seq.

### **SECTION 4: LICENSE REQUIRED.**

- A. No person shall operate a residential rental unit containing one (1), two (2), or more dwelling units, multi-family dwellings, boarding house and other structures which are leased or ready for lease to the public unless that person first obtains a license as provided under the provisions of this Ordinance. The license issued under this Ordinance shall be effective through December 31<sup>st</sup> of the year in which it was issued.
- B. All owners and/or agents thereof shall license all residential rental units on forms provided by the Village of Decatur, Michigan, which registration shall include the following information:
  - 1. The address of the parcel of land upon which a residential rental unit is situated, and its property tax identification number.

2. The name, address and telephone number of the owner of such dwelling unit.
  3. The name, address and telephone number of the local agent or manager charged with collecting rent and/or maintaining the residential rental unit.
  4. The number and types of units within the rental property (dwelling units or sleeping rooms).
  5. Name(s) of current tenant.
- D. Residential rental units required to be licensed pursuant to this Ordinance shall comply with the following:
1. All owners and/or agents of existing residential rental units shall file the annual Rental Housing License Application by January 15<sup>th</sup> of the effective year of the license.
  2. All newly constructed residential rental units shall be licensed prior to the issuance of the certificate of occupancy by the Village.
  3. A residential rental unit(s) which is sold, transferred, or conveyed shall be relicensed by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance with the Village. All documents of conveyance, including land contracts, shall be recorded with the Van Buren County Register of Deeds Office and a copy of the same or a memorandum of land contract shall be provided to the Village.
  4. All existing nonrental dwellings which are converted to residential rental units shall be licensed, inspected, and certified prior to the date on which the property is first occupied for rental purposes.

#### **SECTION 5: COMPLIANCE WITH ORDINANCES.**

No license to operate a rental unit shall be issued unless the residential rental unit, complies with all the Ordinances and codes of the Village.

#### **SECTION 6: VIOLATIONS.**

Operation of a residential rental unit without a license as provided under this Ordinance shall be a violation of this Ordinance.

#### **SECTION 7: INSPECTIONS.**

Residential rental units shall be inspected to ensure compliance of said residential rental units with the International Property Maintenance Code, or any other property maintenance code subsequently adopted by the Village Council of the Village of Decatur, Michigan, or any rules, regulations, laws or housing codes of the State of Michigan. Where six (6) or fewer residential rental units exist upon any given parcel, same shall be inspected by the Building Official annually. Where more than six (6) residential rental units exist upon any given parcel a minimum of seven (7) dwelling units, plus ten percent (10%) of the dwelling units over six (6), shall be inspected by the Building Official every year. For regular scheduled inspections as hereinbefore provided, the Building Official shall give written notice of the date and time of said inspection to the owner or local agent, mailed by first class mail, on or before ten (10) days prior to said inspection date. In addition, said Building Official shall inspect residential rental units, upon reasonable notice as required in any property maintenance code adopted by the Village Council of the Village of Decatur, under any of the following circumstances:

1. Upon receipt of a written, executed, and dated complaint based upon the personal knowledge of an owner, occupant, or other individual, that the premises are in violation of this Ordinance.
2. Upon receipt of a written report or complaint, or a referral from the police department, or other public agencies or departments, indicating that the premises is in violation of this Ordinance.
3. If an exterior survey of the parcel gives the Building Official probable cause to believe that the residential rental units are in violation of this Ordinance.

4. Upon receipt of information by the Building Official that a residential rental unit is not registered with the Village of Decatur, Michigan as required by this Ordinance.

#### **SECTION 8: ISSUANCE OF CERTIFICATE OF COMPLIANCE.**

After the initial inspection, if the residential rental unit is found to be in compliance with the rules, regulations, laws, and Ordinances of the Village of Decatur, Michigan, and/or the State of Michigan, the Building Official shall issue a Certificate of Compliance in the name of the owner.

#### **SECTION 9: PROCEDURE WHERE INSPECTION DISCLOSES VIOLATION(S).**

- A. Where an inspection by the Building Official discloses a violation of the International Property Maintenance Code or any other property maintenance code adopted by the Village Council of the Village of Decatur, Michigan, or the rules, regulations and laws or housing codes of the State of Michigan, the Building Official shall issue all necessary notices as provided in said code(s) to insure compliance with said codes' requirements.
- B. A temporary Certificate of Compliance may be issued when any violation does not constitute a hazard to the health or safety of those who may occupy the premises. Said temporary Certificate of Compliance may be revoked by the Building Official if the owner or his agent fails to correct the noted violation(s).
- C. No residential rental unit shall be occupied unless a Certificate of Compliance has been issued by the Building Official.
- D. In the event the owner or his agent is in the process of evicting an occupant and/or tenant from a residential rental unit which is in violation of the aforesaid Ordinance and laws, then and in such an event, the owner thereof shall have a reasonable time to correct said violation after the eviction is completed, and said owner or his agent shall promptly notify the Building Official of the completion of said eviction.

#### **SECTION 9: FEES.**

Residential rental unit licensing rates and charges shall be as set by resolution of the Village Council from time to time. The owner shall be responsible for notifying the Village of any change of address of either the owner or the responsible local agent.

- A. In the event that an occupant of a residential rental unit or a private individual shall make a written complaint concerning a violation at a residential rental unit, the Village of Decatur, at its discretion, may require an inspection deposit in the amount of the anticipated inspection fee from said occupant or private individual. If the inspection, which was made as a result of said complaint, discloses no legitimate violation, then and in such an event the individual making such complaint shall be liable to the Village of Decatur for the aforesaid inspection fee, and said deposit shall be applied thereto, otherwise said deposit shall be refunded.
- B. The Village of Decatur shall not release any information regarding the name address, or telephone number of any person who makes a written complaint concerning a violation at a residential rental unit, except: (a) by consent of the complainant; (b) pursuant to the Freedom of Information Act; or (c) by Court Order.

#### **SECTION 10: REPEAL.**

Ordinance # 150, any amendments to Ordinance #150, and any Ordinance in conflict with the provisions of this Ordinance are hereby repealed.

#### **SECTION 11: SEVERABILITY.**

Sections of this Ordinance shall be deemed severable and should any Section, clause, or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**SECTION 12: VIOLATION.**

A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction subject to a Civil Fine not exceeding \$500.00, plus any costs, damages, expenses or other sanctions as authorized. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

**SECTION 13: EFFECTIVE DATE.**

The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1<sup>st</sup> of October 2019. Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 9<sup>th</sup> day of September, 2019.

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 Ali Elwaer, Village President

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 Kimberly Babcock, Village Clerk & Treasurer

STATE OF MICHIGAN            )  
  ) ss.  
COUNTY OF VAN BUREN        )

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a Regular Village Council meeting duly held on the 9<sup>th</sup> day of September 2019, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the \_\_\_\_\_ day of September, 2019.

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 Kimberly Babcock, Village Clerk & Treasurer