



CITY of NOVI CITY COUNCIL

**Agenda Item 7
March 27, 2017**

SUBJECT: Approval of Ordinance Review Committee recommendation to adopt Ordinance No. 17-189, amending Chapter 7, "Building and Building Regulations," Article VI, "Business of Renting Buildings," of the City of Novi Code, in order to repeal the regulations and provisions. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Community Development staff has been tasked with identifying current City Ordinance provisions throughout the City Code that may be out of date, duplicative, or no longer efficient or required. The staff brought several such provisions to the Ordinance Review Committee (ORC) for consideration at its January 6, 2017 meeting, including Ordinance No. 17-189, which repeals the inspection requirements in Chapter 7 for rented commercial buildings.

These Ordinance provisions, dating from 2003, require periodic inspection of every building (or portions of buildings) that is rented or leased. The standard for inspection is the State Construction Code, with the Property Maintenance Code further referenced for residential properties. Registration and licensing of landlords is also required. Property inspections and certification are independent of any property maintenance complaint investigations and follow up, Fire Department commercial property inspections, Certificate of Occupancy inspections for new or relocated tenants, or inspections related to renovation or rehabilitation work. Enforcement of the Ordinance requires inspection of residential rental units that would not otherwise occur, requiring creation of a complete residential inspection program. There does not appear to be a specific mechanism to recover costs to the City to carry out the required services.

These provisions frankly have not been enforced during at least the past 10 years. Specific complaints are addressed on an individual basis by Code Compliance and Building Division staff inspectors as they arise. The ORC's recommendation is to repeal the Ordinance provisions, as most if not all issues can be resolved under the regularly updated Fire, Building, and Property Maintenance Codes without the cost or inconvenience of registration and wholesale additional inspections.

RECOMMENDED ACTION: Approval to adopt Ordinance No. 17-189, amending Chapter 7, "Building and Building Regulations," Article VI, "Business of Renting Buildings," of the City of Novi Code, in order to repeal the regulations and provisions. **FIRST READING**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 17-189

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 7, "BUILDING AND BUILDING REGULATIONS," ARTICLE VI, "BUSINESS OF RENTING BUILDINGS," IN ORDER TO REPEAL THE REGULATIONS AND PROVISIONS THEREIN IN THEIR ENTIRETY.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 7, "Building and Building Regulations," Article VI, "Business of Renting Buildings," of the City of Novi Code of Ordinances is hereby repealed in its entirety.

ARTICLE VI. - ~~BUSINESS OF RENTING BUILDINGS~~ [RESERVED]

~~DIVISION 1. - GENERALLY~~

~~Sec. 7-86. - Definitions.~~

~~The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:~~

~~Business of renting means the renting or leasing of a building or buildings or any portion of a building to another by the owner or possessor of land for a valuable consideration.~~

~~Property Maintenance Code means the BOCA National Property Maintenance Code adopted by the city in section 7-31.~~

~~State Construction Code means that code and rules adopted by the state construction commission pursuant to Act No. 230 of Public Acts of Michigan of 1972 (MCL 125.1501 et seq.).~~

~~Sec. 7-87. - Inspections.~~

~~(a) The department of building and safety shall inspect, on a periodic basis, all buildings and parts of buildings rented or leased by licensees. An inspector of the department may request permission to enter all such premises for the purpose of inspection at reasonable times to determine whether such building or parts of buildings rented or leased by licensees are in compliance with this article, the State Construction Code, and, if applicable, the Property Maintenance Code.~~

~~(b) Where the owner or occupant demands a warrant for inspection of the premises, the department of building and safety shall obtain a warrant from a court of competent jurisdiction. The department shall prepare the warrant, stating the address of the building~~

~~to be inspected, the nature of the inspection, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. license application, license renewal, complaint, area of recurrent violation basis) established in this article. The warrant shall also state that it is issued pursuant to this article, and that it is for the purposes set forth in this article. If the court finds that the warrant is in proper form and in accordance with this article, it shall be issued forthwith.~~

