

**CITY COMMISSION
CITY OF KENTWOOD
KENT COUNTY, MICHIGAN**

Commissioner Brinks, supported by Commissioner Coughlin, moved the adoption of the following ordinance:

ORDINANCE NO. 20-06

**AN ORDINANCE TO AMEND SECTIONS 74-71 THROUGH 74-74, AND
ADOPT SECTION 74-75 THROUGH 74-79, INCLUSIVE, TO ARTICLE 3,
CHAPTER 74 OF THE CODE OF ORDINANCES, CITY OF KENTWOOD,
MICHIGAN, ENTITLED "RENTAL DWELLING INSPECTION PROGRAM"**

THE CITY OF KENTWOOD ORDAINS:

Section 1. Amending Sections 74-71 through 74-74, Article 3, Chapter 74, of the Code of Ordinances, City of Kentwood, Michigan.

Sections 74-71 through 74-74, Article 3, Chapter 74, of the Code of Ordinances, City of Kentwood, Michigan, are hereby amended to read as follows:

ARTICLE 3 RENTAL DWELLING INSPECTION PROGRAM

Sec. 74-71. Findings and Purpose.

The City Commission finds that there are rental dwellings in the City which have become deteriorated to the extent that they no longer provide safe, secure and sanitary living quarters. The City Commission also finds that the elimination and prevention of the conditions such as those outlined in this article are necessary and in the best interest of the City and its citizens. The City Commission recognizes a compelling interest in establishing standards for the maintenance and occupancy of sanitary and safe rental dwellings within the City. Such standards are an important factor supportive of the general health, safety and welfare of all of its citizens. This article is designed to promote the continuing maintenance of quality and safe rental dwellings, and to maintain and enhance property values. To accomplish these goals, it is the intention of the City Commission to exercise its full powers to protect the public health, safety and welfare, whether the powers exercised are derived from the constitution, state law or the City Charter.

Sec. 74-72. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

- (a) *Agent*: Any person authorized by the owner who has charge, care or control of a rental dwelling or rental unit which is let or offered for occupancy. The owner must officially notify the City of any agent authorized to act on his

behalf. The owner may authorize a tenant to act as agent for a rental dwelling or rental unit.

- (b) *Applicable Codes*: The current fire prevention, building and property maintenance codes adopted by the City, including definitions and applicable terms, and other city ordinances.
- (c) *Building Official*: The director of the inspections department or his authorized representatives, who are certified by the state as building officials or building inspectors.
- (d) *Let for Occupancy or Let*: 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.
- (e) *Occupancy*: The purpose for which a dwelling unit is utilized or occupied.
- (f) *Occupant*: Any individual living or sleeping in a dwelling unit or having possession of a space within a rental unit.
- (g) *Owner*: Any person or legal entity having an equitable interest in a rental dwelling; or recorded in the official records of the county or City 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.
- (h) *Rental Dwelling*: 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*: A dwelling let for occupancy or let as a single housekeeping unit by a single family or functional family, as defined in the City of Kentwood Zoning Ordinance, Chapter 2, Section 2.02.F, as amended.
 - (2) *Multiple-family Rental Dwelling*: A dwelling let for occupancy or let containing 2 or more rental units, each unit occupied as a single housekeeping unit by a single family or functional family, as defined in the City of Kentwood Zoning Ordinance, Chapter 2, Section 2.02.F, as amended.
- (i) *Rental Unit*: A single housekeeping unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Sec. 74-73. 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 City, including definitions and applicable terms, and other city ordinances.

- (c) This article does not apply to jails, hospitals, skilled care facilities, schools, 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.
- (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. 74-74. Rental Registry.

