

CITY OF RIVERVIEW  
ORDINANCE NO. 623

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE ADDITION OF ARTICLE VIII "RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS" TO CHAPTER 86 "BUILDINGS AND BUILDING REGULATIONS" TO PROVIDE FOR THE REGISTRATION OF RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS AND REQUIRING A CERTIFICATE OF COMPLIANCE.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. AMENDMENT. That sections 86-260 through 86-277 of Article VIII be adopted to read as follows:

CHAPTER 86 BUILDINGS AND BUILDING REGULATIONS  
ARTICLE VIII. RESIDENTIAL RENTAL DWELLINGS AND RENTAL UNITS

Section 86-260. Purpose. To help protect the health, safety and welfare of the citizens by attempting to prevent blight, avoid the creation and maintenance of nuisance and insure minimum maintenance of residential rental dwellings and rental units recognizing how the conditions set forth in this Article can affect the general well-being and property values of residents, and identifying procedures for enforcement and providing penalties for violation.

Section 86-261. Definitions. As used in this Article, the following terms shall have the following meanings respectively ascribed to them in this section:

- A. "Certificate of Compliance". A certificate issued by the Department of Building and Engineering which certifies compliance with the provisions of the codes and ordinances of the City of Riverview and any applicable state statute.
- B. "Lease". Any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of residential rental dwellings or rental units.
- C. "Notice of Violation". A notice issued to the owner or Responsible Local Agent stating that there has been a violation of a provision of this Ordinance or any other applicable codes, ordinances, rules or regulations concerning said premises.
- D. "Occupancy" or "Occupants". Includes all tenants, lessees and persons residing within a rental dwelling or rental unit.
- E. "Owner". Any person, agent, firm or corporation having a legal or equitable interest to the premises.
- F. "Premises". Any lot or piece of land inclusive of the rental dwelling or rental unit.
- G. "Rental Dwelling". Any structure, building or other facility promised and/or leased to a

residential tenant or tenants for use as a single family home, residence or sleeping unit or two family homes residences or sleeping units and is not owner occupied. This definition includes, but without limitation, multiple family dwellings, apartments units, boarding houses, rooming houses, hotels, motels, flats and rented or leased mobile home units. It specifically excludes housing cooperatives.

- H. “Multi-Rental Dwelling”. Any rental dwelling containing three (3) or more rental units.
- I. “Multi-Rental Common Area”. Area common to each group or rental units served by one (1) water meter, including, but not limited to mechanical rooms, storage rooms, exit facilities, recreational areas, parking lots, sidewalks and other public spaces within or connected to the building.
- J. “New Rental Dwelling”. Any structure, building or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence or sleeping unit which has never been occupied and excluding any addition or modification of an existing structure, this definition includes, but without limitation, multiple family dwellings, apartment units, boarding houses, rooming houses, hotels, motels, flats and rented or leased mobile home units.
- K. “Rental Unit”. Any one area, room, structure, flat, apartment, mobile home unit or facility or a rental dwelling that is being leased or rented to only one tenant, group of tenants or family under one lease and is not owner occupied.

Section 86-262. Registration of Rental Dwelling and Units. The owner of any residential rental dwelling or rental unit shall register each rental dwelling with the City and shall designate a person, as defined in Section 86-265, as the Responsible Local Agent who shall be legally responsible for operating the registered rental dwelling or rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to insure compliance with the terms of this Ordinance and all applicable Codes and Ordinances adopted by the City of Riverview and applicable state statutes. Each Responsible Local Agent shall maintain a current list of the number of occupants of each rental unit for which he/she is responsible, as defined in Section 86-263. A “Certificate of Compliance” shall not be issued if the registration provisions of this Ordinance are not complied with.

- A. A registry of owners and premises shall be maintained by the Building Department. Such registry will be kept as a public record and shall be available for public inspection.
- B. Any change in address of owner, agent or representative shall be noted in the registry within thirty (30) days of any change by said owner, agent or representative.
- C. If any rental dwelling is sold (including by land contract) in the City of Riverview, it shall be the obligation of the seller to notify the Building Department within fifteen (15) days of the sale. Seller shall provide the name and address of the purchaser, and the information shall be noted in the registry.
- D. Any person failing to register within fifteen (15) days of purchasing a rental dwelling with the Building Department as required by the section shall be charged an additional

Fifty (\$50.00) Dollars for each unregistered property. Said Fifty (\$50.00) Dollars will be payable at the time of registration. Failure to register notices shall be sent to the Riverview Police Department for legal processing.

