

Village of Shelby
Oceana County, Michigan
Ordinance Amendment No. 20200309-1

ORDINANCE AMENDMENT

THE VILLAGE OF SHELBY HEREBY ORDAINS:

The Village of Shelby hereby amends Part Fourteen “Building and Housing Code” of the Codified Ordinances of the Village of Shelby by adopting Title Six – “Rental Dwellings” as follows:

TITLE SIX – Rental Dwellings
Chapter 1460 Rental Registration

Section 1460.01 – Purpose.

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; to 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.

Section 1460.02 – Definitions.

- (a) “Building Inspector” means the Village of Shelby Administrator or his or her designee in writing.
- (b) “Certificate of Compliance” means a document issued by the Building Inspector stating the dwelling has passed inspection and complies with local codes and requirements.
- (c) “Dwelling” means any house, room, boarding house or apartment, which is wholly or partially used or intended to be used for living, sleeping, cooking, and eating. Hotels, motels, bed & breakfasts and resorts, and Short Term Rentals shall not be defined as a dwelling for purposes of this chapter.
- (d) “Fee” means a fee determined from time to time by Village Council resolution. Such fee shall be charged each time the Building 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 Village.
- (f) “Parcel” means a tract of land identified by a single parcel identification number on the property tax rolls of the Village.
- (g) “Rental Dwelling” means any dwelling which is not owner occupied.
- (h) “Rental Dwelling Unit” means a portion of a rental dwelling for an individual, couple, a single family, or other living unit.

- (i) “Short-term Rental” means the residential use of a Rental Dwelling or a Rental Dwelling Unit, in which a tenant is allowed to lease the Rental Dwelling or Rental Dwelling Unit for periods of less than one calendar month in return for remuneration. If a tenant leases a Rental Dwelling or a Rental Dwelling Unit for a period of at least one calendar month, this is not a Short-term Rental, but instead is a residential use.
- (j) “Transfer of Ownership” means the conveyance of title to or a present interest in property, including but not limited to the beneficial use of property, the value of which is substantially equal to the value of the fee interest.

Section 1460.03 – Minimum Standards for Rental Dwellings

(a) Pursuant to the incorporation by reference provisions of the General Law Village Act, adopt by reference the International Property Maintenance Code (“Property Maintenance Code”) and as further amended hereafter.

(b) The minimum standards for any rental dwelling maintenance shall be those standards contained in the Property Maintenance Code.

(c) The Village assumes responsibility for the administration and enforcement of such Property Maintenance Code throughout its corporate limits.

Section 1460.04 – Registration of Rental Dwellings.

(a) All Rental Dwellings shall be registered with the Village.

(b) Deadline for registration.

i. All Rental Dwellings existing as of the effective date of the ordinance from which this article is derived shall be registered no later than six months after the effective date of this article.

ii. The Owner of a new Rental Dwelling or any Dwelling newly converted to a Rental Dwelling shall register the Rental Dwelling prior to allowing occupancy of any new Rental Unit.

iii. Upon the transfer of ownership of a Rental Dwelling, the new Owner of Rental Dwellings already registered with the Village shall re-register within sixty (60) days of assuming ownership.

iv. A Landlord shall re-register the Dwelling every three (3) years or when the Landlord adds any additional Dwelling Units in or to the Rental Dwelling.

(c) Application; contents. Application for registration shall be made in such form and in accordance with such instructions as may be provided by the Village and shall include:

i. The address of the Rental Dwelling.

- ii. The number of Rental Dwellings and the number of Rental Dwelling units.
- iii. The name, residence address, business address, business phone number, and personal phone number of the Owner.
- iv. The name, residence address, business address, business phone number, and personal phone number of the manager and responsible local agent designated by the Owner.
- v. The address where the owner or responsible local agent will accept notices or orders from the Village.

(d) Violations and Penalty:

- i. It shall be a violation of this ordinance for any Landlord to rent any Dwelling or Rental Dwelling Unit that is not registered, and in addition, the Landlord shall be subject to a non-registration fee of \$500 for each unit not timely registered.
- ii. It shall be a violation of this ordinance for an Owner or a responsible local agent to provide inaccurate information for the registration of a Rental Dwelling or to fail to provide information required by the Village on the registration application. In cases in which the owner or responsible local agent is not an individual registrant, the information required to register shall provide for the organization owning the Rental Dwelling and for the president, general manager, or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

Section 1460.05 – Certificate of Compliance.