~~Secs. 7-88—7-100. —Reserved.~~

~~DIVISION 2.—LICENSE~~

~~Sec. 7-101.—Required.~~

~~It shall be unlawful for any person to engage in the business of renting without a license from the city.~~

~~Sec. 7-102.—Application.~~

~~Any person wishing to engage in the business of renting in the city shall make application to the department of building and safety for a license to do so; such application to be accompanied by a fee set by resolution of the council, and the department shall issue such license upon the following conditions; namely:~~

- ~~(1) Each application shall contain a sworn statement by the applicant stating that the building, buildings or portion of a building that the person seeks to rent or lease to another, are not in violation of the State Construction Code and, if the building, buildings or portion of the building are to be used for residential purposes, the sworn statement shall also state that the building, buildings or portion of buildings are not in violation of the Property Maintenance Code.~~
- ~~(2) Each applicant shall state on his application the following:~~
 - ~~a.—The applicant's name and address;~~
 - ~~b.—The common address and legal description of each building or portion of building that the applicant seeks to rent or lease to another person;~~
 - ~~c.—The number of rental or lease units contained in each such building; such as, the number of apartments, stores or offices contained in each such building;~~
 - ~~d.—Whether the building will be used for residential, commercial or industrial purposes and if it is to be used for industrial or commercial purposes, the square footage of each such building.~~

~~Sec. 7-103.—Renewal.~~

~~(a) Every person who receives a license to engage in the business of renting shall thereafter make an application to the department of building and safety for a renewal of such license on or before January first of each succeeding year; such application to be accompanied by a fee set by resolution of the council, and the department shall issue such license upon the following conditions, namely:~~

- ~~(1) Each such application shall contain a sworn statement by the applicant stating that the building, buildings or portion of a building that the person rents or leases to another,~~

~~are not in violation of the State Construction Code, and if the building, buildings or portion of the building are used for residential purposes, the sworn statement shall also state that the building, buildings or portion of buildings are not in violation of the Property Maintenance Code.~~

~~(2) Each applicant shall state on his application the following:~~

- ~~a. The applicant's name and address;~~
- ~~b. The common address and legal description of each building or portion of building that the applicant rents or leases to another person;~~
- ~~c. The number of rental or lease units contained in each such building; such as, the number of apartments, stores or offices contained in each such building;~~
- ~~d. Whether the building is used for residential, commercial or industrial purposes and if it is used for industrial or commercial purposes, the square footage of each such building.~~

~~(b) If any licensee fails to comply with this section, the renewal of his license shall be withheld, but the licensee may be reinstated by the department of building and safety upon subsequent compliance with the provisions of this section.~~

~~Sec. 7-104. -- Denial or revocation:~~

~~(a) The building official shall withhold the renewal of the license or revoke the license for any other the following causes:~~

- ~~(1) For fraud or deceit in procuring a license to engage in the business of renting or in the renewal of the license;~~
- ~~(2) The building, buildings or portion of the buildings rented or leased by the licensee has become violative of the State Construction Code;~~
- ~~(3) If the building, buildings or portions of the buildings rented or leased by the licensee is used for residential purposes and has become violative of Chapter 7, Article III, "Property Maintenance Code."~~

~~(b) Prior to the refusal to renew the license or the revocation of the license, a hearing shall be held before the building official upon notice given to the licensee in writing specifying the time, place of hearing and reason for withholding of the license or revocation of the license. Notice shall be served upon the licensee personally or by certified mail, return receipt requested, addressed to the address of the licensee on his application, ten (10) days before the date of hearing described in the notice. At the hearing, the licensee may be represented by counsel and a record shall be made, however, the record need not be a verbatim record.~~

~~(c) The determination to refuse to renew the license or the revocation of the license is appealable to the construction board of appeals, upon written request for a hearing before the board of appeals. In the absence of such request being filed within ten (10) days after determination of withholding the renewal of the license or revocation of the license, the determination is final.~~

~~Sec. 7-105. -- Penalty:~~

~~Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of section 1-11 of this Code.~~

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2017, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___ day of _____, 2017.

Cortney Hanson, City Clerk