

# CHAPTER 4 BUILDINGS AND BUILDING REGULATIONS\*

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## ARTICLE I IN GENERAL

Secs. 4-001--4-025. Reserved.

## ARTICLE II HISTORIC DISTRICT COMMISSION\*

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*\*Editor's note: The 2014 ordinance recodification amended the Code repealing the Housing Commission Ordinance in this Article, formerly §§ 4-026 – 4-050; and further transferring the Historic District Commission Ordinance from Article II of Chapter 13, formerly §§ 13-026 – 13-080, to this Article and pertaining to similar subject matter and derived from the same historical ordinance sources. Ordinance No. 2017-006, Historic District Repeal Ordinance Effective 11/14/2017.*

Secs. 4-039--4-050. Reserved.

## ARTICLE III STATE CONSTRUCTION CODE\*

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*\*Cross references: Fire prevention code, § 7-26 et seq.*

### Sec. 4-051. Short title.

This article shall be known and cited as the "State Construction Code Ordinance." It shall be deemed sufficient in any action for enforcement of the provisions of this article to define the same by such title and reference to the number hereof.

*(Comp. Ords. 1986, § 17.001)*

### Sec. 4-052. Purpose.

The purpose of this article shall be:

- (a) To accept and provide for the Township's administration and enforcement of the Stille-DeRossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, MCL 125.1501 -MCL 125.1531, referred to in this article as the "Act" ,and the state construction code promulgated under the Act, referred to in this article as the "Code."
- (b) To provide for the number and terms of a construction board of appeals.
- (c) To provide for and establish reasonable fees to be charged for acts and services performed in the administration and enforcement of the Act and Code and for the Township's construction board of appeals.
- (d) To provide penalties for any and all violations of this article.

*(Comp. Ords. 1986, §§ 17.002--17.005)*

*(CHAPTER 4, ARTICLE III cont.)*

**Sec. 4-053. Nature and description of Act and Code.**

- (a) Since amendments of the Act in 1999, the Act and Code promulgated under the Act apply throughout the State and may not be amended by a governmental subdivision. The Township accepts and assumes responsibility for the administration and enforcement of the Act and Code within the political boundaries of the Township
- (b) The State construction code (“Code”), which is prepared, promulgated, and periodically updated as provided in the Act, is to consist of the International Residential Code, the International Building Code, the International Mechanical Code, the International Plumbing Code, the International Existing Building Code, and the International Energy Conservation Code published by the International Code Council, and the National Electric Code published by the National Fire Prevention Association, with amendments, additions, or deletions as the Director of the State Department of Licensing and Regulatory Affairs determines appropriate.  
*(Comp. Ords. 1986, § 17.006; Ord. of 7-8-2002)*

**Sec. 4-054. Enforcing agency designated.**

The Building Official is hereby designated as the enforcing agency to discharge the responsibilities of the Township under the Act.  
*(Comp. Ords. 1986, § 17.007)*

**Sec. 4-055. Fees.**

- (a) By resolution, the Township Board shall establish reasonable fees to be charged and collected by the Township for acts and services performed in the administration and enforcement of the Act and Code, which shall bear a reasonable relation to the cost, including overhead, of doing so, which shall only be used for the Township enforcing agency’s operation and/or the Construction Board of Appeals, and may be established in a schedule of fees, charges, and expenses for all matters pertaining to this article, which may include but are not limited to:
  - (1) Construction permit fees, including for building, plumbing, electrical, mechanical and any other individual permits issued for work that is not covered by the main building permit.
  - (2) Demolition permit fees.
  - (3) Construction inspection and re-inspection fees.
  - (4) Building relocation fees.
  - (5) Engineering review fees.
  - (6) Plan and specification examination and review fees.
  - (7) Permanent and temporary certificate of use and occupancy fees.
  - (8) Fees for costs incurred in Building Official determinations.
  - (9) Fees for time involved in enforcement actions.
  - (10) Construction Board of Appeals hearing fees.
- (b) The schedule of fees shall be posted and available for inspection by and distribution to the public in the office of the Building Official.  
*(Comp. Ords. 1986, §§ 17.008--17.011; Ord. of 6-12-1989(5), § 1)*

**Sec. 4-056. Construction Board of Appeals.**

The Construction Board of Appeals required by the Act shall consist of five (5) members appointed by the Township Supervisor and approved by the Township Board for terms of three (3) years, with initial appointments allowed to be for less than three (3) years to provide for the staggering of terms.

**Sec. 4-056. Violations and sanctions.**

Violation of the Act or Coded, is a civil infraction punishable as provided in Section 1-010(b) of this Code, with the Township entitled to retain any civil fines imposed.  
*(Ord. of 7-8-2002)*

(CHAPTER 4, ARTICLE III cont.)

**Secs. 4-001--4-025. Reserved.**

**Secs. 4-057--4-075. Reserved.**

## **ARTICLE IV RESERVED\***

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*\*Editor's note: An ordinance of July 8, 2002, repealed art. IV, §§ 4-86--4-89, and 4-101--4-118, in its entirety. Former art. IV pertained to electrical regulations, and derived from ordinances of February 12, 1996; January 11, 1999; and May 30, 2001. This Article is currently reserved for future use.*

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**Secs. 4-076--4-150. Reserved.**

## **ARTICLE V PROPERTY MAINTENANCE CODE\***

### **Sec.4-151. Adoption of Property Maintenance Code.**

The *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code and ordinance of the Township, with the insertions and amendments specified in sections 4-152, 4-153, and 4-154 of this article. Printed copies of such code shall be kept in the office of the Township Clerk and be made available for inspection by the general public at all times that office is open. Complete or partial copies of such code are available for distribution to the public upon requests and payment to the Township of its labor and material costs and/or costs to obtain the copy of or copying rights for the requested material from the International Code Council if required by law.

