

- **ARTICLE V. - MICHIGAN RESIDENTIAL BUILDING CODE<sup>[3]</sup>**

- **Sec. 14-101. - Adoption of the Michigan Residential Building Code.**

A certain document known as the Michigan Residential Building Code, 2009 Edition, excluding appendix F, one copy of which is on file in the office of the city clerk/treasurer being marked and designated as the Michigan Residential Building Code, 2009 Edition, published by the state department of consumer and industry services, bureau of construction codes be and is hereby adopted as the residential building code of the city for the control and regulation of residential buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said Michigan Residential Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and modifications, if any, recited in [section 14-102](#) of this article.

(Ord. No. 02-316, § 1, 2-18-02; Ord. No. 08-387, 7-21-08; Ord. No. 11-407, 7-5-11)

- **Sec. 14-102. - Agency designated.**

Pursuant to the provisions of the Michigan Residential Building Code, in accordance with section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the building official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Act 230 of the Public Acts of 1972, as amended. The city assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

(Ord. No. 02-316, § 2, 2-18-02)

- **Sec. 14-103. - Additions, insertions, deletions, and modifications.**

The following sections are hereby revised and modified as follows:

(1)

*Section 113.4R*, Violations, penalties is hereby amended and modified to read as follows:

*Violations, penalties.* It is unlawful for any person, firm or corporation to violate a provision of the code or fail to conform with any of the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure or equipment regulated by the code, or cause work to be performed or done, in conflict with or in violation of, the approved construction documents or directive of the enforcing agency, or a permit or certificate issued under the code. A violation of any of the provisions of this code is hereby designated a municipal civil infraction and any person, firm or corporation which violates any provisions of this code shall be

responsible for a civil infraction violation and shall be fined a civil judgment fine of up to \$500.00 for each day that said violation continues.

(Ord. No. 02-316, § 4, 2-18-02)

- **Secs. 14-104—14-120. - Reserved.**
- **ARTICLE VI. - MANDATORY INSPECTION OF RESIDENTIAL RENTAL PROPERTIES<sup>[4]</sup>**

- **Sec. 14-121. - Intent.**

The city recognizes the importance of the rental housing segment of the overall city housing stock inasmuch as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership. As the entity responsible for the enforcement of the building and housing codes it is in the interest of the city to ensure that all rental residential units, structures and grounds leased for occupancy to the general public are in compliance with the minimum property maintenance standards adopted and enforced by the city. Benefits to the city include:

- (1) Protection of the health, safety and welfare of residents of rental properties and adjacent properties. Existing structures and premises not in compliance will be repaired to provide a minimum level of health and safety as required herein.
- (2) Maintenance of property values and "quality of life" within the immediate neighborhoods in which residential rental units are located.
- (3) Enforcement of common minimum standards for all residential rental units, structures and premises.

(Ord. No. 03-332, § 1, 1-20-03)

- **Sec. 14-122. - Definitions.**

As used in this article, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

*Building official/building official's office:* The Crawford County department that handles all building permits for the City of Grayling. References to the building official or the building official's office are interchangeable and include the city building inspector.

*Certificate of compliance:* Official document stating that a residential rental dwelling unit and/or structure meets the minimum standards established by the city for occupancy.

*Local agent:* An individual or company representing the owner having a place of residence or business within the county or within 20 miles of the city if residing outside the county. The local agent is responsible for the operation of the owner's residential rental dwelling unit(s) located within the city regarding compliance with the provisions of this article, and the terms and conditions of all other codes and ordinances of the city. A local agent is required if:

- (1) The owner resides outside of the County more than 20 miles from the city.
- (2) The owner resides outside of the county more than 20 miles from the city for more than 90 days each calendar year.

*Owner/property owner:* The individual(s), company, corporation, or governmental or private agency listed on the recorded deed or purchaser under a recorded land contract as the owner of a property containing residential rental dwelling unit(s).

*Residential rental dwelling structure:* Any building containing one or more residential rental dwelling units including any common areas accessible to residents of all residential rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

*Residential rental dwelling unit:* Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid. Single family residences, duplexes, apartments and rooming houses may all contain and be classified as rental units.

*Residential rental premises:* The site upon which a residential rental dwelling unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

*Zoning Administrator:* The department of the city responsible for the daily administration of the rental inspection program including scheduling of appointments, inspections, re-inspections and record keeping.

