

**TOWNSHIP OF LAPEER
RENTAL ORDINANCE
ORDINANCE NO. 36.2**

An ordinance establishing minimum standards governing the condition and maintenance of rental dwellings; fixing certain responsibilities of owners and occupants of such dwellings; authorizing the inspection of rental dwellings; and authorizing the vacation of rental dwellings which are found to be unfit for human habitation;

THE TOWNSHIP OF LAPEER ORDAINS:

1. **APPLICABILITY OF REGULATIONS:** This Ordinance shall apply to all persons, firms, partnerships, and corporations owning, occupying, or having control or management of any premises used for rental dwelling purposes within the Township.

2. **DEFINITIONS:**

A. For the purpose of this Ordinance, certain terms are defined as follows:

Approved: Accepted by the code official or his authorized representative as a result of their inspections.

Code Official: The persons or agencies designated by the Township Board as the code official for the Township.

Dwelling: Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food. Garbage shall also include other trash and cast-off materials.

Human Habitation: The use of any room, rooming unit, dwelling, dwelling unit, building or premises for living, sleeping, cooking, or eating purposes by one or more families or persons.

Occupant: Any person living in, or having actual possession of, a dwelling unit.

Manager or Operator: Any person who has charge, care or control of a building or part thereof, in which dwelling units are left.

3. INSPECTION OF PREMISES:

- A. The code official is hereby authorized and directed to make inspections to determine the condition of rental dwellings and rental dwelling units within the Township in order that the safeguarding of the health and safety of the occupants of the dwelling and of the general public may be accomplished
- B. Inspections shall be conducted as required by Section 11 of this Ordinance.

4. SERVICE OF NOTICES AND ORDERS:

- A. NOTICES AND ORDERS. Whenever the code official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall give notice of such alleged violation and orders for correction of violation to the persons responsible. Such notice shall be in writing and shall:
 - 1. Include a statement of the conditions that constitute violations and what must be done to correct the same;
 - 2. Specify a time limit for the performance of any act required;
 - 3. Be served upon the owner or his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served if a copy thereof is served personally; or in the event that such personal service cannot be effected, then notice shall be given by a copy sent by regular mail to the last known address; or in the event that neither personal nor service by mail can be effected, then notice shall be given by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.
- B. EMERGENCY CLAUSE. Whenever the code official finds that an emergency exists which requires immediate action to protect the public health, he shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order

shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

5. **STANDARDS FOR BASIC EQUIPMENT AND FACILITIES:** No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:
- A. KITCHEN SINK. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewage system.
 - B. WATER CLOSET, LAVATORY AND BATH.
 - 1. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and properly connected to a water and sewage system.
 - 2. Said room shall be so located as to afford privacy of access and shall not require passage through a bedroom.
 - C. SMOKE DETECTORS. Every rental unit shall be supplied with smoke detectors in each sleeping area and one (1) detector to be installed on each floor in the common area. The renter shall be responsible for upkeep and repair of battery—operated models and the owner shall be responsible for upkeep and repair of electrically—powered models. Smoke detectors that are installed in rental units that are located above a business must be connected to the lower level smoke detector.
 - D. WATER CONNECTIONS. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be connected with both hot and cold water lines. The hot water shall have a minimum temperature of one hundred forty degrees fahrenheit.
 - E. RUBBISH AND GARGABE STORAGE FACILITIES. Every dwelling unit shall have adequate rubbish storage facilities whose type and location are approved by the code official.
 - F. MEANS OF EGRESS. Every building containing dwelling units shall have two (2) remote means of egress.