Section 86-263. Registration Forms and Fees.

- A. Application for registration shall be made in such form and in accordance with such instructions as may be provided by the Building Department and shall include at least the following information.
1. The name and address of applicant.
  2. The names, addresses and telephone contact numbers of all owners of the rental dwelling(s).
  3. The name, local address and telephone number of any Responsible Local Agent designated.
  4. The number of rental units in each rental dwelling.
  5. The authorization appointing a responsible local agent signed by both the owner and the responsible local agent.
  6. It shall be the responsibility of the property owner to notify the Building Department of the name, address and apartment number, where applicable, for each rental dwelling and rental unit occupied.
- B. The fee of Fifty (\$50.00) Dollars for each rental dwelling registered and Fifteen (\$15.00) Dollars per rental unit contained herein shall be paid at the time of registration. No post office boxes will be accepted as a legal address. Upon registration, the Building Department shall inform applicants of Certificate of Compliance requirements.

Section 86-264. Registration Term and Renewal. Registration shall be made within ninety (90) days of the enactment of this Ordinance. The term of the registration shall be valid as long as the owner remains unchanged. In the event of a transfer of ownership, the registration and any Certificate of Compliance shall expire and no longer be valid. Any new owner shall register in accordance with Section 86-262, and make application for a Certificate of Compliance for each rental dwelling unit within fifteen (15) days of the date of transfer to a new owner.

Section 86-265. Responsible Local Agent. The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or any other legal entity, having his or her place of residence in the County of Wayne or any bordering county, and shall be designated by the owner as responsible for operating such premises in compliance with all the provisions of the City of Riverview Codes and Ordinances and applicable state statutes. The owner may act as the responsible local agent, provided he/she resides in the County of Wayne or any bordering county. All official notices from the City may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record.

Section 86-266. Transfer of Ownership. It shall be unlawful for the owner or any rental dwelling or rental unit who has received any notice of violation to transfer, convey, lease or sell (including by land contract) his/her ownership and/or interest in any way to another, unless such owner shall have first furnished to the building official a signed and notarized statement from the grantee, vendee or lessee, or transferee acknowledging the receipt of such notice of violation.

Section 86-267. Inspection.

A. The Supervisor of the Building Department and such other building officials as the City Manager may designate, are hereby authorized to make inspections of any rental dwelling or rental unit, as defined by this Ordinance, occupied or unoccupied, as follows:

1. Within thirty (30) days of registration or notification of a required inspection as reflected by Building Department records.
2. Prior to occupation or reoccupation of any rental unit which has been vacated and has outstanding violations in order to establish compliance with all of the minimum building regulations.
3. All rental dwelling property and rental units must be inspected and maintained to meet the minimum standards of all local codes and ordinances. An owner, agent, representative or tenant shall consent to said inspections to determine the condition of a rental dwelling or rental unit in the City of Riverview. For the purpose of making such inspections, the Building Inspector, or any designated representative, is hereby authorized, upon seven (7) days' notice, to enter and inspect at reasonable times. The owner, agent, representatives or tenant shall give the Building Inspector or designated representative free access to the premises, except in the case of emergency or imminent danger; then, immediate inspection is permitted.
4. Inspections shall be conducted in each unit of all multi rental units every three (3) years. There shall be a per unit inspection fee as set by the Building Department, payable at the time of inspection.
5. Upon issuance of a certificate of compliance, inspections will be conducted on a three (3) year cycle. Inspection fees are payable at the time of each required inspection.

B. If upon inspection, the premises or any part thereof are found to be in violation of any provisions of this Ordinance or any other applicable Building Codes, Fire Prevention Ordinances, Zoning regulations, local ordinances, or other local codes relating to maintenance, the violation shall be recorded by the Building Department and notice, either in person or by first class mail, given to the owner, agent or representative as such appears in the registry of owners and premises. All listed violations must be corrected within the time allotted by the Building Department. Proper permits must be obtained by licensed contractors for all repairs requiring a permit. The owner, agent or representative

will be notified of the follow-up inspection date to determine if violations are corrected. There is no additional fee for the follow-up inspection. Failure to have all violations corrected by the follow-up inspection will result in a re-inspection and additional inspection charges being assessed as well as penalties as prescribed in Section 86- 269, part C or D.

