

**CITY OF NORWAY  
NORWAY, MI 49870**

**ORDINANCE NO. 389**

**RENTAL CODE**

An Ordinance to establish standards for the maintenance of sanitary and safe residential structures and for improving rental arrangements within the City.

**THE CITY OF NORWAY ORDAINS:**

Section I

- A. This Ordinance shall apply to any structure or part thereof, which is let for occupancy by persons pursuant to any oral or written rental or lease agreement or other valuable compensation; or to any occupant therein. Such structures shall include but not be limited to: single family dwelling, multiple family dwellings, rooming houses, housekeeping units, rooming units or bedrooms as defined in the INTERNATIONAL PROPERTY MAINTENANCE CODE in its most recent version.
- B. This Ordinance does not apply to jails, nursing home, school dormitories, hospitals or other health care facilities provided by legal not-for-profit agencies that are inspected, certified and/or licensed by the State of Michigan, nor federally licensed and inspected properties.
- C. This Ordinance shall be governed by the INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), in its most recent version. The City of Norway will maintain a copy of the code in its most recent version on file with the City Clerk.
- D. Where battery powered smoke alarms are allowed by the IPMC at least one of those smoke alarms in each dwelling unit shall be either (a) powered by a lithium power cell battery that is designed not to be removed from the unit or (b) powered by an approved tamper resistant ten (10) year long life battery or (c) wired to the electrical system of the unit, with battery back-up. All installations of new or replacement smoke alarms after the initial adoption of this Ordinance shall meet the above requirement.

Section II- Definitions

- A. As used in this Section, the following terms shall have the following meanings respectively ascribed to them in this Section:

**Affidavit of Compliance:** A form the property owner shall file with the City of Norway, on a form provided by the City of Norway, affirming that the rental property is in compliance with the International Property Maintenance Code (IPMC) and all other codes adopted by City of Norway.

**Bedroom:** Any room or space used or intended to be used for sleeping purposes.

**Certificate of Compliance:** City issues stating that the landlord has filed an Affidavit of Compliance.

**Certificate of Registration:** A certificate issued by the City of Norway which denotes that the holder has registered the structure as a rental property within the City of Norway.

**City Rental Code Board of Appeals:** The Norway Zoning Board of Appeals shall act as the City Rental Code Board of Appeals.

**Code Administrator:** City Manager or his/her designee appointed by the City of Norway who are charged with the administration and enforcement of this rental code. The County Building Inspector is hereby authorized to act on behalf of the City of Norway to administer and enforce this rental code.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Habitable Space:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**Housekeeping Unit:** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**Let for Occupancy or Let:** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the land.

**Occupancy:** The purpose for which a building or portion thereof is utilized or occupied.

**Occupant:** Any individual living or sleeping in a building or having possession of a space within a building.

**Operator:** Any duly authorized person who has charge, care or control of a structure or premises which is let or offered for occupancy. Owner(s) must officially notify the City of Norway of any operator(s) authorized to act on his/her/their behalf as required in Section 1705. In some situations, the owner could also be the operator.

**Registration Fees:** Registration fees, if any, shall be determined by the City Council and included in the City of Norway Fee Schedule adopted by the City Council.

**Rental Structure:** An occupancy let to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the land.

**Revocation:** A certificate of compliance, revoked for cause, will render the structure unfit for human habitation, upon the exhaustion of due process remedies. Certificates of compliance will be reinstated when a structure's condition is brought back into compliance with this code.

**Right of Entry:** The Code Administrator(s) is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is not obtained, the Code Administrator(s) is authorized to pursue administrative warrants or any other recourse as provided by law.

**Rooming House:** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**Rooming Unit:** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**Structure:** That which is built or constructed, or a portion thereof.

**Utility:** A service such as electricity, gas, or water that is provided by a public utility. Utility, including but not limited to garbage, water, sewer, television/cable, internet, telephone, shall include all City Services provided to a rental unit in addition to other non-City provided utilities.