### **Sec.4-152. Insertions.**

The following sections of the Property Maintenance Code are completed by inserting the following information where indicated in said Code:

**101.1** Insert "Charter Township of Waterford ("Township")" as the Name of Jurisdiction.

**103.5** Insert "Fee Schedule adopted by Resolution of the Township Board."

**112.4** Insert a minimum fine of \$200.00 and a maximum fine of \$500.00.

**302.4** Insert eight inches (8") as the maximum allowed height of weeds and plants.

**304.14** Insert April 1 to October 31 as the dates for insect screens to be supplied.

**602.3** Insert October 15 to May 15 as the dates for heat to be supplied.

**602.4** Insert October 15 to May 15 as the dates for heat to be supplied.  
*(Ord 2017-003 §06-12-2017)*

### **Sec.4-153. Amendments.**

- (a) Sections 103.1, 106.1, 106.3, 106.4, 109.5, and 111.2 of the Property Maintenance Code are hereby amended to read as follows:

**CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES**  
**CHAPTER 4 BUILDINGS AND BUILDING REGULATIONS**

*(CHAPTER 4, ARTICLE V, SECTION 4-153 cont.)*

**103.1 General.** The Township Building Official is designated as the code official for purposes of administering and enforcing this code.

**106.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this code by action or omission, or directing, authorizing, allowing, or directly or indirectly causing such conflict or violation.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official may 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 or premises in violation of the provisions of this code or of the order or direction made pursuant thereto. The cost of any action authorized or ordered by the court in such a proceeding and undertaken by the Township shall be charged against and secured by a lien upon the real estate upon which the violation is located and may be assessed and collected on the tax rolls in the same manner and with the same interest and penalties as delinquent special assessments or as otherwise provided in Chapter 1 of the Township Code.

**106.4. Violation penalties.** Any person, firm or corporation who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be responsible for a civil infraction punishable as provided in Section 1-010(b) of the Township Ordinance Code. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. A violation of any of the provisions of this code is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**109.5. Costs for emergency repairs.** Costs incurred in the performance of emergency work shall be the responsibility of the owner of the premises where the unsafe structure is or was located, and if paid by the Township, shall be reimbursed by the owner within 30 days of the Township's billing for those costs, with the payment of that reimbursement secured by a lien on the real estate that may be assessed and collected as provided in Section 106.3.

**111.2 Membership of board.** The Board of Appeals shall be the Township Construction Board of Appeals, established and appointed as provided in Article III of Chapter 4 of the Township Ordinance Code.

(b) Sections **108.2** and **109.2** of the Property Maintenance Code are amended to add the following at the end of each Section.

“The following standards shall be the minimum boarding and enclosing standards required by code official orders under this Section:

- (1) All windows and other openings of the building or structure shall be boarded up utilizing one-half-inch exterior plywood or oriented strand board (OSB), bolted through two-by-fours which cross the interior of the opening.
- (2) Such plywood or OSB and two-by-fours shall extend three (3) inches beyond the opening on all sides.

**CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES**  
**CHAPTER 4 BUILDINGS AND BUILDING REGULATIONS**

**(CHAPTER 4, ARTICLE V, SECTION 4-153 cont.)**

- (3) Doors shall be subject to the same requirements except that three-quarter-inch exterior plywood with concealed hinges with a hasp and lock on all doors shall be required.
  - (4) All exterior surfaces of plywood, OSB, and other wood used in boarding up an opening shall be protected from deterioration by the elements, and shall be painted or otherwise made to look like what was previously in the opening being covered, such as a window or door, or to match the color of the wall or roof around the opening being closed.
  - (5) Emergency or temporary exterior boarding of doors, windows, or other openings in a roof or wall shall not be allowed for longer than three (3) months.
  - (6) Vacant structures may only be boarded on the interior with materials that are painted or otherwise treated so as to not be visible from the exterior.
- (c) **Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5** of the Property Maintenance Code are deleted.
- (d) **Section 302.4, Weeds**, of the Property Maintenance Code is amended to add the following sentence at the end of the Section.  
“All excessive weed and plant growth and noxious weeds in violation of this section are subject to separate proceedings and penalties as provided in Article V of Chapter 9 of the Township Ordinance Code.”

**Sec.4-154. Referenced Codes.**

- (a) References to the International Building, Existing Building, Fuel Gas, Mechanical and Plumbing Codes, and the list of those ICC Codes in Chapter 8 of the Property Maintenance Code are amended to refer to the versions of those codes that are part of the State Construction Code that is administered and enforced in the Township as provided in Article III of Chapter 4 of the Township Ordinance Code.
- (b) References to the International Fire Code in the Property Maintenance Code are amended to refer to the Fire Prevention Code adopted in Article II of Chapter 7 of the Township Ordinance Code.
- (c) References to the International Zoning Code in the Property Maintenance Code are amended to refer to the Township Zoning Ordinance.

**Secs. 4-155--4-175. Reserved.**

## **ARTICLE VI VACANT PROPERTY REGISTRATION AND MAINTENANCE**

**Sec. 4-176. Purpose.**

The purpose of this article is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage fraud, foreclosures and increased bankruptcies, many homes and buildings have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deterred by the presence of nearby vacant abandoned buildings. There is an increased instance of unsecured or open doors and windows, broken water pipes, theft of metals and other materials, overgrowth of grass, weeds, shrubs and bushes, illegal dumping and rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and commercial areas. Further, it is important for the Township to be able to contact owners of vacant properties for fire safety and police purposes.

(CHAPTER 4, ARTICLE VI cont.)

**Sec. 4-177. Scope.**

The provisions of this article shall apply to all residential, commercial and industrial structures and all vacant land.

**Sec. 4-178. Definitions.**

In addition to those rules of construction and definitions contained in Section 1-002, as used in this Article the following words and phrases shall have the meanings indicated:

**Abandoned vacant property** means a vacant property as defined in this section that has been vacant for thirty (30) days or more and meets any of the following criteria:

- (a) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
- (b) Has one (1) or more broken or boarded windows;
- (c) Has taxes in arrears for a period of time exceeding three hundred sixty-five (365) days;
- (d) Has utilities disconnected or not in use;
- (e) Is not maintained in compliance with this Code, including without limitation, other building and building regulations in this Chapter 4, the fire prevention code in article II of chapter 7 and the waste materials, rodent and pest, and vegetation control regulations in Articles III, IV, and V of Chapter 9;
- (f) Is only partially completed and is not fit for human occupancy.