Section 86-268. Boarding a Residential Rental Structure: Prohibited. No window, door or other opening in a rental dwelling or rental unit shall be boarded up without specific prior approval of the Building Department. Boarding of windows, doors or other openings in a rental dwelling or rental unit poses a dangerous situation to the owner, tenants or the general public. Such boarding up of a rental dwelling or rental unit will be for a duration not to exceed two (2) weeks, unless approved in writing for a longer duration by the Supervisor of the Building Department. If boarding up is deemed necessary, the means and material used must be approved by the Building Department.

Section 86-269. Designation of Unfit Dwelling and Legal Procedure of Condemnation.

- A. The designation of a rental dwelling or rental unit as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwelling or dwelling units shall be carried out in compliance with the provisions of the Riverview City Charter, Codes and Ordinances and any applicable state statute.
- B. Any rental dwelling or rental unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Code Official or the Supervisor of the Building Department:
  1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health, safety or welfare of the occupants of the premises or the public.
  2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health and safety of the occupants or the public.
  3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health, safety or welfare of the occupants or of the public.
  4. Any rental dwelling or rental unit condemned as unfit for human habitation so designated and placarded by the Code Official or the Supervisor of the Building Department shall be vacated, as ordered by the Code Official or Supervisor of the Building Department.
  5. No rental dwelling or rental unit which has been condemned or 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 or the Supervisor of the Building Department. The Code Official or the Supervisor of the Building Department shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based on have been eliminated.

6. No person shall deface or remove the placard from any rental dwelling or rental unit which has been condemned as unfit for human habitation and placarded as such, except as provided herein.
  7. Any person affected by any notice or order relating to the condemning and placarding of a rental dwelling or rental unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Supervisor of the Building Department.
- C. Failure to correct violations by the re-inspection date will result in an administrative penalty of One Hundred (\$100.00) Dollars for each violation and shall constitute a misdemeanor and be subject to the penalties as provided in Section 86-274.
- D. Failure to correct violations by a subsequent re-inspection date will result in an administrative penalty of Three Hundred (\$300.00) Dollars for each violation and shall constitute a misdemeanor offense and be subject to the penalties as provided in Section 86-274.

Section 86-270. Certificate of Compliance. 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 Building and Engineering in the name of the owner/Responsible Local Agent and issued for the specific rental dwelling and rental unit. The Certificate shall be issued after making application with the Department of Building and Engineering and an inspection by the appropriate inspector(s) to determine that each rental dwelling and rental unit complies with the provisions of the Ordinances of the City of Riverview. For a new construction rental dwelling, a Certificate of Compliance shall be issued simultaneously with the Certificate of Occupancy and shall remain valid for five (5) years. For one (1) and two (2) family rental dwelling(s) and common areas of multi rental dwellings, a Certificate of Compliance is valid for three (3) years. For individual rental units in a multi rental dwelling the Certificate of Compliance is valid for three (3) years. The Certificate of Compliance will remain valid for these time periods, providing that the rental dwelling remains in compliance with all applicable Codes and Ordinances. The Supervisor of the Building Department may revoke a Certificate of Compliance for a violation of any Ordinance, rule or regulation of the City of Riverview. The initial Certificate of Compliance must be applied for in accordance with Section 86-264.

Section 86-271. Issuance of Certificate of Compliance Application Form and Fee. The Certificate of Compliance shall be issued only after each of the following requirements has been satisfactorily completed:

- A. Payment in full of any and all fees required for registration, plus any penalties that may be imposed.
- B. Satisfactory inspections as required by the Department of Building and Engineering that certify that the property complies with all local ordinances and state building codes and payment of all required inspection fees and penalties.
- C. Address and number of units applied for under the Certificate of Compliance.

Section 86-272. Maintaining Certificate of Compliance. The following information shall be maintained in a business office on the property or made available upon request by a tenant:

- A. A copy of the current Certificate of Compliance.
- B. The name, address and telephone number of the Responsible Local Agent.

