

CITY OF ROCKWOOD

ORDINANCE NO. 507

AN ORDINANCE TO AMEND CHAPTER 109, ARTICLE III OF THE ROCKWOOD CITY CODE TO ADD NEW SECTIONS 109-201 THROUGH 109-214 CONCERNING RENTAL PROPERTY REGISTRATION

Section 1. The City of Rockwood ordains that Chapter 109, Article III, Sections 109-201 through 109-214 are hereby added to the Rockwood City Code to provide as follows:

“ARTICLE III. RENTAL PROPERTY REGISTRATION

§ 109-201 Scope.

The provisions of this article shall apply to all existing properties and structures.

§ 109-202 Purpose.

The purpose of establishing a registration process for rental properties is to provide requirements for responsible parties to implement a rental property maintenance plan for such properties which will protect the public health, safety and general welfare of the citizens and prevent neighborhood blight, ensure properties are secured, prevent deterioration, and protect property values and neighborhood integrity.

§ 109-203 Definitions.

As used in this article, the following terms shall have the following meanings respectively ascribed to them in this section:

Certificate of compliance means a certificate issued by the building department which certifies compliance with the provisions of the codes and ordinances of the city for each rental dwelling and rental unit. A certificate of compliance shall be valid for three-year from the date of registration unless the property is sold or transferred. A new inspection and a new certificate of compliance shall be required each year and prior to the sale or transfer of a rental dwelling or a rental unit.

Lease means any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of rental dwellings or rental units.

New rental dwelling means any structure, building or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence or sleeping unit that has never been occupied as such and is not owner occupied. This definition includes, but

is not limited to, one- and two-family dwellings, multiple dwellings, apartment units, boarding houses, rooming houses, hotels, motels and flats.

Notice of violation means a notice issued to the owner or responsible local agent stating that there has been a violation of a provision of this article or any other applicable codes, ordinances, rules or regulations concerning said premises. Service of violation notices, other notices, and tickets shall be by first class mail to the address as furnished under section 109-205.

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

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

Premises means any lot or piece of land inclusive of the rental dwelling or rental unit.

Rental dwelling means any structure, building or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence or sleeping unit and is not owner occupied. This definition includes without limitation one- and two-family dwellings, multiple dwellings, apartment units, boarding houses, rooming houses, hotels, motels and flats.

Rental unit means any one area, room, structure, flat, apartment, or facility of a rental dwelling that is being leased or rented to a tenant, group of tenants, or family under one lease and is not owner occupied.

§ 109-204 Registration required.

The owner of any rental dwelling or rental unit shall register each rental dwelling and all rental units contained within the rental dwelling with the city and shall designate a person, as defined in section 109-207, as the responsible local agent who shall be legally responsible for operating the registered rental dwelling or rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to ensure compliance with the terms of this article and all applicable codes and ordinances adopted by the city. A "Certificate of Compliance" shall not be issued if the registration provisions of this article are not complied with.

§ 109-205 Registration forms and fee.

- (a) Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the building department and shall include at least the following information:
 - (1) The name and address of applicant.
 - (2) The names, addresses, and a copy of a valid driver's license or state identification card of all owners of the rental dwelling. No post office box addresses shall be accepted.
 - (3) The name, local address and telephone number of the responsible local agent as well as a copy of his or her current driver's license or state identification card.

- (4) The number of rental units in each rental dwelling and the address of the rental dwelling and each rental unit.
 - (5) The authorization appointing a responsible local agent signed by both the owner and the responsible local agent.
- (b) Inspection fees shall be set by city council resolution from time to time.

§ 109-206 Registration term and renewal.

Registration shall be made prior to the use or occupancy of any rental dwelling or rental unit. The term of the registration shall be valid for the duration of the certificate of compliance. Any new owner shall register in accordance with section 109-204 and apply to have a new certificate of compliance for each rental dwelling and rental unit within twenty (20) days of the date of the transfer of ownership.

§ 109-207 Responsible local agent.