**Building** means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.

**Evidence of vacancy** means any condition that on its own or combined with other conditions present, would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

**Foreclosure** means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the trustor (borrower).

**Mortgage** means a recorded lien or interest in real property to secure payment of a loan.

**Owner** means a person having a legal or equitable title or any interest in any real property.

**Structure** means anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.

**Trustee** means a person, firm or corporation holding a mortgage on a property.

**Trustor** means a borrower under a mortgage, who grants a lien or interest in property to a trustee as security for the payment of a debt.

**Vacant property** means an unimproved lot or parcel of real property that is not currently used or occupied and an improved lot or parcel of real property with at least one (1) building or structure that is not currently used or occupied.

**Sec. 4-179. Registration of vacant and abandoned vacant property.**

- (a) An owner of a vacant property in the township shall be responsible for registering that property with the Township by complying with the affidavit and registration and inspection fee requirements in this article within the times in this section.
- (b) A vacant property shall be registered within sixty (60) days of the vacancy.
- (c) An abandoned vacant property shall be registered within thirty (30) days of the vacancy or ten (10) days of the inspection described in section 4-183.
- (d) Commercial structures that are vacant at the time this article takes effect shall be registered within thirty (30) days of that date.

*(CHAPTER 4, ARTICLE VI cont.)*

**Sec. 4-180. Registration affidavit.**

Owners who are required to register their properties pursuant to this article shall do so by submitting a copy of a driver's license and an affidavit containing the information specified in this section. The affidavit may be provided by an agent for an owner provided the agent's written authorization from the owner is provided with the affidavit.

- (a) The name of the owner of the property.
- (b) A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed" or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
- (c) The name of an individual or legal entity responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be someone other than the owner with whom he/she has contracted.
- (d) A current address, telephone number, facsimile number and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified mail return receipt requested is sent to the address and the mail is returned marked refused or unclaimed, or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

**Sec. 4-181. Registration, inspection and other fees.**

All fees applicable to this article shall be set by resolution of the Township Board. Registration and inspection fees shall be paid at the time of submitting the registration affidavit. There shall also be a fee for the filing of any additional or new owner's affidavit, with such fee being set by resolution of the Township Board. For properties that are not registered within the required time, an additional fee for the added cost of the Township's expenses in having to determine ownership, which may include, but is not limited to, title searches, shall be assessed and immediately payable. The payment of all fees required under this article is secured by a lien against the property which may be placed on the tax roll for collection which shall be effective upon recording with the register of deeds and shall be collected by the Assessing Official in the same manner as provided for property tax liens under the general property tax act, MCL 211.1 – MCL 211.157.

**Sec. 4-182. Requirement to keep information current.**

If at any time the information contained in the affidavit is no longer valid, the property owner has ten (10) days to file a new affidavit containing current information. There shall be no fee to update a registered owner's current information.

**Sec. 4-183. Inspections.**

- (a) If the vacant property includes vacant or unoccupied buildings, the owners of that property are also responsible for immediately obtaining and paying for the township's safety and maintenance inspection of the building and property, obtaining necessary permits, making required repairs and obtaining inspections from the township annually thereafter until a certificate of occupancy has been issued and the building is lawfully occupied, to ensure the buildings are safe, secured and well-maintained. The owner or the owner's agent shall demonstrate that all water, sewer, electrical, gas, HVAC and plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings and structures, roofing, structural systems, foundation, drainage systems, gutters, doors, windows, parking areas, signage, driveway aprons, service walks, sidewalks and other public areas are sound, operational or properly disconnected. No certificate of occupancy will be issued until all Code requirements are met.
- (b) Any trustee who holds a mortgage on a property located within the township, shall perform an inspection, to the extent permitted by law or under the mortgage of the property that is the

***(CHAPTER 4, ARTICLE VI, SECTION 4-183 cont.)***

security for the mortgage, upon default by the trustor, within five (5) days after either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement). If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed abandoned and the trustee shall, within ten (10) days of the inspection, register the property in accordance with this article and be subject to the provisions of this article.

**Sec. 4-184. Maintenance and security requirements.**

All owners are responsible for compliance with the requirements of this section, which apply to all vacant property from the time of vacancy, including the time between vacancy and when registration is required.

- (a) Property shall be kept free from weeds, grass more than ten (10) inches high, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded items, including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials or any other items that give the appearance that the property is abandoned.
- (b) Property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- (c) All visible front, rear and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, groundcovers, bushes, trees, shrubs, hedges or similar plantings. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimming.
- (d) Pools, spas and other water features shall be kept in working order so that the water remains clear and free of pollutants and debris or drained and kept dry and free of debris. In either case, properties with pools and/or spas must comply with the minimum security fencing and barrier requirements of applicable construction, building and property maintenance codes and ordinances.
- (e) Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates and any other opening of such size that may allow a child to access the interior of the property and/or structures. Broken windows must be repaired or replaced within fourteen (14) days. Boarding up of open or broken windows is prohibited except as a temporary measure, with any other boarding to only be done on the interior with materials that are painted or otherwise treated so as to not be visible from the exterior of the structure.
- (f) Owners shall inspect or cause the inspection of vacant property on a weekly basis to verify compliance with this section and other applicable laws and shall contract with a local property management company if necessary to performance of the weekly inspections to verify that the requirements of this section and any other applicable laws are being met. The property shall be posted with name and a twenty-four-hour contact telephone number of a property management company located within thirty (30) miles of the subject property. The posting shall be no less than eighteen (18) inches x twenty-four (24) inches and shall be of a 72-point Arial font and shall contain, along with the name and twenty-four-hour contact number, the words: "THIS PROPERTY MANAGED BY AND TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building structure facing the street to the front of the property so that it is visible from the street, or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property, but not readily accessible to vandals. The local property management company shall inspect the property at least on a weekly basis to determine if the property is in compliance with the requirements of this section, shall create and maintain a written record of the inspections and provide written notice to the owner, any person registered as responsible for the care and control of the property and township of any areas of noncompliance.

*(CHAPTER 4, ARTICLE VI, SECTION 4-186 cont.)*

**Sec. 4-185. Fire damaged property.**

If a building is fire damaged, the owner has 90 days from the date of the fire to apply for a permit to start construction or demolition. Additional 90 day extensions may be granted by the Township Board provided the owner can demonstrate substantial progress towards completing repairs. Failure to do so will result in the property being deemed vacant and subject to the requirements of this article.

