

CITY OF LUDINGTON ORDINANCE NO. 318-15

An ordinance to add Article VII to Chapter 6 of the City Code, being Section 6-210 through Section 6-218, to establish a residential rental properties inspections program.

THE CITY OF LUDINGTON ORDAINS:

Section 1:

Section 6-210 through Section 6-218 shall be added to the City Code for the City of Ludington and shall read as follows:

Sec. 6-210. Purpose.

- (a) The purposes of this chapter are to establish minimum standards for dwellings offered for rent or lease, to authorize inspections of such dwellings, to establish certain responsibilities and duties of landlords and occupants essential to make such dwellings safe, sanitary and fit for human habitation, provide for registration with the Building Inspector, to require a certificate of compliance issued by the Building Inspector and to designate penalties for violations of this chapter.

Sec. 6-211. Definitions.

- (a) "Boarding House/Rooming House" shall be as defined in the City of Ludington Zoning Ordinance.
- (b) "Certificate of Compliance" means a document issued by the Inspector stating the dwelling has passed inspection and complies with local codes and requirements.
- (c) "Dwelling" means any house, room, boarding house/rooming house or apartment, which is wholly or partly used or intended to be used for living, sleeping, cooking and eating. Hotels, motels, bed & breakfasts and resorts shall not be defined as a dwelling for purpose of this chapter.
- (d) "Fee" means a fee determined from time to time by Council resolution. Such fee shall be charged each time the inspector makes an on-site inspection of any dwelling that comes within the meaning of this chapter.
- (e) "Landlord" means any person, firm, partnership, association, corporation, company or organization of any kind owning or offering for rent or lease any dwelling or dwelling unit within the City.
- (f) "Ludington Property Maintenance Code" shall be the Ludington Property Maintenance Code as adopted by the City of Ludington as Ordinance 24-00 as amended.
- (g) "Parcel" means a tract of land identified by a single parcel identification number on the ad valorem property tax rolls of the City.
- (h) "Rental Dwelling" means any dwelling which is rented, leased or offered for rent or lease within the City.
- (i) "Rental Dwelling Unit" a portion of a rental dwelling for an individual, couple, a single family, or other living unit.
- (j) "Smoke Detector Ordinance" is section 6-86 through 6-91 of the City Code.
- (k) "Transfer of Ownership" shall have the meaning ascribed to it as set forth in MCL 211.27a, or

any subsequent sections or statutes of the same import.

Sec. 6-212. Minimum Standards for Rental Dwellings

The minimum standards for any rental dwelling maintenance shall be those contained in the Ludington Property Maintenance Code as adopted by the City of Ludington.

Sec. 6-213. Registration of Rental Dwellings

- (a) All rental dwellings shall be registered with the City by the owner.
- (b) All rental dwellings existing as of the effective date of this Ordinance shall be registered no later than March 15, 2016.
- (c) The landlord of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new units.
- (d) Upon a transfer of ownership of a rental dwelling, the new owner of rental dwellings already registered with the City shall re-register within sixty (60) days of assuming ownership.
- (e) A landlord shall re-register the dwelling every three (3) years or if the landlord adds any additional dwelling units in or to the rental dwelling.
- (f) Failure of the landlord to register his or her rented or leased dwelling is a violation of this chapter, and the landlord shall be subject to a non-registration fee of \$500 for each unit not timely registered.
- (g) It shall be unlawful for any landlord to rent any dwelling or dwelling unit that is not registered.

Sec. 6-214. Certificate of Compliance

Every rental dwelling within the City of Ludington, other than exempt rental dwellings as described in subsection 6-215(f), must receive a certificate of compliance. Such certificate shall be issued upon passing an inspection or, in the case of newly constructed rental dwelling units meeting current building code requirements, upon issuance of a certificate of occupancy by the Building Inspector and registration of the newly constructed rental dwelling units under this Article. A certificate of compliance issued in connection with new construction shall be valid for three years. Such certificate of compliance must be displayed in the rental dwelling unit or made available to any tenant upon request. Such certificate of compliance must be renewed in accordance with the schedule for inspections as provided in section 6-215. Displaying a certificate of compliance in a non-inspected or non-compliant rental unit shall be a violation of this ordinance.