- (a) Owners shall provide to the City in writing the information described in this section for the purpose of establishing and maintaining a rental registry. The City shall maintain a registry of all rental dwellings and rental units, upon such form as may be prescribed by the building official containing, at a minimum, the following information:
 - (1) Rental dwelling and rental unit address.
 - (2) Rental dwelling parcel number.
 - (3) Number and type of rental units in the rental dwelling.
 - (4) Name and address of the owner. In a case in which the owner is not an individual, the owner information shall be that of the president, general manager or other chief executive officer of the entity.
 - (5) Name and address of the agent designated by the owner.
 - (6) Address and telephone number of the owner and/or agent responsible to accept notices and calls from the City. A local agent for every rental unit is required if an owner does not reside in Kent County or any adjoining county. The owner is required to notify the City of the identity and contact information of the designated agent.
- (b) It is a violation of this article for an owner to provide inaccurate information for the rental registry or fail to provide information required by the City for the rental registry.
- (c) Upon adoption of Ordinance No. 20-06 to amend this article, owners shall comply with the following rental registry requirements:
 - (1) All existing rental dwellings, including those currently not registered with the City, shall register within ninety (90) days of this article.
 - (2) All newly constructed rental dwellings shall register and receive a Certificate of Compliance prior to any use or occupancy as a rental dwelling.
 - (3) All existing non-rental structures which are converted to rental dwellings shall register and receive a Certificate of Compliance prior to any use or occupancy as a rental dwelling.
 - (4) Any change in the information required by this section shall be communicated in writing to the City within thirty (30) days of the change.
- (d) Subsequent to the registration of a rental dwelling, the building official shall schedule an initial compliance inspection as outlined in Section 74-76.

Section 2. Adopting Sections 74-75 through 74-79, Article 3, Chapter 74, of the Code of Ordinances, City of Kentwood, Michigan.

Sections 74-75 through 74-79, Article 3, Chapter 74, of the Code of Ordinances, City of Kentwood, Michigan, are hereby adopted to read as follows:

Sec. 74-75. Certificate of Compliance.

- (a) No owner or agent shall let a rental dwelling unless there is a valid Certificate of Compliance issued by the City in the name of the owner or agent for that rental dwelling. The City will issue a 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 delinquent bills or liabilities to the City as required by Section 2-1 of the City Code, including all fees as required by this article.
- (c) A Certificate of Compliance shall be valid in accordance with the following guidelines:
 - (1) A Certificate of Compliance for multiple-family dwellings with more than two (2) rental units shall be valid for a period of two (2) years. The building official may inspect only a portion of the rental units in a multiple-family rental dwelling with more than two (2) rental units in order to issue a Certificate of Compliance, at the discretion of the building official. A fee will be assessed only for those rental units that are inspected.
 - (2) A Certificate of Compliance for a single-family dwelling or multiple-family dwelling with two (2) rental units may be valid for two (2) to four (4) years. The period of validity shall be determined in accordance with the following guidelines:
 - (i.) A three (3) or four (4) year Certificate of Compliance may be granted by the City only if there are no substantial violations found in the current compliance inspection and no verified substantial violations have been recorded against the current owner since the prior certificate was issued. A newly constructed rental dwelling may be issued a four (4) year Certificate of Compliance.
 - (ii.) A two (2) year Certificate of Compliance shall be issued for all other dwellings after all cited violations have been corrected.
 - (3) A three (3) to four (4) year Certificate of Compliance shall be amended to expire two years from the date of original issuance if the City has cited a substantial violation of the provisions of this article. If the amendment results in an expired Certificate of Compliance, a complete compliance inspection will occur and a new two (2) year Certificate of Compliance issued after all cited violations have been corrected.

- (d) A Certificate of Compliance, revoked for cause, will render the rental dwelling or rental unit unfit for human habitation. A Certificate of Compliance will be reinstated when a rental dwelling or rental unit is brought into compliance with applicable codes.

Sec. 74-76. Compliance Inspection.

- (a) *Initial compliance inspections* shall be scheduled by the building official subsequent to the registration of a rental dwelling as follows:
 - (1) All newly constructed rental dwellings and rental units shall be scheduled for an initial compliance inspection at the time the building is scheduled for a final inspection to obtain a Certificate of Occupancy as required under the building code.
 - (2) All existing non-rental structures which are converted to rental dwellings and rental units shall be scheduled for an initial compliance inspection within thirty (30) days of submitting the rental registry information.
 - (3) All multiple-family rental dwellings and rental units that were not registered with the City prior to the adoption of Ordinance 20-06 shall be scheduled for an initial compliance inspection within sixty (60) days of submitting the rental registry information.
 - (4) All single-family rental dwellings that were not registered with the City prior to the adoption of Ordinance 20-06 shall be scheduled for an initial compliance inspection within one (1) year of submitting the rental registry information.
- (b) *Periodic compliance inspections* shall be scheduled by the building official for registered rental dwellings and rental units prior to the expiration of the existing Certificate of Compliance as outlined in Section 74-75. Failure of the building official to conduct a periodic compliance inspection prior to the expiration of a Certificate of Compliance, which failure is not due to any actions of the owner, agent or tenant, shall result in the owner or agent being permitted to let for occupancy the rental dwellings and rental units until the building official has conducted an inspection.
- (c) *Non-periodic compliance inspections* will be scheduled as soon as practical by the building 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 City Department, public or private school or other public agency.
 - (3) Upon receipt of knowledge that a rental dwelling is not registered with the City 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 official is unable to schedule an inspection due to the owners 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 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 building officials as follows:

(1) The building 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 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 official is authorized to pursue administrative warrants or pursue other recourse as provided by law.