**Sec. 4-186. Right of entry.**

If the owner has failed to secure a property and it has been secured by the Township, the Township and/or its contracted agent, may enter or re-enter the structure to conduct necessary inspections to assure compliance with the requirements of this Code and to determine if there are emergency or hazardous health and safety conditions in existence.

**Sec. 4-187. Re-occupancy.**

A vacant or unoccupied building or structure on vacant property shall not be occupied until a certificate of occupancy has been issued by the Building Official and all violations have been corrected in accordance with the applicable requirements of the state construction code administered and enforced under Article III of this Chapter, the property maintenance code adopted under Article V of this Chapter, the fire prevention code adopted under Article II of Chapter 7 of this Code, and other applicable provisions of this Code. All mechanical, electrical, plumbing and structural systems shall be certified by a licensed contractor as being in good repair. In addition, a certificate of occupancy shall not be issued until all outstanding costs, assessments and/or liens owed to the township have been paid in full.

**Sec. 4-188. Violation and penalty.**

Violations of this article are civil infractions punishable as provided in Section 1-010(b) of this Code.

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**Secs. 4-189--4-205. Reserved.**

**ARTICLE VII RESERVED\***

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*\*Editor's note: An ordinance of July 8, 2002, amended the Code by repealing former art. VII, §§ 4-206--4-210. Former art. VII pertained to the plumbing code, and derived from the Compiled Ords. Of 1986, §§ 18.281 and 18.285--18.287; and ordinances of April 12, 1999; and June 12, 1989. This Article is currently reserved for future use.*

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**Secs. 4-206--4-230. Reserved.**

(CHAPTER 4 cont.)

## ARTICLE VIII DANGEROUS BUILDINGS

### Sec. 4-231. Short title.

This article shall be known and cited as the "Dangerous Building Ordinance." It shall be deemed sufficient in any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

*(Comp. Ords. 1986, § 18.251)*

### Sec. 4-232. Purpose.

The purpose of this article is to:

- (a) Define and prohibit dangerous dwellings, buildings, and structures within the Township.
- (b) Provide for notice and hearing on rendering the building safe.
- (c) Provide for a proper method of rendering the building safe and taxing cost thereof to the property.
- (d) Provide for judicial review of the action of the Township.

*(Comp. Ords. 1986, § 18.252)*

### Sec. 4-233. Definition.

As used in this article, "dangerous building or structure" means any building or structure which has any of the following defects or is in any of the following conditions:

- (a) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the Township, it shall be considered that such dwelling does not meet the requirements of this article.
- (b) Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of this article or building code of the Township for a new building or similar structure, purpose or location.
- (c) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (d) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to wind than is required in the case of new construction by the building code of the Township.
- (e) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal of movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.
- (f) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- (g) Whenever the building or structure has been so damaged by fire, wind, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts, or for use as a public nuisance, or other hazard to the public health, safety and welfare.
- (h) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease when so determined by the designated administrative officer, or is likely to work injury to the health, safety or general welfare of those living within.
- (i) Whenever any building becomes vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

*(Comp. Ords. 1986, § 18.254)*

*(CHAPTER 4, ARTICLE VIII cont.)*

**Sec. 4-234. Prohibition.**

It is unlawful for any owner, lessee, or agent in possession or control of property to keep, maintain, or allow a dangerous building or structure on that property.

*(Comp. Ords. 1986, § 18.253)*

**Sec. 4-235. Notice of dangerous and unsafe condition; filing with register of deeds.**

- (a) Notwithstanding any other provision of this article when the whole or any part of any building or structure is found to be a dangerous building or structure the Building Official shall issue a notice of the dangerous building or structure.
- (b) Such notice shall be directed to each owner of and party in interest in whose name the property appears on the last local tax assessment records.
- (c) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the persons to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- (d) A Hearing Officer shall be appointed by the Township Board to serve at its pleasure. The Building Official shall file a copy of the notice of the dangerous and unsafe condition with the Hearing Officer.
- (e) All notices shall be in writing and shall be served upon the person to whom they are directed personally or by certified mail, return receipt requested, to the address shown on the tax records, and by first class mail, at least ten (10) days before the date of the Hearing described in the notice and shall be posted upon a conspicuous part of the building or structure.
- (f) The Building Official shall cause to be prepared and filed with the register of deeds a notice of commencement of administrative proceedings under this section, which shall serve as notice to all interested parties of the dangerous building proceedings.

*(Comp. Ords. 1986, §§ 18.255--18.259; Ord. No. 3-27-1995)*

**Sec. 4-236. Conduct of hearings; cost assessed against property.**

- (a) The Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five (5) days after completion of the hearing, the Hearing Officer shall render his decision that shall include findings and an order either closing the proceedings or for the building or structure to be demolished or otherwise made safe. The findings and order shall be included in a single document, which upon being signed by the Hearing Officer shall be served on the same persons and posted in the same manner as provided in subsection 4-235(e).
- (b) A Hearing Officer order that the building or structure should be demolished or otherwise made safe shall specify the required action, fix a time for the owner, agent or lessee to comply, which may include deadlines for commencement and completion of the required action, and shall include provisions for filing with and enforcement by the Township Board if it is not complied with.
- (c) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the Hearing Officer's order, it shall be filed with the Township Board by delivery to the Township Clerk and serve as the Hearing Officer's request that the Township Board take the necessary action to enforce the order.
- (d) Upon the filing of the Hearing Officer's order under subsection (c), the Township Clerk shall schedule a date, time and place for a hearing by the Township Board to review the findings and order of the Hearing Officer, and shall give notice of the hearing to the same persons and in the same time and manner as provided in subsection 4-235(e). At the hearing, any person to whom the notice was given or that is described in Section 4-234 shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. After completion of its hearing, which may be adjourned from time to time, the

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Township Board shall make a decision and order that approves, disapproves, or modifies the Hearing Officer's order.