(Ord. No. 03-332, § 2, 1-20-03)

- **Sec. 14-123. - Certificate of compliance required.**

(a) No person shall lease, rent or cause to be occupied a residential rental dwelling unit and/or structure unless a valid certificate of compliance is issued by the city in the name of the owner and/or local agent for the specific rental structure and each residential rental dwelling unit. A certificate shall be issued only upon the successful completion of an inspection of the rental dwelling unit and/or structure by the city building official and other inspectors as may be deemed necessary. The certificate shall be retained by the property owner or local agent and produced upon request. A copy shall be provided to each lessee.

(b) A certificate of compliance shall be valid for a period of **three** two years from the date of issuance unless revoked by the city.

(c) Dwelling units in existence and registered with the city at the time this article goes into effect may continue to be occupied until such time as the initial inspection is scheduled and the process completed.

(d) A certificate of compliance cannot be issued for a residential rental unit unless it is registered with the city.

(Ord. No. 03-332, § 3, 1-20-03)

• **Sec. 14-124. - Affected and exempt units/structures.**

a) All single, duplex and multi-family rental units and structures, including boarding and/or rooming houses as defined in the city zoning ordinance, located within the city, shall comply with the requirements of this article except as specifically exempted below:

(b) Exemptions.

(1) *One-time exception.* Any rental unit listed above, which within the previous six months prior to a scheduled inspection has been:

- a. Inspected and approved by the **city** county building official; or
- b. Issued a certificate of occupancy by the city **building department** zoning administrator.

Such units will be issued a **three** two-year certificate of compliance without an additional inspection.

(2) *Permanent exemptions.* The following are permanently exempted from the requirements of this article:

- a. All residential rental units and/or complexes currently inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA). Proof of inspection and compliance must be provided.
- b. Hotels, motels, and bed and breakfast establishments as classified in the Michigan Building Code, as amended.
- c. Homeless shelters.

(Ord. No. 03-332, § 4, 1-20-03)

• **Sec. 14-125. - Basis for inspection.**

The city through its building official shall have the authority to inspect any residential rental dwelling unit or structure under the following situations:

- (1) In the course of an initial scheduled inspection and ~~tri~~ bi-annual renewal inspection to receive and maintain a certificate of compliance.
- (2) Upon request by the property owner or local agent to inspect a unit(s) and/or structure.
- (3) Upon a request by a tenant to inspect a unit or structure.
- (4) Upon receipt of information that a unit or units are not registered with the city.
- (5) Upon knowledge of an imminent life or safety danger.

(Ord. No. 03-332, § 5, 1-20-03)

- **Sec. 14-126. - Inspection criteria.**

a) The city shall utilize the "International Property Maintenance Code," published by the International Code Council and adopted by the city council as the established standards for the inspection of residential rental units.

(b) The city building official shall prepare a standardized checklist of items to be inspected consistent with the standards of the "International Property Maintenance Code." The checklist shall be available to all residential rental property owners and tenants prior to an inspection.

(Ord. No. 03-332, § 6, 1-20-03)

- **Sec. 14-127. - Inspection procedures.**

(a) For the initial round of inspections, the ~~building official's~~ zoning administrators office shall prepare an inspection schedule for existing residential rental dwelling units and structures presently registered with the city. The schedule shall be based on a ~~three~~ two-year inspection cycle and shall be developed so as:

- (1) Not to concentrate on a single geographic area in a given year; and
- (2) To limit the number of inspections for a single property owner with nine or more residential rental units in separate structures to no more than one-third of the units in a calendar year.

(b) Newly constructed and/or registered residential rental units shall be scheduled for an inspection at the time they are registered and shall be inspected and obtain a certificate of compliance prior to occupancy unless exempted under [section 14-124\(b\)\(1\)](#), one-time exemptions. In such case a certificate of compliance shall be issued without an additional inspection.

(c) At least 30 days prior to an inspection or inspections, the city **building official's office** zoning administrator shall send in writing a notification to the property owner or local agent including the date, time and the unit or units to be inspected. It shall be the responsibility of the property owner or local agent to notify the affected tenant(s). The property owner or local agent may request a change in the inspection appointment no less than ten days prior to the scheduled inspection. In the event a property owner, local agent or tenant learns that he/she cannot be present at the scheduled appointment, the city **building official** zoning administrator must be notified at least 24 hours in advance. A new inspection appointment shall be scheduled no more than 30 days from the original appointment. A missed appointment by a property owner or local agent shall be rescheduled by the city, and a "missed appointment fee" as listed in the city's adopted comprehensive fee schedule shall be imposed.