### Section III- Registration

- A. All dwelling units in rental structures are required to be registered pursuant to this Section and shall comply with the following:
1. All existing dwelling units in rental structures shall be registered within ninety (90) days of the effective date of this ordinance.
  2. All newly constructed rental structures and their dwelling units shall be registered prior to any use or occupancy as a rental structure.
  3. All existing non-rental structures which are legally converted to rental structures shall be registered, along with their dwelling units, prior to the date on which the property is first occupied for rental purposes.
  4. A new owner or purchaser shall register a rental structure which is sold, transferred, or conveyed from previous owner within thirty (30) days of the date of sale/closing. New owners of rental structures are responsible for the completion of the registration process, including all dwelling units.
  5. A certificate of registration shall not be issued to dwelling units in rental structures with outstanding previously billed property taxes; current or past due special assessment installments; utility bills outstanding; charges against the property for mowing, cleanup, weed or debris removal, or similar charges made by the City; or fees, fines, penalties, or debts of any sort arising from provisions or enforcement of the rental code.
  6. A certificate of registration shall not be issued to rental structures and dwelling units if the owner has been found in violation of requirements for off-street parking or the IPMC or City Ordinance. Certificate of registration may be revoked in the event of violation of provisions of this ordinance or an ordinance adopted by the City of Norway, including the IMPC and all other codes adopted by City.
  7. A local operator for each and every rental unit is required if an owner (at least one of multiple individuals) does not reside in Dickinson County. A local operator is also required when the owner is a corporation or other legal entity. The owner is required to notify the City of Norway the identity of the person they have designated to be their operator.

### Section IV- Registration Forms

- A. Applications for certificate of registration shall be made in such form and in accordance with such instruction as may be provided by the Code Administrator(s) designated by the City of Norway and shall include but not be limited to the following information:
1. Rental Property Information containing the following:
    - a. Rental Property Address
    - b. Tax Parcel ID Number
    - c. Actual or estimated year built
    - d. Number of Dwelling Units contained within

- e. Compliance with City Codes (including the International Property Maintenance Code adopted by the City of Norway as from time to time amended.)
2. Owner(s) Information containing the following for each owner:
    - a. Owner Name (if a corporation, name of authorized representative)
    - b. Owner Address
    - c. Home Phone
    - d. Work/Business Phone
    - e. Signature
    - f. Date
    - g. Email address
  3. Local Agent Information (when utilized by owners) containing the following:
    - a. Local Operator's Name
    - b. Address
    - c. Home Phone
    - d. Work/Business Phone
    - e. Signature of the Operator(s)
    - f. Signature(s) on behalf of the Owner(s) or Corporation
    - g. Date
    - h. Email address
  4. It shall be the responsibility of the owner to advise the City of Norway in writing of any changes concerning the local operator within thirty (30) days.

Section V- Compliance Inspection

- A. Non-periodic inspections, specified below, will be scheduled as soon as practical by the Code Administrator:
  1. Upon receipt of a complaint from an owner, operator, occupant or citizen who would have occasion to be aware that the premises are in violation of this Ordinance. If the Code Administrator determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, a civil infraction shall be charged to the complainant.
  2. Upon receipt of a report or a referral from the Police Department, Fire Department, public or private school or other public agency.
  3. Upon receipt of knowledge that a rental unit is not registered with the City of Norway as required by this Ordinance.
  4. Upon evidence of an existing housing code violation observed by, or brought to the attention of the Code Administrator.
- B. Code Administrator is empowered to enter at any and all reasonable times upon and into any premises, building or structure for the purpose of examining and inspecting the same.
- C. Upon satisfactory completion of the Compliance Inspection the Code Administrator will issue a certificate of compliance.