- (e) A Township Board decision and order under subsection (d) shall be effective as of the date of the hearing at which it is made, and after being placed in written form and certified by the Township Clerk as the decision and order of the Township Board, shall be served on the same persons and posted in the same manner as provided in subsection 4-235(e), and be recorded with the register of deeds.
- (f) All costs and expenses reasonably and necessarily incurred by the Township in connection with investigations, notices, hearings, proceedings, temporary and emergency measures, and the enforcement or implementation of Hearing Officer and/or Township Board orders shall be the joint and several responsibility of all persons identified in Section 4-234, which shall be paid to the Township within 30 days of the Township's first class mailing of a billing for those costs and expenses to the responsible persons at their addresses shown on the tax/assessment records and any other addresses shown on Township records. As security for payment of any of those costs that are not paid within that time, the Township shall have a lien against the real property which shall be effective upon recording with the register of deeds and shall be collected by the Assessing Official in the same manner as provided for property tax liens under the general property tax act, MCL 211.1 – MCL 211.157.

Reasonable and necessary costs and expenses include, but are not limited to, the following:

- (1) Actual expenses and costs of the Township for photographs, publication, mailing and title history reports.
- (2) Actual Hearing Officer charges on those cases in which the buildings are not made safe or demolished prior to the hearing.
- (3) An administrative fee of one hundred dollars (\$100.00) in all cases where a notice is issued under Section 4-235.
- (4) The cost of preparing, mailing, posting, recording, and discharging notices and orders.
- (5) Fees and charges for recording and transcription of hearings.
- (6) Costs of demolition or making of the building(s) or structure(s) safe.
- (7) Costs of temporary or emergency measures taken by the Building Official to board-up or otherwise make the building(s) or structure(s) safe pending the hearing on, or disposition of, the dangerous building petition.

The Building Official shall prepare a statement of the costs and expenses to be included on or provided with the Township's billing described above, and shall have the authority to equitably allocate and pro-rate the expenses of the Hearing Officer and the costs of recording and transcription of the hearings at which more than one (1) case is heard.

*(Comp. Ords. 1986, §§ 18.260--18.265; Ord. No. 3-27-1995; Ord. of 6-8-1998)*

**Sec. 4-237. Temporary or emergency measures by the Township.**

In accordance with the Property Maintenance Code adopted in Article V of this Chapter, the Building Official shall have the authority to order and implement temporary or emergency measures to close, board-up, or otherwise safeguard dangerous buildings or structures, including the retention of private contractors, with all costs incurred in doing so recoverable as provided in the Property Maintenance Code, Section 4-236, and/or as provided in Chapter 1 of this Code

*(Comp. Ords. 1986, § 18.266; Ord. of 3-27-1995)*

**Sec. 4-238. Violations; Civil infractions.**

Violation of Section 4-234 and failure to comply with a Hearing Officer order or Township Board order under Section 4-236 is each a civil infraction punishable as provided in Section 1-010(b) of this Code. In the event the Building Official issues an order under Section 4-237, the minimum boarding and enclosing standards in the Property Maintenance Code shall be complied with.

*(Comp. Ords. 1986, § 18.267)*

(CHAPTER 4, ARTICLE VIII cont.)

**Sec. 4-239. Review.**

An owner aggrieved by any final decision or order of the Township Board under subsections 4-236(d) and (e), may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

*(Comp. Ords. 1986, § 18.268)*

## ARTICLE IX RENTAL CERTIFICATION

**Sec. 4-240. Short title.**

This Article shall be known and cited as the "Rental Certification Ordinance."

*(Ord. of 7-12-2010)*

**Sec. 4-241. Purpose.**

The Charter Township of Waterford recognizes the importance to the general health, safety and welfare of all of its citizens including its citizens who rent residential rental buildings. The Charter Township of Waterford therefore also recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental buildings and residential rental units in the Township. This ordinance is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property value of all properties, and to reduce the causes of blight and other deleterious factors affecting neighborhoods. This Ordinance is designated as "interim" for the reason that a comprehensive update of the Code of Ordinances will be adopted in the near future.

*(Ord. of 7-12-2010)*

**Sec. 4-242. Definitions.**

In addition to those rules of construction and definitions contained in Section 1-002, the following words and phrases shall have the following meanings:

***Certification*** A certificate issued by the Charter Township of Waterford which certifies compliance with this ordinance and the date of such certification.

***Housing and building codes*** The Fire Prevention Code adopted in Article II of Chapter 7 of this Code, the State Construction Code described in Article III of this Chapter, the Property Maintenance Code adopted in Article V of this Chapter, the Housing Law of Michigan, MCL 125.401 - MCL 125.543, as related to multiple dwellings, and any other standards of construction and maintenance for residential property in general and residential rental property in particular, as may be adopted in another Article of this Chapter.

***Inspection guidelines*** The Minimum Standards for Rental Housing as adopted by a Township Board resolution and based on the housing and building codes to be used by the Building Official in conducting inspections and setting forth the minimum requirements for residential rental units under this Article.

***Local agent*** The responsible local agent for a residential rental building or unit as described in Section 4-244.

***Lease*** Any written or oral agreement by or on behalf of an owner that allows the use and occupancy of property by one or more persons.

***Manager*** A person that actively operates or manages a residential rental building for the owner.

***Multiple dwelling*** A residential rental building containing more than two (2) residential rental units.

***Occupants*** Tenants, lessees and/or other persons lawfully residing in a residential rental building or residential rental unit.

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**Owner** Any person having a legal or equitable interest in a residential rental building or a residential rental unit.

**Premises** Any zoning lot or parcel of land that includes a residential rental building or a residential rental unit.

**Rent** Shall include let, lease, barter, or any other arrangement whereby one person pays or provides, or agrees to pay or provide, money or other consideration to another in exchange for the right to use and occupy property for any period of time.

**Residential rental building** Any building that contains one or more residential rental units.

**Residential rental unit** Any apartment, room, dwelling unit, house, condominium unit, or portion thereof that is used, offered, or made available for use and for which there is rent or a lease. This definition includes one and two-family dwellings, multiple and multi-family dwellings, apartment units, and flats. This definition does not include hotels and motels as defined by the Township Zoning Ordinance and licensed and inspected by the State of Michigan. Nor does this definition apply to owner-occupied single family homes where the owner, through a vacation home exchange program, or an occasional seasonal rental, vacates the home entirely and permits an exchange or seasonal rental family to occupy the premises on a short-term stay.

**Tenant** An individual person that is a party to a lease with or for an owner, that allows the tenant to use and occupy property.