6. **STANDARDS FOR LIGHT, VENTILATION, AND HEATING:** No person shall occupy as owner—occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
- A. HEATING FACILITIES. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein, to a temperature of at least 70 degrees fahrenheit, at a distance of three (3) feet above floor level.
 - B. ELECTRICAL OUTLETS. Every room shall contain at least two (2) separate electrical convenience outlets or one such convenience outlet and one lighting fixture. Additional convenience outlets shall be provided in sufficient number to adequately service the electrical devices and/or appliances located therein, without the use of unapproved wiring methods. Cords to appliances and devices shall not be run through doorways, under rugs, or stapled to wood baseboards, door casing, or through holes in partitions or floors.
 - C. LIGHTING PUBLIC HALLS AND STAIRWAYS. Every public hall and stairway in every dwelling containing two or more dwelling units shall be adequately lighted at all times.
7. **GENERAL REQUIREMENTS FOR MAINTENANCE:** No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
- A. FOUNDATION, FLOOR, WALL, CEILING, AND ROOF. Every exterior foundation, wall, and roof shall be weather tight and rodent-proof, shall be capable of affording privacy, and shall be kept in good repair. All foundations, floors, walls, ceilings, and roofs shall be kept in good repair.
 - B. EXTERIOR OPENINGS.
 - 3. Every window, exterior door, and basement hatchway shall be kept weather tight, watertight, and rodent-proof, and shall be kept in sound working condition and good repair.
 - 4. All openings shall be insect proofed by screening.

- C. STAIRS, PORCHES. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- D. PLUMBING FIXTURES. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- E. FLOOR SURFACES. Every water closet compartment, bathroom, and kitchen floor surface shall be constructed and maintained so as to be water resistant and so as to permit such floor to be easily kept in a clean and sanitary condition.
- F. SUPPLIED FACILITIES. Every supplied facility, piece of equipment, or utility which is required under this Ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- G. FACILITIES NOT TO BE SHUT OFF. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the code official.

8. **MINIMUM SPACE, USE AND LOCATION REQUIREMENTS:** No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- a. LIVING SPACE. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area. In no case shall any private dwelling be occupied which does not contain at least 480 square feet of habitable room area.
- b. SLEEPING SPACE.

- i. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
 - ii. Every room occupied for sleeping purposes shall be so located as to afford privacy of access and shall not require passage through another bedroom or bathroom.
- c. CEILING HEIGHT. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- d. BASEMENT. No basement space shall be used as a habitable room or dwelling unit less it meets the current State of Michigan Building Code.

9. RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

- A. PUBLIC AREAS. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. In the case of single family dwellings, it shall be the responsibility of the occupants.
- B. DWELLING UNIT. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- C. GARAGE. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section 5 (E). It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than two (2) dwelling units. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.
- D. EXTERMINATION OF PESTS. The presence of insects, rodents, or other pests within a dwelling or on the premises is a violation of this Ordinance. Every occupant of a dwelling containing a single

dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein. Whenever infestation exists in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

E. PLUMBING FIXTURES. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

10. **DWELLINGS UNFIT FOR HUMAN HABITATION:** The designation of dwellings or dwelling units as unfit for human habitation, the declaration of the same to be a public nuisance and provisions for their vacation or repair shall be carried out in compliance with the following requirements:

- A. UNFIT FOR HUMAN HABITATION DEFINED. Dwellings or dwelling units which have any of the following defects shall be deemed "unfit for human habitation".
- i. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or general health and welfare of the occupants or the public.
 - ii. Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which fail to provide amenities essential to decent living or are likely to cause disease or injury.
 - iii. Those having light, air or sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who may live therein.
 - iv. Those having inadequate means of egress.
 - v. Those in which the owner or occupant fails to comply with orders of the code official, based on the provisions of this Ordinance.
- B. ORDER TO VACATE OR REPAIR. Any dwelling or dwelling unit may be condemned as unfit for human habitation if, in the opinion of the code official, the dwelling or dwelling unit fails to meet the requirements of this Ordinance. Whenever the code official determines a dwelling or dwelling unit as unfit for human habitation, he shall give notice to the owner that the dwelling or dwelling unit

shall be condemned and of his intent to placard the same as unfit for human habitation. Such notice shall be in writing and shall:

1. Identify the location of the dwelling or dwelling unit;
2. Include a description of the repairs and improvements required to bring the condemned dwelling or dwelling unit into compliance with the provisions of this Ordinance;
3. Set a reasonable time limit for making the repairs and improvement;
4. Be served upon the owner in accordance with this Ordinance.