(a) Every Rental Dwelling in the Village must receive a Certificate of Compliance. Such certificate shall be issued upon passing an inspection. Newly constructed Rental Dwelling units must meet current building code requirements and receive a certificate of occupancy by the Oceana County Building Department. The property Owner may bypass the inspection requirement upon providing documentation to the Village Administrator showing successful completion of a Housing Quality Standards inspection by a third party organization within the past 12 months prior to the request for a Certificate of Compliance.

(b) A Certificate of Compliance shall be valid for three years, and must be displayed in the Rental Dwelling unit and be made available to any Tenant upon request.

(c) A Certificate of Compliance must be renewed in accordance with the schedule for inspections as provided in chapter 1460.07.

(d) It shall be a violation of this ordinance to display a Certificate of Compliance in a non-inspected or non-compliant Rental Unit.

Section 1460.06 – Appeals.

- (a) **Appeal Authorization.** Except as otherwise provided in this article, any person issued an order by the Village in the course of enforcement of the provisions of this article or any other person affected by the Village order or ruling issued pursuant to authority granted by this article, has the right to appear before the Village Council to appeal the decision or interpretation made by the Village. All appeals shall be filed, heard, and decided in accordance with the provisions of this article.

- (b) **Procedure for Filing an Appeal.**
 - i. **Time Period.** An written appeal must be filed within 30 days of the date of any order or ruling being appealed. However, if an order required the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period of time.

 - ii. **Filing an Appeal.** Any person wishing to make an appeal must fill out a claim of appeal form setting forth the order or ruling being appealed. The appellant must file the form with the Village at a place to be designated by the Village Council and which shall be noted on the claim of appeals form. The Village will send notice to the appellant regarding the date the appeal will be heard by the Village Council. Notices of the hearing date shall be sent by regular mail to the address listed on the claim of appeal. The Village shall notify the occupants of the affected premises of the hearing by regular mail or by placing a notice in the entryway of the dwelling unit.

 - iii. **Appeal Fee.** An appeal fee established by resolution of the Village Council shall be submitted with any claim of appeal. The appeal fee shall be waived for an applicant whose annual income is below the poverty level as established and modified from time to time in the annual poverty income level established by the Department of Housing and Urban Development of the United States.

 - iv. **Hearing Procedures.** At any hearing of the Village Council when dealing with an appeal under this article, the following procedures shall be followed:
 - 1. Testimony of the appellant, the Village and any witnesses shall be recorded.

 - 2. The appellant or authorized agent of the appellant and the Village employee who issued the order, notices, or ruling shall be present.

3. A quorum of the Village Council shall be present.
4. Minutes shall be prepared which identify all parties present, accurately summarizes all pertinent statements made, include all evidence and records submitted, and show all motions and actions and records of the vote of each member of the Village Council.
- v. Decision by the Village Council. After all evidence and testimony had been presented, the Village Council shall affirm, modify, or reverse the order or ruling being appealed. Any decision of the Village Council shall require four (4) affirmative votes. The appellant may appeal the Village Council's decision to the Oceana Circuit Court within 21 days of receiving the Village Council's decision.
- vi. Abatement. An appeal shall not stay any enforcement action necessary to abate a condition posing a threat of imminent danger to the life, safety, or health of any person or of the public.
- vii. Compliance with Decisions. It shall be a violation of this article for an owner, occupant, or responsible local agent to fail to comply with special conditions which are a part of the Village Council's decision regarding the appeal.

Section 1460.07 – Inspections by Building Inspector Before Permit Issuance.

(a) The Building Inspector or his or her agent shall make the necessary inspections required for the purposes of enforcing this chapter. The Landlord, any Tenants, and such other individuals as designated by the Building Inspector may be present during any inspection. The Building Inspector shall determine if the dwelling meets the minimum standards set forth in the Property Maintenance Code.

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

(b) The Building Inspector shall establish an inspection schedule. Notice shall be mailed to each Landlord at least 30 calendar days before the scheduled inspection. It shall be the responsibility of the Landlord to notify and make arrangements with any Tenants for access to the Dwelling or Rental Dwelling 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 48 hours before the scheduled inspection.