**To secure** As used in this ordinance, "to secure" shall mean to board up all windows and doors in accordance with the Property Maintenance Code adopted in Article V of this Chapter, thereby making the premises inaccessible by anyone other than the owner or Township inspection personnel.

*(Ord. of 7-12-2010)*

**Sec. 4-243. Registration required.**

The owner of a residential rental building shall register that building and each residential rental unit contained within that building with the Township Building Official and shall designate a responsible local agent as provided in Section 4-244 for each residential rental unit to be responsible for providing access to such premises for inspections under this Article. A "certification" shall not be issued unless an applicant complies with the registration provisions of this ordinance.

*(Ord. of 7-12-2010)*

**Sec. 4-244. Responsible local agent.**

The responsible local agent shall be an individual person residing in the State of Michigan who, subject to the rights of occupants, can and shall provide access to the residential rental unit for a Township inspection upon 24 hours verbal, written, or email notice. The responsible local agent may also be designated by the owner as legally responsible for operating and maintaining such premises. The owner may act as the responsible local agent if the owner can and does provide access within the time allowed. All official notices of the Township shall be issued to any designated responsible local agent, and if that agent has been designated by the owner as responsible for operating and maintaining the premises, any notice so issued shall be deemed to have been issued upon the owner or owners of record.

*(Ord. of 7-12-2010, amended 11-27-2017)*

**Sec. 4-245. Period for registration of residential rental buildings.**

Residential rental buildings required to be registered pursuant to this Article shall comply with the following provisions:

- (a) All newly constructed residential rental buildings shall be registered prior to the issuance of the certificate of occupancy by the Township;

***(CHAPTER 4, ARTICLE IX, SECTION 4-245 cont.)***

- (b) A residential rental building which is sold, transferred, or conveyed shall be re-registered by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance;
- (c) All existing non-rental dwellings which are converted to residential rental buildings shall be registered, inspected, and certified prior to the date on which the property is first occupied for rental purposes.
- (d) Multiple dwellings shall be registered within 60 days of any residential rental unit being offered for rent.

*(Ord. of 7-12-2010, amd. 11-27-17)*

**Sec. 4-246. Registration forms and fee.**

- (a) Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the Building Official and shall include at least the following information:
  - (1) The name, address, telephone number and any email address of the applicant.
  - (2) The names, addresses, telephone numbers, and any email addresses of all owners of the residential rental building.
  - (3) The name, local address, telephone number, and any email address of the responsible local agent.
  - (4) The number of residential rental buildings at each site, the number of residential rental units in each residential rental building, and the address and number of occupants in each residential rental unit.
  - (5) If the owner is not serving as the responsible local agent, an authorization appointing a responsible local agent signed by both the owner and the responsible local agent that indicates if the agent is legally responsible for operating and maintaining the premises.
- (b) A registration fee for each residential rental unit within a residential rental building shall be paid at the time of registration. No post office boxes will be accepted as a legal address for a person for purposes of notices under this Article unless a home address for that person is also provided. Upon registration, the Building Official shall inform applicants of certification requirements. The fee for each registration shall be as established by resolution of the Township Board, as amended. The owner shall be responsible for notifying the Township of any change of address of either the owner or the responsible local agent.

*(Ord. of 7-12-2010)*

**Sec. 4-247. Registration term and renewal.**

Registration shall be made prior to the use or occupancy of all or any part of a building or structure as a residential rental building or residential rental unit except as otherwise provided by this Article. The term of the registration shall be valid as long as ownership remains unchanged.

*(Ord. of 7-12-2010)*

**Sec. 4-248. Transfer of ownership.**

It shall be unlawful for the owner of any residential rental building or residential rental unit who has received a notice of violation of any code or ordinance of the Township (including notices that the number of residential rental units exceeds that permitted by the Township Zoning Ordinance) to transfer, convey, lease or sell (including by land contract) an ownership and/or other interest in the building or unit in any way to another, unless such owner shall have first furnished to the grantee, lessee, vendee, or transferee a copy of any notice of violation and shall have furnished to the Building Official a signed and notarized statement from the grantee, vendee, lessee, or transferee acknowledging the receipt of such notice of violation and acknowledging legal responsibility for correction of the violation.

*(Ord. of 7-12-2010)*

*(CHAPTER 4, ARTICLE IX cont.)*

**Sec. 4-249. Certification required.**

- (a) No person shall lease, rent or cause to be occupied a residential rental building or residential rental unit unless there is a valid certification issued by the Township in the name of the owner and issued for the specific residential rental building and each residential rental dwelling unit. The certificate shall be issued after an inspection by the Building Official which may include building, mechanical, property maintenance, electrical, plumbing, and fire safety inspections (in instances where the Fire Chief has jurisdiction) to determine that each rental building and rental dwelling unit complies with the housing and building codes. Such inspections shall commence after the effective date of this ordinance and shall continue until all residential rental buildings and all residential rental units in the Township have been inspected. A certification may be issued for a maximum period not to exceed four (4) year certificate. *(amd.11-27-2017)*
- (b) The Township will issue a certification valid for those years if the Building Official determines during the inspection that:
  - (1) Any deficiencies discovered during previous inspections of the rental unit have been corrected; and
  - (2) There are no major violations of the inspection guidelines for rental dwellings (major violations are those violations which create a risk to the health, safety or welfare of occupants).However, a residential rental unit located in a multi-family residential rental building will receive certification only if all other occupied residential rental units within the residential rental building have a valid certification or are also entitled to receive a certification.
- (c) If a residential rental unit does not satisfy the criteria set forth in subsection (b), the Township will not issue a certification.
- (d) Notwithstanding the language in subsection (c) and subject to subsection (e), the Building Official shall have the discretion to waive compliance with the criteria set forth in subsection (b) upon determining:
  - (1) A waiver of such criteria will not endanger the health, safety or welfare of occupants; and
  - (2) The owner of the rental unit has demonstrated a history of compliance with the Township's inspection guidelines for residential rental buildings and units.
- (e) Certifications for multiple dwellings shall be subject to the certificate of compliance provisions of the Housing Law of Michigan, MCL 125.529 – MCL 125.531 *(Ord. of 7-12-2010, amd. 11-27-2017)*