(d) A property owner, local agent or tenant shall provide access to his/her residential rental dwelling unit(s) and/or structure(s). An individual refusing entry shall be notified of the city's authority to inspect the property and that it will take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in [section 14-131](#), failure to comply.

(e) A unit in compliance with the requirements included in the inspection checklist shall be issued a Certificate of Compliance valid for a period of **three** two years from the date of issuance unless revoked by the city (see [section 14-128](#), revocation of certificate of compliance).

(f) For units with code violations the **building official** zoning administrator shall provide a written notice of the noted code violations to the property owner or local agent, who shall have 30 days from receipt of the notice to correct said code violations. More time may be granted by the **building official** zoning administrator in those situations in which the property owner or local agent can demonstrate a justifiable need and the additional time will not result in conditions deteriorating further. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time an additional ten days may be granted; however, a re-inspection fee shall be imposed for each subsequent re-inspection. The re-inspection fee shall be paid prior to the inspection.

(g) **Decisions of the building official may be appealed to the building board of appeals serving as the housing appeals board (see [section 14-129](#), appeal process) *Do we need to create?***

(h) The city **building official** zoning administrator shall be responsible for scheduling renewal inspections at least 45 days prior to the expiration of a certificate of compliance.

(Ord. No. 03-332, § 7, 1-20-03)

- **Sec. 14-128. - Revocation of certificate of compliance.**

A certificate of compliance may be revoked by the building official under the following circumstances:

(1) A residential dwelling unit or structure is not operated as a rental unit or structure for 90 consecutive days and/or is removed by the property owner or local agent from the city's rental registration list. A new certificate of compliance must be obtained including the required inspection prior to occupancy.

(2) A property owner or local agent has failed to correct code violations within the required timeframe and has been officially cited by the city as a misdemeanor violation or by other legal action.

(Ord. No. 03-332, § 8, 1-20-03)

- **Sec. 14-129. - Appeal process.**

(a) A property owner or local agent disagreeing with a decision of the building official zoning administrator relative to the existence of a violation or the timeframe in which to make corrections, may appeal that decision to the housing appeals board, hereby designated to hear such appeals. A tenant of a rental dwelling unit shall have standing to appeal a notice or order to vacate a residential rental dwelling unit.

(b) The city building board of appeals shall serve as the housing appeals board and shall meet on an as-needed basis.

(c) A property owner, local agent or tenant requesting an appeal shall submit a written request on a form provided by the city building official with the appropriate fee within ten days after receipt of a notice of violation, or within the time allotted for taking any action indicated on a notice or order, whichever is shorter. The decision or order of the building official shall be held in abeyance until such time as it is acted upon by the housing appeals board.

(d) The housing appeals board shall convene within 15 working days with notice served to the appealing party of the date, time and location of the hearing. The board shall hear testimony and argument from the appealing party and the building official and shall by majority vote render a decision on the question at hand. The decision of the housing appeals board shall be binding on all parties.

(Ord. No. 03-332, § 9, 1-20-03)

- **Sec. 14-130. - Fees.**

Fees for inspections, missed appointments, re-inspections, late fees and appeals shall be as prescribed in the city comprehensive fee schedule as adopted from time to time by the city council. All fees shall be paid at the office of the building official prior to inspections being performed. A late fee shall be charged for all inspection fees not paid prior to the inspection

through ten days after the inspection is performed. Fees remaining unpaid more than ten days following an inspection shall be charged an additional late fee and all accumulative charges may be added to the tax rolls relative to the property(s), and such charges shall become a lien in the same manner as the regular taxes applied to such premises, until such charges are paid.

(Ord. No. 03-332, § 10, 1-20-03)

- **Sec. 14-131. - Failure to comply.**

Failure or refusal to have residential rental units inspected in accordance with this article, or failure to comply with any provision of this article or notice given pursuant hereto, shall constitute a misdemeanor, which upon conviction may result in a fine of up to \$500.00 per violation, costs of prosecution and/or imprisonment for up to 90 days. *Is jail time really necessary?*

(Ord. No. 03-332, § 11, 1-20-03)

- **Sec. 14-132. - Enforcement authorization.**

The city county building official, city building inspector, city fire marshal, city police officers and city planner zoning administrator are authorized to enforce the provisions of this article and issue misdemeanor citations pursuant hereto.

(Ord. No. 03-332, § 12, 1-20-03)

- **Sec. 14-133. - Program implementation.**

The building official's office and the city planner zoning administrator under the direction of the city manager shall be responsible for the implementation and ongoing operation of the city rental housing inspection program.

(Ord. No. 03-332, § 13, 1-20-03)