Sec. 6-215. Inspections by building inspector prior to permit issuance

- (a) The Building Inspector or his or her agent shall make the necessary inspections required for the purpose of enforcing this chapter. He/She shall determine if the dwelling meets the minimum standards set forth in the Ludington Property Maintenance Code. In recognition of the fact that many rental dwellings within the City of Ludington predate the Ludington Property Maintenance Code, the Building Inspector may, in the exercise of his or her professional judgment, waive any requirement of the Property Maintenance Code which, in the opinion of the Building Inspector (i)

does not jeopardize the health, safety or welfare of the occupants of the rental dwelling, (ii) would be unreasonably costly to the Landlord to repair or replace in light of the benefits that would be achieved, and (iii) is not contrary to the purposes and intents of this Article.

(b) Inspections will be conducted on a three-year cycle.

(c) The Building Inspector shall establish an inspection schedule. Notice shall be mailed to each landlord at least 30 calendar days prior to the scheduled inspection. It shall be the responsibility of the landlord to notify and make arrangements with the tenant for access to the dwelling or rental unit for purposes of conducting the inspection. If the inspection as scheduled creates undue hardship, the inspection can be rescheduled by notifying the building inspector at least 24 hours prior to scheduled inspection.

(d) After the first year of inspections, all rental dwelling units that have been inspected must have certificates of compliance prior to occupancy of a rental dwelling unit. After the second year, all rental dwelling units that have been inspected in the first two years must have certificates of compliance prior to occupancy of a rental dwelling. Effective three years after ordinance adoption, all rental dwellings units within the City shall have certificates of compliance prior to occupancy of a rental dwelling unit.

(e) Nothing in this Ordinance shall prevent the Building Inspector from making additional inspections either based upon complaints, referrals from other governmental agencies, or otherwise, to enforce the Ludington Property Maintenance Code or other applicable laws, ordinances or regulations. Upon receiving a complaint, the Building Inspector shall notify the landlord of the nature of the complaint and shall provide the landlord a reasonable opportunity to resolve the complaint before scheduling an inspection. All complaints from tenants shall be in writing. If a tenant submits a written complaint regarding the condition of the tenant's rental dwelling unit, the tenant shall pay the City the appropriate inspection fee prior to the Building Inspector inspecting the rental dwelling unit.

(f) In the event that the Building Inspector finds violations of the Ludington Property Maintenance Code or Smoke Detector Ordinance, the Building Inspector shall make re-inspections to ensure compliance with the Ludington Property Maintenance Code and the Smoke Detector Ordinance.

(g) A rental unit shall be exempt from inspection under this Ordinance if and so long as the U.S. Department of Housing and Urban Development (HUD) and/or the Michigan State Housing Development Authority (MSHDA) inspect such rental unit and such rental unit has passed such inspection.

(h) If a landlord owns 6 or more rental dwelling units located on a single parcel, the City shall randomly select one-half of the rental dwelling units for inspection. For each rental dwelling unit that does not pass inspection, an additional rental dwelling unit shall be inspected.

(i) Any person directly affected by a decision or determination of the Building Inspector or any notice or order issued by the Building Inspector may appeal to the Construction Board of Appeals in accordance with Section 111 of the Ludington Property Maintenance Code.

Sec. 6-216. Fees

There shall be imposed, pursuant to these sections, various fees as established from time to time by the City Council by resolution. City Council shall review the schedule of fees not less frequently than every three years.

Sec. 6-217. Additional inspections

If the Building Inspector, based upon his/her inspection finds that there is reasonable cause to believe that additional inspections are necessary, for which the Building Inspector is not qualified to inspect, such as mechanical, plumbing or electrical inspections, the Building Inspector may require the landlord to have such additional inspections at the landlord's expense and to provide the Inspector with proof that such identified items are not in violation of any applicable codes, or with proof that such items have been repaired so that they comply with such codes.

Sec. 6-218. Penalty

Any person (as defined in Section 1-2 of the City Code) who violates any provision of this chapter, including failure of a landlord to register a rental dwelling, failure or refusal to allow an inspection or re-inspection, failure to pay any fee required or failure to obtain an additional inspection and provide proof of compliance with applicable codes, shall be guilty of a municipal civil infraction as provided in Section 1-7 of the City Code. The Building Inspector or any other City employee or official designated by the City Manager, in writing, is authorized to issue citations for violations of this chapter.

Sec. 6-219 – 6-240. – Reserved.

Section 2: Severability: Should any provisions of this Ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the Code of Ordinances of the City of Ludington.