- D. If a dwelling unit should fail the regular inspection, a subsequent re-inspection(s) will be required before the Code Administrator will issue a Certificate of Compliance.
1. The Code Administrator will establish clear requirements of what steps must be undertaken by the owner or operator, and in what timeframe, in order to (first) schedule the re-inspection, and (second) permit issuing a Certificate of Compliance when those requirements have been met.
  2. The Code Administrator must indicate whether the conditions are such that the rental dwelling unit must be vacated, or whether the steps to bring the unit up to code may continue while the unit continues to be rented by tenants.
- E. If a dwelling unit is required to undergo an inspection pursuant to any of the items under "A" above, the Code Administrator will establish clear requirements of what must be undertaken by the owner or operator. Further, the Code Administrator must indicate whether the conditions are such that the rental dwelling unit must be vacated, or whether the steps to bring the unit up to code may continue while the unit continues to be rented by tenants.
1. If the rental unit that undergoes an inspection passes the inspection, complainant pays or person asking for inspection pays.
  2. If the rental unit that undergoes an inspection fails to pass the inspection, the landlord pays a fee as well as a fee(s) for the re-inspection(s) required to establish compliance with the Rental Code.
- F. Violations of this code, the remedies, and stated deadlines shall be mailed by registered first class mail to the owner(s) or the operator(s) and by first class mail to the tenant(s) within seven (7) business days subsequent to the inspection. The notice of the violation shall state the right of appeal and instructions for making such an appeal.
- G. Fees set forth in the City of Norway fee schedule, if any, shall be paid prior to the registration and at the time of the Compliance Inspection.

Section VI - Affidavit of Compliance Required

- A. No owner or operator shall lease or rent a rental dwelling unit unless there is a valid Affidavit of Compliance filed with the City of Norway in the name of the owner.

Section VII- Penalties

- A. In the event the owner(s) or operator(s) does not correct a violation of any provision of this Section, the Code Administrator may revoke any existing Certificate of Compliance and may bring action to seek the enforcement of this Section by an appropriate legal remedy. Any structure not in compliance with this Section is deemed a nuisance per se. Fees and fines will be set forth in the City of Norway fee schedule.
- B. Any owner of a rental dwelling unit who fails to register or who fails to obtain a Certificate of Compliance for each rental dwelling unit shall be responsible for a municipal civil infraction. Any owner who fails to comply with any of the other parts of this Section shall be responsible for a municipal civil infraction.

- C. An owner may be charged with more than one violation of the provisions of this Section in a single complaint or municipal civil infraction, provided that each violation so charged relates to the same property.
- D. A violation of any provision of this Ordinance shall be a civil infraction, assessed against the owner of the rental structure. Each day that a violation exists shall be considered a separate punishable offense. Repeat violations, failure to repair or eliminate imminently dangerous or life threatening situations may be cited as misdemeanors.

#### Section VIII - Appeals

##### A. Appeals Procedure

Any owner or operator affected by any notice of violation which has been issued under this Section may request and shall be granted a hearing on the matter before the City of Norway Zoning Board of Appeals acting as a City Rental Code Board of Appeals. The affected person shall file a written appeal to the office of the Code Administrator requesting the hearing. The appeal shall include the name, address and phone number of the appellant and a brief statement of the grounds for the hearing. An application for appeal shall be accompanied by a fee as set forth in the City of Norway fee schedule to cover the City's cost of handling said appeal. The appeal shall be filed within 21 days after the day the notice of violation is served. Failure to file the written notice of appeal within the 21 day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of the violation. Upon timely receipt of an appeal, the Code Administrator shall set a time for a hearing before the City of Norway Zoning Board of Appeals acting as the City Rental Code Board of Appeals and shall give the appellant written notice of the date, time and location for the hearing.

##### B. Hearings

Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings, the appellant shall be given an opportunity to be heard and to show cause why the notice of the violation should be modified or withdrawn. The Code Administrator shall be given opportunity to provide information relative to and supportive of charging the violation(s).