**Sec. 4-250. Applicability to existing residential rental buildings.**

- (a) This ordinance applies to all residential rental buildings and residential rental dwelling units within the Township existing on the effective date of this ordinance and to those subsequently constructed or created. For residential rental buildings and residential rental dwelling units existing on the effective date of this ordinance which have been registered in accordance with the provisions of this ordinance, the prohibitions against leasing, renting and occupying contained in Section 4-248 and Section 4-249 shall be inapplicable to such dwellings or units until 60 days after the Township makes its initial inspections of such buildings or dwellings units. This will permit the owner time to make necessary repairs and obtain a certification while maintaining occupancy of the rental unit; provided, however, that if the defects which must be corrected pose an imminent threat to the health, safety and welfare of the occupants, the Building Official shall commence procedures to vacate the dwelling and Section 4-249 prohibiting occupancy shall be immediately applicable.
- (b) Any residential rental building which is a new construction or renovation which required a comprehensive inspection comparable to an inspection under Section 4-249(a), and which is issued a certificate of occupancy pursuant to an inspection after the effective date of this ordinance will also be issued a certification simultaneous with the certificate of occupancy and an inspection fee pursuant to Section 4-252 shall not then be required. Residential rental buildings which are new constructions shall comply with registration requirement pursuant to Section 4-245.

*(Ord. of 7-12-2010, amended 11-27-17)*

**(CHAPTER 4, ARTICLE IX cont.)**

**Sec. 4-251. Inspections.**

- (a) The Building Official shall inspect residential rental buildings and residential rental units on a periodic basis pursuant to this Article or under any of the following circumstances:
- (1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this Article.
  - (2) Upon receipt of a report or a referral from the Police Chief, other public agencies or departments, or any individual indicating that the premises are in violation of this Article and which is based on the personal knowledge of the person making the report.
  - (3) If an exterior survey of the premises gives the Building Official probable cause to believe that the premises are in violation of this Article.
  - (4) Upon receipt of information by the Building Official that a rental unit is not registered with the Township as required by this Article.
  - (5) As required for issuance or renewal of certification, with period of time between inspections of multiple dwellings to be no longer than four (4) years.  
Inspections under subsections (1) and (2) where the complaint identifies a child under 18 years of age as residing in the residential rental unit shall be performed before inspection of any nonemergency complaint.
- (b) In order to provide for the scheduling of inspections, the owner or local agent of registered residential rental buildings is sent a reminder notice regarding the need to schedule an inspection for the renewal of the certification, which shall include notice of the responsibilities under subsection (e). Owners of newly registered units must call to schedule their own inspections. If the owner or agent does not respond to the reminder notice, the following will take place:
- (1) The Building Official shall notify the owner or local agent of a residential rental building of the date and time such building is to be inspected which shall be at least 14 days after the date of the notice. Such notice maybe personally delivered or maybe sent by first-class mail.
  - (2) The notice shall require the owner or local agent to either:
    - (i) Appear at the date and time scheduled for the inspection; or
    - (ii) Object in writing within ten days of the mailing of the aforementioned notice and:
      - a. Schedule an alternative date for the appointment within thirty (30) days from the date identified in the initial notice; or
      - b. Direct the Building Official to contact the tenant of the residential rental unit directly to schedule the inspection and provide all tenant names, the address and telephone numbers.
  - (3) If an owner, local agent or occupant subsequently learns he or she will not be present for a scheduled appointment, the individual must provide the Building Official with at least 24 hours advance notice and must re-schedule an inspection date within 30 days from the scheduled appointment. Unless a right to deny access exists and has been exercised by a tenant under Section 4-251(c), failure to appear for a scheduled appointment without providing the aforementioned notice shall be a violation of this paragraph and a civil infraction. Failure to appear for a scheduled second inspection date shall be a violation of this paragraph and a civil infraction.
- (c) Unless a tenant has made a complaint to the Township regarding the condition of a residential rental unit, or the lease for that unit authorizes its inspection, all tenants of a residential rental unit may deny access for a rental inspection by completing and submitting an "Access Denied" form to the Building Official within ten (10) days of the notice described in subsection (b)(3). The Access Denied form shall be provided by the Building Official and shall describe the purpose of the requested inspection and contain a statement that by signing and submitting it each tenant assumes all risks of injury and damage from conditions that may not comply with the housing and building codes. If that is done, the residential rental unit shall not be inspected without a tenant's subsequent consent or pursuant to an administrative search warrant. A consent to inspection by one tenant shall be binding on any other tenants of a residential rental unit. If a tenant is not present during an inspection, the Building Official may rely on the owner's representation that a tenant has consented to the inspection.

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If no such consent or administrative search warrant is obtained the following procedures shall apply and be followed: *(Ord. of 7-12-2010, amd. 03-26-2018)*

- (1) The Certification will be pulled, and the unit will be placed in an inactive file with a recheck scheduled for one year's time.
  - (2) In the event that the unit becomes vacant, it is the property owner's responsibility to schedule an inspection and to obtain certification prior to allowing occupancy.
  - (3) Failure of the owner to arrange for an inspection once the unit becomes vacant is a violation punishable as a civil infraction.
  - (4) An owner allowing occupancy of a unit without a valid certification after a vacancy is a violation and punishable as a separate civil infraction.
- (d) During the inspection, the Building Official shall note any violations of the housing and building codes and give written notice of any such violations to the owner or local agent. The owner or local agent shall correct all violations within the time set forth in the notice. A reasonable time for correcting violations shall be determined by the Building Official in light of the nature of the violations and all relevant circumstances, but shall not exceed 60 days. Upon written request of the person responsible for correcting violations, the Building Official may extend the time for correcting violations if the Building Official deems such action appropriate under all relevant circumstances, but not to exceed an additional 60 days.
- (e) For multiple dwellings, Owners or the responsible local agent shall:
- (1) Provide access to the residential rental unit to be inspected if the owner's lease with the tenant provides the owner with the right of entry.
  - (2) Provide access to areas of the residential rental building other than an individual residential rental unit.
  - (3) Notify the tenants of a residential rental unit of the Building Official's request to inspect the unit, make a good-faith effort to obtain permission for and arrange the inspection, and notify the Building Official within ten (10) days of the residential rental unit being vacated by the tenants.
  - (4) Provide access to a residential rental unit if a tenant of that unit has made a complaint to the Building Official regarding the condition of that unit. *(Ord. of 7-12-2010, amd. 11-27-2017)*