Section 3: Effective Date: This Ordinance shall be effective 20 days after publication.

Ayes _____

Nays _____

Deborah L. Luskin, City Clerk

Certification

I, Deborah L. Luskin, being the Clerk of the City of Ludington, certify that the above is a true and accurate copy of the Ordinance adopted by the City Council at their regular meeting on the _____ day of _____, 2015.

**CITY OF LUDINGTON
BUILDING DEPARTMENT
RENTAL REGISTRATION**

400 S. HARRISON ST.

LUDINGTON, MI 49431

Phone: (231)843-2956...Fax: (231)845-1146

Email: cafoote@ci.ludington.mi.us

10/22/15

Dear Property Owner:

The City of Ludington has adopted a City Ordinance (XXXX) to establish a Residential Rental Dwelling Unit Inspections Program in an effort to improve the rental housing market within the City limits. You are receiving this letter because you have been identified as an owner of what appears to be rental property within the City limits. If your property is not a rental, please sign the attached rental registration disclaimer and return it to our office.

Property owners who have rental property within the city will be required to register their property with the City. A registration form is included as an attachment, which must be returned to the

Building Department by March 15, 2016. Failure to register rental property by this date will result in a \$500.00 per unit fee. A rental unit shall be exempt from inspection under this Ordinance if the Housing and Urban Development (HUD) and/or the Michigan State Housing Development Authority (MSHDA) already inspect such rental unit and such rental unit has passed such inspection.

Following registration, the City will contact you to schedule an initial inspection. Initial inspections of all dwelling units will be conducted to determine if the dwelling units are in compliance with the Ludington Property Maintenance Code, City Code and all other related codes. Once the unit has been found compliant, a three-year Certificate of Compliance will be issued. Thereafter, properties will be registered once every three (3) years, or with change in ownership, at least thirty days prior to the expiration date.

We have attached a general guideline for rental property inspections. If you own rental property and know there are areas of non-compliance, we ask you to voluntarily address them before the initial inspection.

If you have additional questions, please feel free to call the Building Department at 231-843-2956.

Thank you for your cooperation.

City of Ludington
Building Department
Rental Registration

CITY OF LUDINGTON

RENTAL REGISTRATION

400 S. HARRISON ST.

LUDINGTON, MI 49431

Phone: (231)843-2956...Fax: (231)845-1146

Email: cafoote@ci.ludington.mi.us

DISCLAIMER OF RENTAL REGISTRATION AFFIDAVIT

PROPERTY ADDRESS: _____

OWNER: _____

OWNER'S ADDRESS: _____

OWNER'S PHONE: _____

WHY SHOULD THIS PROPERTY NOT BE DEEMED A RENTAL UNIT (CHECK ONE):

_____ **OWNER OCCUPIED**

_____ **VACANT**

_____ **OTHER (EXPLAIN)** _____

I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE IDENTIFIED PROPERTY(IES) AND ATTEST THAT THE PROPERTY IS NOT A RENTAL UNIT AS DEFINED BELOW:

PRINTED NAME: _____

SIGNATURE: _____ **DATE:** _____

Definitions:

* Owner: Any individual holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common or as a land contract vendee. Any individual, association of individuals, corporation, firm or partnership. Owner shall not mean tenant.

* Owner Occupied Dwelling: A dwelling which a person both owns as a title holder or land contract purchaser and lives in as his or her true, fixed and permanent home to which, whenever absent, the person intends to return.

* Rental dwelling: Any dwelling containing a rental unit or rooming unit, including single family homes, occupied by a tenant or tenants.

* Rental property: All rental complexes, dwellings and units.

* Rental Unit: Living quarters within a dwelling intended for occupancy by a person other than the owner and the family of the owner, including single family homes, apartments, and rooming units for which a remuneration is paid.

* Tenant: A person living in a rental dwelling or rental unit not holding any equitable title to the property.

CITY OF LUDINGTON RENTAL REGISTRATION

PREPARING FOR INSPECTION

This list is a guide that contains commonly found violations.

This is not a complete list of violations that could be found.

1. EXTERIOR PROPERTY

<input type="checkbox"/>	Remove all trash and debris from the exterior property.
<input type="checkbox"/>	Cut all grass and weeds in excess of ten inches.
<input type="checkbox"/>	Doors/windows in good condition and operable.
<input type="checkbox"/>	Steps, decks, porches, and landings in good/ safe condition.
<input type="checkbox"/>	Handrails/guardrails sturdy, weatherproof, at least 30" high, spindles less than 4" apart.
<input type="checkbox"/>	Roofs, shingles, eaves, soffits, and fascia in good repair.
<input type="checkbox"/>	Siding, trim, and paint in good condition.

