

## NOTICE OF ADOPTION

The City of Wyandotte Ordinance has been amended as follows:

### AN ORDINANCE ENTITLED

An Ordinance to amend Article I "Registration" of Chapter 31.1 "Rental Dwellings and Rental Units" by amending Section 31.1-1 "Definitions" and by adopting Section 31.1-5a "Notification to Tenant by Owner"; and amend Article II "Certificate of Compliance" by amending Section 31.1-11 "Certificate of Compliance Required" and adopting Section 31.1-12(b) "Certificate of Compliance Application Form and Fee" and adopting Section 31.1-12(c) "Certificate of Compliance Application Form and Fee for Renewal" of the Wyandotte Code of Ordinances.

### THE CITY OF WYANDOTTE ORDAINS:

Section 1. Amendment to Article I. Registration, Section 31.1-1 entitled "Definitions" by amending the definition for the following terms only. All other terms not listed below shall remain as currently defined.

**Certificate of Compliance.** A certificate issued by the department of engineering and building which certifies compliance with the provisions of the codes and ordinances of the City of Wyandotte for all rental dwelling and rental units. A certificate of compliance is valid for a period of five (5) years for 1 family and 2 family dwellings and four (4) years for multiple dwellings from its date of issuance if issued within six (6) months of the date of the inspection report, provided that the rental dwelling and rental units remain in compliance with all applicable codes and ordinances and are not sold or transferred.

**Family.** A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling unit.

**Multiple dwelling.** Dwelling occupied otherwise than as a 1 family dwelling or 2 family dwelling.

**One (1) Family Dwelling.** Dwelling occupied by 1 family, and so designed and arranged as to provide cooking and kitchen accommodations for 1 family only.

**Rental Unit.** Any one area, room, structure, flat, apartment, or facility of a rental dwelling including a 1 family or 2 family dwelling that is being leased or rented to only one (1) tenant, group of tenants, or family under one (1) lease and is not owner occupied.

**Two (2) Family Dwelling.** Dwelling occupied by 2 families, and so designed and arranged to provide cooking and kitchen accommodations for 2 families only.

Section 2. Amending Article I. "Registration", by adding Section 31.1-5a entitled "Notification to Lessee by Owner".

Sec. 31.1-5a Notification to Lessee by Owner

- a) The owner of a leasehold shall notify the lessee of the City's request to inspect a leasehold, shall make a good-faith effort to obtain the lessee's consent for an inspection, and, if the owner obtains the lessee's consent for an inspection, shall arrange for the inspection by the City.
- b) The Owner of a leasehold shall provide the City access to the leasehold for an inspection during reasonable hours if any of the following apply:
  - i. The lease authorizes City inspector to enter the leasehold for an inspection.
  - ii. The lessee has made a complaint to the City.
  - iii. The leasehold is vacant.
  - iv. The City serves an administrative warrant ordering the owner to provide access.
  - v. The lessee has consented to an inspection. If a lessee is not present during the inspection, the City may rely on the owner's representation to the City that the lessee has consented to the City's inspection.
- c) The lessee shall provide the City access to the leasehold for an inspection during reasonable hours if any of the following apply:
  - i. The lease authorizes the City inspector to enter the leasehold for an inspection.
  - ii. The lessee has made a complaint to the City.
  - iii. The City serves an administrative warrant ordering the lessee to provide access.
  - iv. The lessee has given consent.
- d) If a lessee who refused an inspection by the City vacates a leasehold before an inspection by the City, the owner of the leasehold shall notify the City within 10 days after the leasehold is vacated.

- e) Before entering a leasehold regulated by this ordinance, the owner of the leasehold shall request and obtain permission to enter the leasehold. However, in the case of an emergency, including, but not limited to fire, flood, or other threat of serious injury or death, the owner may enter at any time.

Section 3. Amendment to Article II. Certificate of Compliance, Section 31.1-11 entitled “Certificate of Compliance required”.