(d) All Rental Dwelling Units must have a valid Certificate of Compliance before 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 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 Village a bond in the amount of the appropriate inspection fee ("Bond") prior to the Building Inspector inspecting the Rental Dwelling Unit. After the Rental Dwelling Unit inspection is completed and if the alleged violation is found, the Tenant shall receive a refund of the Bond and the Landlord will be responsible for the cost of the appropriate inspection fee. If no violation is found, the Tenant will not receive a refund of the Bond.

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

(g) In the event the Building Inspector finds a violation of the Property Maintenance Code, the Building Inspector may deny the Certificate of Compliance or revoke the Certificate of Compliance. In the event that the Building Inspector intends to revoke a Certificate of Compliance, the Building Inspector must send notice to the Owner regarding the revocation, and the Owner shall be entitled to a hearing pursuant to section 06 of this chapter.

(h) 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 Village Council in accordance section 06 of this chapter.

Section 1460.08 – Fees.

There shall be imposed, pursuant to these sections, various fees as established from time to time by the Village Council by resolution.

Section 1460.09 – Additional Inspections.

If the Building Inspector 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 Building 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.

Section 1460.10 – Penalty.

Any person who violates any provision of this ordinance shall be guilty of a municipal civil infraction as provide by the Village Code of Ordinances. The Building Inspector, or any other Village employee or Official designated by the Village Administrator, is authorized to issue citations for violations of this chapter.

Section 1460.11 – Severability.

Should any provision 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 provision of the Village Code of Ordinances.

This ordinance adopted:

Ayes: Steve Crothers, Danzaveri, Jim Wyns, John Sutton, Bill Harris & Paul Ingle

Nays: 0

Absent: Andy Near

Adoption Date: March 9, 2020
Published Date: March 26, 2020
Effective Date: April 5, 2020

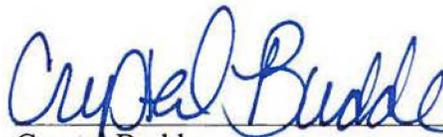
VILLAGE OF SHELBY

By Crystal Budde
Crystal Budde, Village Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the Village of Shelby, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Shelby, at a regular meeting of the Village Council on the 9 day of March, 2020, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the Village of Shelby. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: March 9, 2020



Crystal Budde
Clerk, Village of Shelby

**VILLAGE OF SHELBY
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on March 9, 2020, the Village Council of the Village of Shelby adopted an amendment to Part Fourteen “Building and Housing Code” of the Codified Ordinances of the Village of Shelby by adopting Title Six – “Rental Dwellings”, summarized as follows:

- I. **Section 1460.01** is amended to provide a limited purpose to the Rental Dwelling ordinance.
- II. **Section 1460.02** is amended to provide definitions to the terms used in the Rental Dwelling ordinance.
- III. **Section 1460.03** is amended to adopt the International Property Maintenance Code to provide for minimum standards for Rental Dwellings.
- IV. **Section 1460.04** is amended to provide for the requirement of Rental Dwelling registration.
- V. **Section 1460.05** is amended to require each rental dwelling to pass an inspection and receive a Certificate of Compliance.
- VI. **Section 1460.06** is amended to provide a process for appeals.
- VII. **Section 1460.07** is amended to provide a process for inspections, a term for when inspections are required, and who shall conduct Rental Dwelling inspections. The process also allows for anyone directly affected by the Building Inspector’s determination to appeal the determination.
- VIII. **Section 1460.08** is amended to impose fees for of the Rental Dwelling ordinance, and requiring such fee schedule to be established by resolution of the Village Council.
- IX. **Section 1460.09** is amended to provide for the Building Inspector to require an inspection to be performed by a licensed professional for a mechanical, plumbing, or electrical inspection at the expense of the Landlord.
- X. **Section 1460.10** is amended to provide for a penalty for a violation to the Rental Dwelling ordinance.
- XI. **Section 1460.11** is amended to allow for the Rental Dwelling ordinance as a whole to remain in effect if any portion of the ordinance is found to be unconstitutional or invalid.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the Village Clerk, Shelby, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

VILLAGE OF SHELBY

Published: March 26, 2020

By 
Crystal Budde, Village Clerk