The responsible local agent shall be a person or representative of a corporation, company, partnership, firm, joint venture, trust, association, organization, or other entity, having his or her place of residence in the State of Michigan within a one hundred (100) mile radius of the City of Rockwood, and shall be designated by the owner as responsible for operating such premises in compliance with all the provisions of the city codes and ordinances. The owner may act as the responsible local agent provided that he/she resides in the State of Michigan and within a one hundred (100) mile radius of the city. All official notices and tickets of the city may be issued to the responsible local agent, and any notice and ticket so issued shall be deemed to have been issued to the owner of record.

§ 109-208 Transfer of ownership.

Before a rental dwelling or rental unit can be transferred, conveyed, leased, or sold, including by land contract, a new inspection shall be required. The inspection fee will follow the same guidelines as stated in section 109-210. It shall be unlawful for the owner of any rental dwelling or rental unit who has received a notice of violation or ticket to transfer, convey, lease, or sell, including by land contract, his/her ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee or transferee a true copy of any and all notices of violation and tickets and shall have furnished to the building official a signed and notarized statement from the grantee or transferee acknowledging the receipt of the same.

§ 109-209 Certificate of compliance required.

- (a) No person shall lease, rent or cause to be occupied a rental dwelling or rental unit unless there is a valid certificate of compliance issued by the city's building department to the owner or responsible local agent and issued for the specific rental dwelling and rental unit. The certificate shall be displayed in a conspicuous place in each rental dwelling and rental unit at all times or in a common area shared by all occupants of a rental dwelling and rental unit. The certificate shall be issued after making application with the building department and an inspection by the building

inspector. An inspection report shall be completed by the inspectors after completing the inspection of the property. The report shall note all violations found in the dwelling.

- (b) Before a certificate of compliance is issued, all violations must be corrected by the property owner or responsible local agent and then inspected and approved by the appropriate city personnel. For each occupied rental dwelling and rental unit, the owner or responsible local agent shall complete all repairs denoted in any inspection report and schedule a re-inspection of the same within thirty (30) days of the issue date of each inspection report, unless the inspector deems something to be a dangerous condition requiring repair within a shorter time.
- (c) A certificate of compliance is valid for one year from the date of registration provided that each rental dwelling and rental unit remains in compliance with all applicable codes and ordinances and are not sold or transferred.
- (d) For a newly constructed or renovated rental dwelling or rental unit, a certificate of compliance shall be issued simultaneously with the certificate of occupancy, and shall remain valid for only one year provided that the rental dwelling and rental units remain in compliance with all the applicable codes and ordinances and are not sold or transferred.
- (e) When a rental dwelling or rental unit is sold or transferred to a new owner not previously named as an owner of the premises in any certificate of compliance issued by the city, a new inspection and a new certificate of compliance shall be required. The inspection fees will follow the same guidelines as stated in section 109-210.
- (f) Except as provided in subsection (g), the City, inspector, or team of inspectors, shall request and receive permission to enter before entering a rental dwelling or rental unit regulated by this section at reasonable hours to undertake an inspection. In the case of an emergency, or upon presentment of a warrant, the building department, inspector or team of inspectors, may enter at any time.
- (g) The City, inspector, or team of inspectors, may require the owner of a rental dwelling or rental unit to do one or more of the following:
 - (1) Provide the director, inspector, or team of inspectors, access to the rental dwelling or rental unit if the lease provides the owner a right of entry.
 - (2) Provide access to areas other than a rental dwelling or rental unit or areas open to public view, or both.
 - (3) Notify a tenant of the City's request to inspect a rental dwelling or rental unit, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a rental dwelling or rental unit after the City has requested to inspect the premises, an owner of the rental dwelling or rental unit shall notify the City of that fact within ten days after the rental dwelling or rental unit is vacated, and shall not re-rent the premises until an inspection of the rental dwelling or rental unit is made by the City, inspector, or team of inspectors.
 - (4) Provide access to the rental dwelling or rental unit if a tenant of the premises has made a complaint to the City.

- (h) For multiple lessees of a rental dwelling or rental unit, notifying at least one lessee and requesting and obtaining the permission of at least one lessee shall constitute permission for inspection.
- (i) The building department may revoke a certificate of compliance for a violation of any code, ordinance, rule, or regulation of the city. Upon revocation of a certificate of compliance, application for a new certificate of compliance must be made within thirty (30) days of any such revocation in order for the premises to continue to be occupied by any residential tenant.