Section 31.1-11 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 department of engineering and building in the name of the owner/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 code enforcement inspector to determine that each rental dwelling and rental unit complies with the provisions of the codes and ordinances of the City of Wyandotte. 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, either (a) all violations must be corrected and approved by the City or (b) the amount of money estimated by the City to correct said violations must be placed in escrow with the department of engineering and building together with a signed Escrow Agreement, provided there are no dangerous conditions as determined by the City existing on the premises. If all of the said violations are not corrected within six (6) months of issuance of the Certificate of Compliance, the City may revoke the Certificate of compliance. The escrow funds will be released only after all violations are corrected.
- (c) A certificate of compliance is valid for a period of five (5) years for 1 family and 2 family dwellings and four (4) years for multiple dwellings from its date of issuance if issued within six (6) months of the date of the initial inspection report, provided that the rental dwelling and rental units remain in compliance with all applicable codes and ordinances and are not sold or transferred. If the violations are corrected more than six (6) months of the date of the initial inspection report, then the certificate of compliance will be valid for a period of five (5) years and six (6) months for 1 family and 2 family dwellings and four (4) years and six (6) months for multiple dwellings from the date of the inspection report. For a new rental dwelling a certificate of compliance shall be issued simultaneously with the certificate of occupancy, and shall remain valid for five (5) years for 1 family and 2 family dwellings and four (4) years for multiple dwellings provided that the rental dwelling and rental units remain in compliance with all the applicable codes and ordinances and are not sold or transferred.

When the rental dwelling or rental units are going to be sold or transferred, a new inspection and new certificate of compliance shall be required. The inspection fees will follow the same guidelines as stated in section 31.1-12(b).

The city engineer may revoke a certificate of compliance for a violation of and code, ordinance or rule or regulation of the city. The certificate of compliance must be renewed every five (5) years for 1 family and 2 family dwellings and four (4) years for multiple dwellings at the department of engineering and building. Any existing certificate of compliance that contains an expiration date prior to the adoption of this section shall remain in effect until the expiration date provided that the rental dwelling and rental units remain in compliance with all applicable codes and ordinances, are not sold or transferred with five (5) years for 1 family and 2 family dwellings and four (4) years for multiple dwellings of the expiration date of the current certificate of compliance, and provided that the property is not vacant or subject to foreclosure proceedings, or is the subject of a police report regarding vandalism, breaking and entering or open structure, or is determined to be a dangerous building by the engineer in accordance with the City of Wyandotte Property Maintenance Code.

Section 4. Amendment to Article II. “Certificate of Compliance”, by amending subparagraph (b) of Section 31.1-12 entitled “Certificate of Compliance application Form and Fee”.

Section 31.1-12 (b) Certificate of Compliance Application Form and Fee.

- (b) The inspection fee for a certificate of compliance shall be one hundred ninety dollars (\$190.00) for each rental dwelling and ninety-five dollars (\$95.00) for each additional rental unit contained

within said rental dwelling. Future fees shall be determined by resolution of City Council. Fee to be paid prior to inspection of unit(s).

Section 5. Amendment to Article II. "Certificate of Compliance", by amending subparagraph (c) of Section 31.1-12 entitled "Certificate of Compliance application Form and Fee for renewal".

Section 31.1-12 (c) Certificate of Compliance Application Form and Fee for renewal

(c) The renewal inspection fee every four (4) years for multiple dwelling and every five (5) years for 1 family and 2 family dwelling shall be shall be one hundred ninety dollars (\$190.00) for each rental dwelling and ninety-five dollars (\$95.00) for each additional rental unit contained within said rental dwelling. Future fees shall be determined by resolution of City Council. Fee to be paid prior to inspection of unit(s).

Section 6. Amendment to Article II. "Certificate of Compliance", by amending subparagraph (d) of Section 31.1-12 entitled "Multiple dwellings".

Section 31.1-12 Multiple Dwellings

(d) Multiple dwelling with more than twenty-five (25) units shall pay a minimum fee of two thousand four hundred seventy dollars (\$2,470.00) provided the city inspection does not exceed twenty-six (26) hours for the team of inspectors. Additional hours beyond twenty-six (26) shall be charged at the rate of one hundred twenty dollars (\$120.00) per hour. Future fees shall be determined by resolution of City Council. Fee to be paid prior to inspection of unit(s).

Section 7. Interpretation.

Nothing in this Ordinance shall be construed to affect any suit or proceeding 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 or any character be lost, impaired or affected by this Ordinance.

Section 8. Severability.

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 word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 9. Conflicting Ordinance.

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

Section 10. Effective

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and the Ordinance or its summary shall be published in newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. A copy of this Ordinance may be inspected or obtained at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte.

Motion unanimously carried.

ABSENT: Councilperson Maiani

#### CERTIFICATION

We, the undersigned, Joseph R. Peterson and Lawrence S. Stec, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, March 25, 2019.

**Joseph R. Peterson, Mayor**  
**Lawrence S. Stec, City Clerk**

The effective date of this Ordinance is April 9, 2019. A copy of this Ordinance may be purchased or inspected at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Publication Date: April 3, 2019