

**STATE OF MICHIGAN
COUNTY OF WASHTENAW
ANN ARBOR CHARTER TOWNSHIP**

**ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY
MAINTENANCE CODE**

ORDINANCE NO. 3-2009

WHEREAS the Charter Township of Ann Arbor (“Township”) desires to enhance the protection of life and property in the Township by regulating the condition and maintenance of Residential Rental Structures and dwelling units, by providing the standards and requirements for utilities, facilities and physical conditions essential to ensure that such structures are safe, sanitary and fit for occupation, and by providing for issuance of permits and collection of fees for registration and inspection of such structures.

WHEREAS the International Property Maintenance Code is a comprehensive uniform model code that provides standards and requirements for safe and sanitary conditions of Residential Rental Structures.

WHEREAS the Township finds that the standards and requirements of International Property Maintenance Code are suitable for Residential Rental Structures in the Township; and

WHEREAS the International Property Maintenance Code coordinates well with existing codes applicable to the Township, including the Michigan Residential, Building, Plumbing, and Mechanical Code, the State Electrical Code, and the International Fire Code, and is intended to be consistent with existing ordinances; and

WHEREAS the Township has determined that adopting a comprehensive ordinance regulating Residential Rental Structures and dwelling units will promote the health, safety and welfare of the Township and its citizens; and

WHEREAS the Township desires to repeal all other ordinances or parts of ordinances conflicting with this ordinance.

THEREFORE, the Charter Township of Ann Arbor Board of Trustees ordains as follows:

CHAPTER 14 ARTICLE IV. PROPERTY MAINTENANCE

Sec. 14-70. International Property Maintenance Code.

The “*International Property Maintenance Code*”, 2006 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of Ann Arbor Charter Township with the definitions described in Section 14-71, the modifications and amendments described in Section 14-72 and the inspection procedures and other requirements described in Sections 14-73 through 14-86 (together referred to as the “Code”).

Sec. 14-71. Definitions.

- a. “Code Official” shall mean the Township Building Official, or any designee of the Township Building Official.
- b. “Jurisdiction” or “Township” shall mean the Charter Township of Ann Arbor.
- c. “Residential Rental Structure” or “Structure” or “Premises” shall mean a single family or multi family structure or premises containing one or more dwelling units, housekeeping units, rooming units, sleeping units or constituting a rooming house (as defined in Code Section 202) that are rented, leased or occupied for residential purposes by a person or persons other than (i) the owner of the structure, (ii) the owner’s family, or (iii) the individuals who are the grantors, trustees or beneficiaries of a grantor trust owning the structure. Provided, a single family residence rented, leased or occupied for a period of not more than 12 months while the owner is temporarily absent from the area for business, personal or other reasons, such as an academic sabbatical, shall be excluded from the definition of Residential Rental Structure.

Sec. 14-72. Modifications and Amendments to Code

The following sections and subsections of the International Property Maintenance Code are deleted and replaced with the following:

101.1 Title. These regulations shall be known as the Property Maintenance Code of Ann Arbor Charter Township, referred to as the “Code.”

101.2 Scope. The provisions of the Code shall apply to all existing and future Residential Rental Structures in the Township and shall constitute minimum requirements and standards for such premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the responsibility of owners, operators and occupants, the occupancy of existing structures and premises, and for administration, enforcement and penalties.

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be in accordance with the procedures and provisions of the *Michigan Residential, Building, Plumbing, and Mechanical*

Code, the State Electrical Code, and the International Fire Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the *Township Zoning Code*.

103.1 General. The department of property maintenance inspection (“department”) is hereby created. The code official as defined in 14-71(a) shall be in charge of the department.

103.2 [deleted] (appointment)

103.4 Liability. The code official, or any other officer or employee charged with enforcement of this Code, while acting for the Township in the lawful performance of duties under the Code shall be entitled to all protections available under the Michigan Governmental Liability for Negligence Act and other applicable laws and Township insurance policies, including coverages and protections available for defense and other costs and damages in the event of any suit for tort liability instituted against the code official or other officer or employee charged with enforcement of this Code because of an act performed in the lawful discharge of duties under the provisions of this code when acting in good faith and without malice, fraud, dishonesty or gross negligence.

103.5 Fees and Fines. The fees for activities and services performed by the department in carrying out its responsibilities under this Code and the fines charged for failure to comply with this Code shall be those adopted by resolution of the Township Board of Trustees and may be amended from time to time by the Township Board of Trustees.

104.2 Rule Making Authority. The code official shall have authority as necessary in the interest of public health, safety and welfare to propose rules and procedures to implement the provisions of this code. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety. Such rules shall take effect immediately after approval by the Township Board and posting on the Township web site.