2. INTERIOR

<input type="checkbox"/>	All sleeping areas must have proper egress.
<input type="checkbox"/>	Interior shall be maintained in a sanitary condition and free from rodent and insect infestations.
<input type="checkbox"/>	Heating that is properly installed and maintained in safe working condition.
<input type="checkbox"/>	Properly installed and maintained water heating device.
<input type="checkbox"/>	Minimum sanitary facilities maintained in a sanitary/ working condition include: Toilet, Lavatory, Bathtub/ Shower and Kitchen sink.
<input type="checkbox"/>	All sanitary facilities shall be properly connected to the public water and sewer system.
<input type="checkbox"/>	Smoke detectors shall be provided as required by Building Code.
<input type="checkbox"/>	Cover plates for outlets, switches and junction boxes shall be in place.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE BUILDING DEPARTMENT

400 S. Harrison St., Ludington, MI 49431

Phone: (231)843-2956 Fax: (231)845-1146

www.ludington-mi.gov

**CITY OF LUDINGTON
RENTAL INSPECTION**

Parcel # _____

PROPERTY OWNER: _____

PROPERTY ADDRESS: _____

INSPECTION DATE/TIME _____

LUDINGTON

MI 49431

APT./UNIT # _____

✓ X Approved NOT Approved	LR	KITC	BATH 1	BATH 2	STRS	BDRM 1	BDRM 2	BDRM 3	OTHR	BSMT	BATHROOM FIXTURES					
											1	2	1	2		
											Flushing	<input type="checkbox"/>	<input type="checkbox"/>	Sink	<input type="checkbox"/>	<input type="checkbox"/>
											Tub	<input type="checkbox"/>	<input type="checkbox"/>	Ventilation	<input type="checkbox"/>	<input type="checkbox"/>
											Shower	<input type="checkbox"/>	<input type="checkbox"/>	Hot/Cold Water	<input type="checkbox"/>	<input type="checkbox"/>
											KITCHEN FIXTURES					
											Drain	<input type="checkbox"/>	Faucet	<input type="checkbox"/>	Refrigerator	<input type="checkbox"/>
											Hot/Cold Water	<input type="checkbox"/>	Disposal	<input type="checkbox"/>	Slove	<input type="checkbox"/>
											EXTERIOR					
											RooF/Drainage	<input type="checkbox"/>			Chimney	<input type="checkbox"/>
											Foundation	<input type="checkbox"/>			Exterior Walls	<input type="checkbox"/>
											Windows	<input type="checkbox"/>			Steps/Guards/Porches	<input type="checkbox"/>
											House #s	<input type="checkbox"/>			Side walk/s/Driveways	<input type="checkbox"/>
											Garage/Shed	<input type="checkbox"/>			Garbage/Junk/InOp	<input type="checkbox"/>

Furnace

Electrical Panel

Sanitary

Insects/Rodents

Steps/Handrails

Hot Water Heater

Miscellaneous

NO VIOLATIONS FOUND

VIOLATIONS

The above violations must be corrected before _____ . Call the Building Department at 231-843-2956 to schedule a re-inspection. If no violations were found, a Certificate of Compliance will be issued when all fees are paid.

Inspected by: _____

Date: _____

CITY OF LUDINGTON
RENTAL REGISTRATION
400 S. HARRISON ST.
LUDINGTON, MI 49431
Phone: 231-843-2956 Fax: 231-845-1146

RENTAL REGISTRATION FEE SCHEDULE
(Per Ordinance # _____ dated _____)

Initial Registration	\$15.00 per dwelling unit
Renewal Registration	\$10.00 per dwelling unit (every three years)
Transfer of Ownership	\$10.00 per dwelling unit
Initial Inspection	\$50.00 per dwelling unit
Second and subsequent inspections	\$50.00 per dwelling unit per inspection
Inspection "No Show" <i>(cancellations must be made 24 hr. in advance)</i>	\$75.00 per dwelling unit per no show
Failure to register	\$500.00 per dwelling unit
Construction Board of Appeals	\$200.00 per dwelling unit