§ 109-210 Certificate of compliance application form and fee.

- (a) Application for a certificate of compliance shall be made in such form and in accordance with such instructions as may be provided by the building department and shall include at least the following information:
 - (1) Name, address, phone number, and copy of valid driver's license/state identification card of the owner(s).
 - (2) Name, address and phone number of responsible local agent.
 - (3) Address and number of units proposed to be covered under the certificate of compliance.
 - (4) A copy of a furnace certification or passing salt test results for each furnace servicing each rental dwelling and rental unit covered in the application. The test or certification must be current, meaning performed and the certification or test result issued within thirty (30) days of the date the subject application is submitted to the city.
 - (5) A statement that all water bills pertaining to each rental dwelling and rental unit included in the application have been paid or a copy of a payment plan signed and agreed to by the property's owner or responsible local agent and approved by the city.
 - (6) A check or proof of payment of any late fees or fines due to the city for any failure to comply with this article, including but not limited to a one hundred dollar (\$100.00) late fee where a certificate is being applied for after the expiration of the applicant's most recent certificate of compliance.
- (b) The inspection fees for a certificate of compliance for each rental dwelling and rental unit as well as renewal inspection fees shall be adopted by resolution of the council as needed. In addition to the standard fees so adopted, in the event that an inspector is not permitted sufficient access to any premises in order to complete any required inspection at a designated date and time, then the owner or responsible local agent shall be charged seventy-five dollars (\$75.00) for each inspector so denied access, which fee must be paid to the city prior to any rescheduling.
- (c) A copy of the inspection and renewal inspection fees adopted by resolution of the council shall be available in the building department.

§ 109-211 Posting of certificate of compliance.

The following information shall be posted in a conspicuous place either within each rental dwelling and rental unit or in a common area shared by all occupants of a rental dwelling and rental unit:

- (1) A copy of the current certificate of compliance.
- (2) The name, address and telephone number of the responsible local agent.

§ 109-212 Exemption.

The provisions of the rental dwelling and rental unit ordinance concerning registration and inspection shall not apply to senior housing premises that are inspected by any federal agency.

§ 109-213 Violations; penalty.

Any violation of this article shall be a municipal civil infraction. Upon a finding of responsibility for the first offense violation, the penalty shall be a fine not to exceed five hundred dollars (\$500.00). After the second offense committed by a person within any twelve (12) month period, that violation is punishable by a misdemeanor with fines up to five hundred dollars (\$500.00) and/or ninety (90) days in jail. Each day a violation exists shall constitute a separate offense. Each violation for each rental dwelling and rental unit shall constitute a separate offense.

§ 109-214 Lien against property.

If any owner fails to pay any fees required by this article, then the amount due shall accrue interest at the rate of six (6) percent per annum from the date when it becomes due and, when permitted by statute, shall be a lien upon the subject land and premises and collected in the manner fixed by law for the collection of taxes and assessments.”

Section 2. **Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. **Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. **Conflicting Ordinances.** All prior existing ordinances adopted by the City of Rockwood inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. **Time.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

Section 6. **Codification; Scrivener's Errors:**

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

Section 7. **Publication.** The Clerk for the City of Rockwood shall cause this ordinance to be published in the manner required by law.

This ordinance has been approved by the City of Rockwood City Council in a regular meeting held on _____ June 4 _____, 2025, at City Hall at a properly noticed meeting.

AYES _____ Cox, Wasner, Cramton, Mercure, Bennett, Grzywacz, Johnson _____

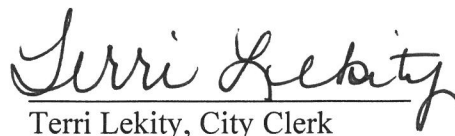
NAYS _____

STATE OF MICHIGAN)

) ss.

COUNTY OF WAYNE)

I, the undersigned, the duly qualified Clerk of the City of Rockwood, Wayne County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution and Ordinance adopted by the Rockwood City Council on the 4th day of _____ June _____, 2025, the original of which is in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of PA 1976, as amended and that the minutes of said meeting will be or have been made available as required by said Act.


Terri Lekity, City Clerk

Dated June 4, 2025