104.7 [deleted] (record retention policy)

106.1 Unlawful Acts. It shall be unlawful for a Residential Rental Structure subject to this Code to be in conflict with or in violation of any of the provisions of this Code, and the owner of such structure shall be responsible for correction of any such conflict or violation.

106.3 Prosecution of a Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be guilty of a civil infraction punishable in accordance with Articles III and V of Chapter 2 of the Township Code of Ordinances. If the notice of violation is not complied

with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or to the order or direction made pursuant thereto. To the extent authorized by law, cost incurred by the Township in enforcing correction of a violation of this code shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the persons responsible for the violation as specified in this code. Notices for dangerous buildings procedures shall also comply with Chapter 14, Article III.

108 [deleted] (unsafe structures, see Chapter 14, Article III)

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work pursuant to section 109 may be advanced by the Township and upon such advance legal counsel for the Township shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. Such costs may also be recovered pursuant to the provisions of this Code or Chapter 14, Article III, as applicable.

110 [deleted] (demolition)

111 Means of appeal. Any person aggrieved by a decision of the Code Official regarding the enforcement of this Code or any order or notice issued pursuant to this Code, may appeal that decision to the Washtenaw County Building Code/Construction Board of Appeals or such other Building Board of Appeals as may be designated by resolution of the Township Board ("Building Board of Appeals") to hear such appeals. A written notice of appeal must be filed within 20 days after the day the decision, order or notice was served. The Building Board of Appeals shall hear appeals in accordance with the procedure specified by state construction code act, MCL 125.1501 et seq. An appeal of the decision of the Building Board of Appeals may be made to the Washtenaw Circuit Court in the manner provided by law.

201.3 Terms defined in other codes. Where terms are not defined in this Code and are defined in the *Michigan Residential, Building, Plumbing, and Mechanical Code, the State Electrical Code, and the International Fire Code*, such terms shall have the meanings ascribed to them as stated in those codes.

302.4 [deleted] (weeds)

304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

304.17 Guards for basement windows. In dwellings where rodent problems have been identified, every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets a Residential Rental Structure on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply facilities capable of providing heat to the occupied areas at all times necessary to maintain a temperature of not less than 65 degrees F (18 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

602.4 [Deleted] (occupiable work spaces)

603 [Text unchanged but the following subsection 603.7 added]

603.7 HVAC Certification Requirement. All heating equipment in a Residential Rental Structure shall be serviced and inspected by a licensed mechanical contractor. The mechanical contractor shall provide certification of inspection minimally every 4 years. The certification shall be on a form approved by the Code Official. Inspectors may require cleaning and service more frequently based on observations made during the inspections.

[A new section 705 is added as follows.]

705 FIRE EXTINGUISHERS

705.1 Where required.

Portable fire extinguishers shall be permanently mounted in approved, conspicuous locations where they will be readily accessible and immediately available for use as follows:

1. Every dwelling unit in a Residential Rental Structure shall be equipped with a fire extinguisher with a minimum rating of 5ABC and meeting the requirements of the Fire Prevention Code of the Township.

Exception: A multi-family structure with a shared common entry equipped with an approved fire extinguisher located in the common entry, when approved by the Township Fire Department.

2. All common tenant areas, laundry rooms, and mechanical rooms in a Residential Rental Structure shall be equipped with a fire extinguisher with a minimum fire rating of 10ABC and meeting the requirements of the Fire Prevention Code of the Township.

CHAPTER 14 ARTICLE IV. PROPERTY MAINTENANCE INSPECTION PROCEDURES

Sec. 14-73. Registration required.

No person shall rent or lease any Residential Rental Structure unless the structure is registered with the Township.

(a) Registration shall be on a form provided by the Township. Required information shall include the name, address and telephone number of the owner and any managing agent. The form must be signed by all owners and any agents. The owner, representative, or agent who may be served with process and may be named as a defendant in an action to enforce compliance with this Code shall reside in this State and have an office within 50 miles of the Township at an address provided to the Township.

(b) All changes in the required information must be provided to the Township in writing within 30 days of the change.

(c) Registration of Residential Rental Structures existing at the time of adoption of this Code shall be completed within 15 days after notification by the Code Official.

Sec. 14-74. Certificate of compliance required.

No person shall rent, lease or make available for occupancy any portion of a Residential Rental Structure unless a Certificate of Compliance has been issued for the structure and each individual dwelling unit within it.

Sec. 14-75. Issuance of certificate of compliance.

A Certificate of Compliance shall be issued for a Residential Rental Structure or dwelling unit only after:

(a) An inspection of the premises by the Code Official verifies that no violations exist and the structure and dwelling unit are in good repair, structurally sound and in a sanitary condition, in accordance with the Code.