(2) The owner or agent must accompany the building 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 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 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 City may revoke a Certificate of Compliance if a rental dwelling or rental unit fails any inspection.

Sec. 74-77. Penalties.

(a) Any violation of this article shall be a municipal civil infraction and shall be subject to such fines, costs and other relief as provided for in Section 1-7 of the City Code.

(b) 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 an 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.

Sec. 74-78. Fees.

- (a) The owner of a rental dwelling and rental unit will be assessed a fee for compliance inspections and re-inspections as required in this article. The fees will be in an amount as specified by resolution adopted by the City Commission.
- (b) A fee shall be assessed to cover the City's cost of handling an appeal as allowed in this article. That fee shall be waived if the Service Committee of the City Commission finds in favor of the appellant.
- (c) If the rental dwelling or rental unit that undergoes a non-periodic compliance inspection passes the inspection, the fee shall be waived for the inspection.
- (d) Fees as established by the City shall be paid prior to the issuance of a Certificate of Compliance.

Sec. 74-79. Appeal.

(a) Appeal Procedure.

- (1) Any owner aggrieved by a notice of violation which has been issued under this article may request and shall be granted a hearing on the matter before the Service Committee of the City Commission. The aggrieved person shall file a written appeal to the building official requesting the hearing. The appeal shall include the name, address and phone number of the appellant and a brief statement on the grounds for the appeal.
- (2) An application for appeal shall be accompanied by a fee.
- (3) The appeal must be filed within 21 days after the day the notice of the violation is served. Failure to file the written notice of appeal within the 21 day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of the violation. Upon timely receipt of an appeal, the building official shall set a time for a hearing before the Service Committee of the City Commission and shall give the appellant notice of the date, time and location for the hearing.

(b) Hearings.

- (1) Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn. A building official shall be given opportunity to provide information relative to and supportive of charging the violation.
- (2) The Service Committee of the City Commission, acting as the appeal board for this article, shall meet in a fixed place and all meetings shall be open to the public. The City Clerk shall keep a record of the proceedings, showing the actions of the Committee.
- (3) After a hearing, the Service Committee of the City Commission acting as the appeal board for this article, may sustain, modify or withdraw the notice of violation depending on its findings. In

rendering these determinations, the powers of the Committee shall be limited to making interpretation of the provisions of this article and applicable codes, to the applicability of its specific provisions to the specific case being heard, and to granting exemptions to the provisions of this article. In granting exemptions, the Committee shall be allowed to grant an exemption if it clearly appears that, by reason of special condition, undue hardship not self-created would result from strict application of any section of the article.

(c) The decision of the Service Committee of the City Commission acting as the appeal board for this article shall be final.

Secs. 74-80--74-100. Reserved.

Section 3. Conflicts with City Ordinances.

If any provision hereof conflicts with any provisions of any other city ordinance, the most restrictive ordinance shall control.

Section 4. Effective Date.

This ordinance shall become effective ten (10) days after its publication.

YEAS: Commissioners: Brinks, Brown, Clanton, Coughlin, Cummings, Raha
and Mayor Root.

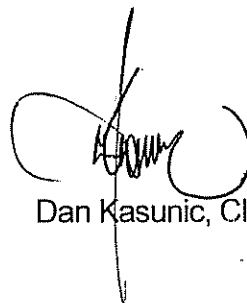
NAYS: None.

ABSENT: None.

ORDINANCE NO. 20-06 ADOPTED



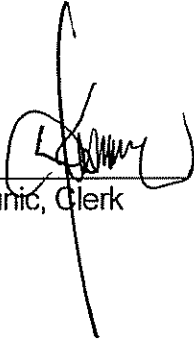
Richard L. Root, Mayor



Dan Kasunic, Clerk

CERTIFICATION

I, Dan Kasunic, the Clerk of the City of Kentwood, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City commission of the City of Kentwood at a properly noticed regular meeting held on December 19, 2006.

A handwritten signature in black ink, appearing to read 'Dan Kasunic', is written over a horizontal line. The signature is stylized and somewhat cursive.

Dan Kasunic, Clerk