C. **PLACARDING OF CONDEMNED DWELLINGS.** If the owner fails to make the repairs and improvements required within the specified time limit, the code official shall post, in a conspicuous place, a placard or placards bearing the following words: "Condemned As Unfit For Human Habitation".

D. **VACATING OF CONDEMNED DWELLINGS.** Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the code official shall be vacated within a reasonable time, as required by the code official. No owner or operator shall let to any person for human habitation and no person shall occupy any dwelling or dwelling unit which has been condemned and placarded by the code official after the date on which the code official has required the dwelling or dwelling unit to be vacated.

E. **REMOVAL OF VACATING ORDER AND PLACARD.** No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the code official. The code official shall remove such placard whenever the defect or defects, upon which the condemnation and placarding action were based, have been eliminated.

F. **UNLAWFUL REMOVAL OF PLACARD.** No person shall deface or remove the placard from any dwelling or dwelling unit which as been condemned as unfit for human habitation.

11. RENTAL DWELLING REGISTRATION AND INSPECTION:

A. **REGISTRATION OF RENTAL DWELLINGS.**

1. Every owner of a rental dwelling unit must file with the code official the name and address of the owner and the name and address of the person in charge of such dwelling unit, for the purpose of receiving service of process, together with a description of the property containing the rental dwelling unit by street number or otherwise. Re-registration shall be required upon any change of ownership.
2. No owner shall let or rent to any person a vacant dwelling unit unless it has been inspected and granted a current Certificate of Compliance.
3. It shall be unlawful for any person to occupy any rental dwelling unit unless a Certificate of Compliance has been issued with respect to said dwelling unit. In the event the code official revokes the Certificate of Compliance with respect to any dwelling unit, it shall be the responsibility of the occupant thereof to vacate such dwelling unit with the time prescribed by the code official.

B. INSPECTION OF RENTAL REAL ESTATE. Upon the request of the tenant or owner of a dwelling or dwelling unit and payment of the inspection fee by the person requesting the inspection, the code official shall perform an inspection within forty-eight (48) hours of the time agreed upon by himself and the applicant to inspect such dwelling or dwelling unit. If such an inspection establishes that the dwelling or dwelling unit complies with this Ordinance, the inspector shall issue a Certificate of Compliance for said dwelling unit, indicating the maximum number of occupants who may lawfully occupy each unit.

C. REINSPECTION. If said dwelling or dwelling unit does not comply with this Ordinance, the code official shall notify the applicant as provided in this Ordinance, and shall reinspect the dwelling or dwelling unit for compliance within a reasonable time considering the circumstances.

D. PERIOD OF INSPECTION. The code official shall inspect on a periodic basis all dwelling units of residential rental property in the Township. In no event shall the period between inspections be longer than two (2) years.

E. CERTIFICATE OF COMPLIANCE. One copy of the Certificate of Compliance shall be handed to or be mailed to the applicant and a

second copy for the information of the tenant shall be posted by the code official on the inside of the main entrance door of the dwelling or dwelling unit so certified and shall not be removed by or at the discretion of anyone other than the tenant or owner.

F. FEES. Fees for registration, inspections, reinspections, and other services authorized under this Ordinance shall be established by the duly authorized agent handling these services for Lapeer Township. In the event that Lapeer Township does not employ a third party or outside agent to perform these inspections, or their services authorized under this Ordinance, said fee shall be established by motion of the Township Board.

12. **PENALTY FOR VIOLATION:** Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided by Lapeer Township Ordinance No. 35.
13. **REPEAL OF PRIOR ORDINANCE:** All ordinances inconsistent with the provisions of this ordinance are hereby repealed. The former Lapeer Township Ordinance Numbers 36 and 36.1 are hereby repealed.

CERTIFICATION

The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this Ordinance was duly adopted by the Township Board at a meeting held on the 12th day of November 2007 and that a synopsis of the Ordinance was published in the LAView on the 29th day of November 2007. This Ordinance was made effective thirty (30) days after its date of publication.

Scott A. Jarvis, Lapeer Township Supervisor

Dawn M. Walker, Lapeer Township Clerk