Section 86-273. Authority for City Inspectors to Issue Appearance Tickets.

- A. The Code Official, the Supervisor of the Building Department and any other persons designated by the City Manager shall have authority to issue appearance tickets with respect to the following class of offenses when said persons are assigned as part of their employment duties to conduct an investigation concerning any of these enumerated offenses:
  - 1. Nuisance offenses.
  - 2. All code enforcement, including but without limitation, the following:
    - a. Electrical Code violations.
    - b. Plumbing Code violations.
    - c. Mechanical Code violations.
    - d. Building Code violations.
    - e. Fire Prevention Code violations.
    - f. Housing Code violations.
    - g. Rental dwelling violations.
  - 3. All ordinances involving the maintenance and upkeep of public or private property, including all ordinances concerning garbage, weeds and fences.
- B. The persons listed in Paragraph A above, may issue and serve upon an owner, responsible local agent or occupant, an appearance ticket if they have reasonable cause to believe that a person or legal entity has committed any offense relating to the subject property within the class of offenses described in this Ordinance.

Section 86-274. Penalty. Any owner of a rental dwelling or rental unit who shall fail to register his/her rental dwelling and rental units or who shall fail to obtain a Certificate of Compliance for each of his rental dwellings and rental units shall be guilty of a misdemeanor. Any owner or responsible local agent who fails to comply with any of the requirements of this Article shall be guilty of a misdemeanor. Upon conviction under this Section, the owner or responsible local agent shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment for not more than ninety-three (93) days, or by both such fine and imprisonment. Each day a violation exists shall constitute a separate offense. Each violation for each rental dwelling and rental unit shall constitute a separate offense.

Section 86-275. Lien Against Property: awards or fines for transferring without honoring lien.

- A. If any owner fails to pay any fine, fees, penalties, or civil infraction awards required by this Ordinance, then the amount due shall accrue interest at the rate of 12% per annum or,

if 12% is deemed invalid for any reason, the highest amount allowable by law, from the date when it becomes due and shall be filed with the City of Riverview Assessor's Office and shall be collected in the manner fixed by law for the collection of taxes and assessments.

- B. All criminal fines and/or civil infractions which are awarded in favor of the City and assessed against the owner and/or agent may be assessed against the property in any way allowed by this Ordinance or any other law.
- C. It shall be a civil infraction for any owner, any seller or seller's agent, any buyer or buyer's agent, an attorney, a real estate broker, a real estate agent, a real estate title company, a mortgagor or any other entity involved in the closing of a transaction to close a transaction involving the sale of a property on which a recorded lien concerning this article exists. The amount of the civil infraction and/or fine shall be double the actual amount of the lien. The lien amount shall include: the principal amount of the lien; interest at the rate of 12% per annum or, if 12% is deemed invalid for any reason, the highest rate allowed by law, reasonable attorney fees and administrative fees for perfecting the lien; and other related expenses arising out of the violations of this Ordinance. Said lien amount shall then be doubled.

Section 86-276. Civil Infraction. Any owner, person or entity who fails to comply with any of the requirements of section 86- 275 shall be responsible for a civil infraction. The District Court Judge shall assess damages in favor of the City for the civil infraction which shall include: up to Five Hundred (\$500.00) Dollars for each day a violation exists; enforcement costs including reasonable attorney fees; and any other damages allowed at law under this ordinance.

Section 86-277. Effective Dates. In order to more efficiently utilize the City's limited resources in this time of global and national economic crisis; and in order to more efficiently address the problem of home foreclosures and abandonments which have resulted in a noticeable decline in our community and neighborhoods; the city council has determined that the highest priority at this time is single family home foreclosures and abandonments; therefore, this ordinance will take effect beginning July 1, 2009, for all single family residential rental dwellings. Thereafter, on July 1, 2011, this ordinance will take effect for all other forms of rental dwelling(s) or multiple-rental dwelling(s), as defined in this Article.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. 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 agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or



inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on March 2, 2009, shall be given a second reading on March 16, 2009, shall be adopted on April 6 and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 6<sup>th</sup> day of April, 2009.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on April 6, 2009.

---

Cynthia Hutchison, Records Manager/  
Assistant City Clerk