##### C. Decisions and Powers of the City of Norway Zoning Board of Appeals acting as a City Rental Code Board of Appeals (the Board)

1. After a hearing, the Board may sustain, modify or withdraw the notice of violation depending upon its findings. In rendering these determinations, the powers of the Board shall be strictly limited to making interpretation of the provisions of this Ordinance, to the applicability of its specific provisions to the specific case being heard and to granting exemptions to the provisions of this Ordinance. In granting exemptions, the Board shall be allowed to grant an exemption if it clearly appears that, by reason of special condition, undue hardship would result from strict application of any section of the Ordinance. However, no exemption shall be granted if the same would result in either the purpose or intent of this ordinance or of any particular sections at issue, being

nullified. In reviewing a request for an exemption, the Board should consider the following to determine whether an exemption would be appropriate:

- a. Whether there are exceptional or extraordinary conditions applying to the property that do not apply to other similar properties;
  - b. Whether the exceptional or extraordinary conditions resulted from the action of the property owner;
  - c. Whether there exist alternative or equivalent methods or materials that would allow the purpose and intent of the particular section(s) at issue to be satisfied;
  - d. Whether the granting of an exemption would result in a substantial detriment to the property and;
  - e. Whether the exemption requested is the minimum exemption possible that would still allow the purpose and intent of the particular section(s) of issue to be met.
2. The Board may permit an exemption from mandatory provisions in such a manner that the public safety shall be secured, substantial justice done and the spirit and intent of the provisions of this Ordinance are upheld. In no case shall this Board grant an exemption which would lessen the safety, health and welfare requirements of this Ordinance. Any exemption(s) granted shall be for this Ordinance and shall not and cannot waive the requirements and provisions of any other ordinance or law. All decisions rendered under this Ordinance shall be in writing and shall be final. A copy of the decision shall be mailed to the appellant at the address shown on the appeal.
3. The failure of the appellant or his/her representative to appear and state his/his case at the hearing shall have the same effect as if no appeal was filed and the Board shall proceed to deny the appeal and affirm the notice of violation.

D. Meetings

The City of Norway Zoning Board of Appeals acting as a City Rental Code Board of Appeals shall meet in a fixed place and all meetings shall be open to the public. The Board shall keep a record of its proceedings, showing the actions of the Board and the vote of each member upon each question considered. These records shall be considered public records.

E. Appeal of Board Decision

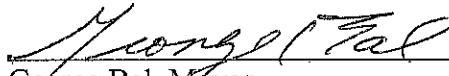
The decision of the City of Norway Zoning Board of Appeals acting as a City Rental Code Board of Appeals shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rule(s).

Section IX- Severability

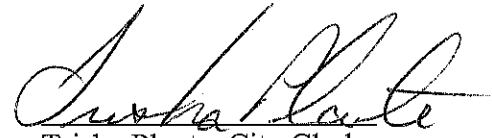
- A. If any section, subsection, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this Article and such holding shall not affect the validity of the remaining portions of this Article.

Adopted this 7<sup>th</sup> day of June A.D., 2010.

  
Trisha Plante, City Clerk

  
George Bal, Mayor

I, Trisha Plante, City Clerk of the City of Norway, do hereby certify that the above Ordinance was published in the Norway Current, Norway, Michigan, on the 16<sup>th</sup> day of June A.D., 2010.

  
Trisha Plante, City Clerk

I HEREBY CERTIFY that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Norway, County of Dickinson, State of Michigan, at a regular meeting held on the 7<sup>th</sup> day of June, 2010, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

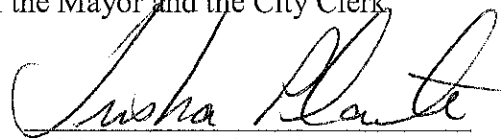
I further certify that the following Members were present at said meeting: Bal, Hayes, Meneghini and Oja.

Members absent: McCarthy.

I further certify that Member Hayes moved for adoption of said Ordinance, and that said motion was supported by Member Meneghini.

I further certify that the following Members voted for adoption of said Ordinance: Bal, Hayes, Meneghini, Oja and that the following Members voted against adoption of said Ordinance: None.

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and the City Clerk.

  
Trisha Plante, City Clerk