(b) All required fees have been paid and all current registration information has been provided by the owner/agent of the structure.

Sec. 14-76. Termination of certificate of compliance.

Certificates of Compliance for Residential Rental Structures shall expire two and one half (2 ½) years after the date that they are issued, or earlier if warranted by inspections.

Sec. 14-77. Inspection frequency.

(a) Residential Rental Structures shall be subject to inspection no less than every Two and one half (2 ½) years.

(b) Residential Rental Structures may be inspected any time there is a complaint or other indication of a violation of this Code.

Sec. 14-78. Inspection procedures.

(a) When an inspection is due, the Code Official shall send the owner or agent a notice of the date for the inspection and the fee that must be paid before the inspection.

(b) An inspection may be rescheduled for just cause. Once a date for inspection is scheduled, the owner or agent shall:

(1) Notify each tenant of the date when the inspection is scheduled to occur. This notice shall be delivered at least 48 hours prior to the time of the scheduled inspection.

(2) Notify each tenant or occupant that the owner or agent is required to accompany the inspector during the performance of all inspections and in the event that the tenant or occupant is not present, the owner/agent must provide access for the inspector by unlocking the dwelling unit's door, verifying that no occupant is present and securing the unit after the inspection is completed.

Sec. 14-79. Transfer of certificate of compliance.

The Code Official shall transfer a current Certificate of Compliance to a new owner when the new owner supplies the registration information required by Section 14-73. The owner of a Residential Rental Structure shall (i) provide notice of the proposed transfer to the code official and (ii) provide the proposed transferee with the status of compliance of the structure with this Code.

Sec. 14-80. Fees/Fines.

(a) The owner of the structure shall be responsible for payment of the inspection and other fees and fines under this Code as set by resolution by the Township Board and on file at office of the Clerk including the following:

(b) Fees/Fines:

(1) Registration. Residential Rental Structure owner and any agent of record shall register on forms provided by the Township and pay the registration fee established by the Township Board. Registration shall be in accordance with 14-73, 14-79 and 14-85. Failure to register as required will result in "Failure to Register" fine.

(2) Certification inspection. Fees shall be established for the inspection and certification of each structure and dwelling unit that has not previously received a certificate of compliance or for which the certificate renewal is required. An

additional fee will be assessed for each re-inspection required to determine compliance.

(3) Tenant complaints. The department shall make an initial inspection after receiving a written complaint from the tenant. If a violation is found and reinspection is required, the property owner shall be billed for all required re-inspections and associated fees.

(4) Search warrants. An additional charge shall be assessed over and above any inspection charges for each dwelling unit and/or structure for which a search warrant is issued by a court because the owner or agent has failed to respond to the department's requests to gain admission to the structure or dwelling unit.

Sec. 14-81. Collection of fees.

(a) A Certification of Compliance shall not be issued for a Residential Rental Structure until all current and past due fees are paid.

(b) When fees are imposed under this Code a statement of the fees shall be mailed to the owner. If the fees are not paid within 30 days of mailing, a certificate of nonpayment shall be filed with the Township Treasurer and mailed to the owner. Failure to pay required fees or other costs and expenses incurred by the Township in enforcement of this Code shall be a violation of this Code. The Township may institute an action to recover such unpaid fees, costs and expenses in a court of competent jurisdiction. To the extent provided in any judgment or applicable law, all such fees, costs and expenses shall be a lien on the owner's structure and may be collected in the same manner as delinquent taxes.

Sec. 14-82. Violations.

(1) No owner or owner's agent shall keep or maintain a Residential Rental Structure that does not comply with the standards of this Code.

(2) No owner or owner's agent shall fail to register a Residential Rental Structure as required by Section 14-73.

(3) No person shall rent or otherwise make available for occupancy a Residential Rental Structure or dwelling unit for which a certificate of compliance has not been issued pursuant to this Code.

(4) Violations of this section or other requirements of this Code shall be civil infractions punishable in accordance with Articles III and V of Chapter 2 of Township Code of Ordinances.

(5) In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code.

Section 14-83. Repeal All other ordinances or parts of ordinances in conflict with this Code are repealed.

Section 14-84. Severability. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

Section 14-85. Effective Date. This Code shall become effective immediately following publication. Provided however, that for structures existing at the adoption of this Code, all required inspections and corrections necessary for compliance with this Code shall be completed according to a schedule established by the Code Official, but in no event later than 24 months after the date of publication of this Code.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan, at a meeting of the Board duly called and held on May 18, 2009.

ANN ARBOR CHARTER TOWNSHIP

By: _____
Michael C. Moran, Supervisor

By: _____
Rena Basch, Clerk

Adopted 2nd reading: June 15, 2009
Published and Effective: June 26, 2009