**Sec. 4-252. Fees.**

- (a) The annual operating fees for periodic inspection of each residential rental building and residential rental dwelling unit and any other fees provided by this ordinance shall be as adopted and/or amended by resolution of the Township Board. The annual operating fee shall cover periodic inspection for the issuance or renewal of a certification, except that such fee shall not cover an inspection made pursuant to a final notice of violation issued under Section 4-254(b).
- (b) If the Building Official determines that a complaint was filed without a factual basis, and an inspection is made on the basis of said complaint the fee for such inspection may be charged to the complainant.
- (c) An administrative late fee of ten (10%) percent of the unpaid balance shall be paid to the Township by the person obligated to pay an annual operating fee under subsection (a) if such fee is not paid within 60 days from date the billing is due, which unless a later date is stated on the billing, shall be the billing date. After 90 days from the date the billing is due, those fees shall become a lien on the real property and shall be reported to the Township Treasurer for certification to and approval by the Township Board for assessment on the real estate tax rolls of the property on which the building is located as provided in Section 1-014 of the Waterford Charter Township Code, to be collected in the same manner as provided for property tax liens under the general property tax act, MCL 211.1 – MCL 211.157..
- (c) The rental inspection program as provided for in this Article shall be operated by the Township on a "break even" basis. This means the fees charged shall be set at a rate to produce sufficient revenue to cover the actual, direct cost of administering the program. In the event the fees as set forth herein or as hereafter amended exceed the actual, direct cost of administering the program, the Township Board, by resolution, shall reduce the fees to an

**(CHAPTER 4, ARTICLE IX, SECTION 4-252 cont.)**

amount which shall produce sufficient revenue to cover the actual, direct cost of administering the program. If at any time the fees being collected are insufficient to cover the cost of the program, the Township Board, by resolution, shall increase the fees to an amount which shall produce sufficient revenue to cover the actual, direct cost of administering the program.

*(Ord. of 7-12-2010, amd. 11-12-2017)*

**Sec. 4-253. Issuance or renewal of certification.**

- (a) At least 30 but no more than 60 days before the expiration date on the certification issued for a residential rental property, the owner or local agent for the property shall apply to the Township for the scheduling of an inspection for the issuance of a new certification for that residential rental property.
- (b) Upon receipt of a timely request for an inspection for the purpose of the issuance or renewal of a certification, the Township shall inspect the premises before the certification expires or is initially issued. Upon failure of the Township to conduct an inspection prior to occupancy or expiration of the certification the owner may rent the property until the Township has conducted an inspection, and the owner will not be deemed in violation of this Article during that time. If, however, the Township's failure to inspect is due to the owner's, local agent's or tenant's action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner shall not rent the property. *(Ord. of 7-12-2010)*

**Sec. 4-254. Notices and orders.**

- (a) Notice of violation. Whenever the Building Official determines that there has been a violation of any provisions of this ordinance, he shall give notice of such alleged violation and orders for correction of violation as hereafter provided except this Section shall not apply in any way to the prosecution of violations of Section 4-251 or violations of the registration requirements set forth in the ordinance as such may be prosecuted without notice. Such notice, which shall be to the owner of responsible local agent, shall:
  - (1) Be in writing;
  - (2) Include a statement of the conditions that constitute violations of this Article;
  - (3) State the date of the inspection, the name of the official who conducted the inspection, the address of the dwelling, and the date set for re-inspection;
  - (4) Specify a time limit for the performance of any act it requires.
  - (5) Provide notice of the right to appeal from the notice or order to the construction board of appeals;
  - (6) Be served by (i) personal delivery, or (ii) first class mail to last known address. Notice given the responsible local agent is deemed as notice given to the owner if the responsible local agent has been designated as legally responsible for operation and maintenance.
- (b) Final notice of violation. Upon observing the continued existence of a violation of this ordinance as stated in the notice of violation the Building Official shall send a final notice of violation and order to vacate to the owner, or responsible local agent. Such notice shall be sent by certified and first class mail to the last known addresses and shall:
  - (1) Specify the date of the inspection;
  - (2) Specify the address where the violation was found;
  - (3) Include the name, telephone number and signature of the official who conducted the inspection;
  - (4) Include a description of each violation observed by the Building Official;
  - (5) State that each violation is a separate punishable offense;
  - (6) Order the premises to be vacated within a time to be set by the Building Official, the length of which shall be determined by the extent of the danger to the occupants but in no case shall it exceed 30 days, or alternatively:
    - (i) Order correction of all violations within a time period not to exceed 30 days;

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- (ii) State that a re-inspection will be made to determine whether all violations have been corrected by the specified date. A re-inspection fee as adopted by resolution by the Township Board will be required to be paid prior to a re-inspection; and the owner or local agent shall be responsible for contacting the Building Official for scheduling the re-inspection within 10 days of date on the notice.
  - (iii) State that failure to comply with the notice will result in prosecution; or
  - (iv) Employ any other additional or optional corrective or enforcement measure as provided for under this Code or by law.
  - (v) Each re-inspection, as needed, will require an additional re-inspection fee to be paid prior to a re-inspection.
- (c) Posting final notice of violation. Upon issuing a final notice of violation for a residential rental building or residential rental unit, or its accessory building, the Township shall affix a copy of same on the residential rental building or unit, and deliver to or leave a copy of the notice in a conspicuous place at an entrance door for, the occupants, if any.
- (d) Nuisance per se. Notwithstanding any provision in this Article to the contrary, any residential rental building or unit that is found to be in such condition as to preclude habitation or threaten the health, safety or welfare of the occupants or community shall be considered a nuisance per se, and be subject to abatement in a manner provided in this Code, state statute and/or other applicable law.

*(Ord. of 7-12-2010, amd 11-27-2017)*

**Sec. 4-255. Inspection guidelines.**

The Building Official shall prepare a list of inspection guidelines and minimum standards to be used in inspections relating to the enforcement of this Article, which after adoption by resolution of the Township Board shall be considered as incorporated by reference and effective for use in the administration and enforcement of this Article. The adoption of said inspection guidelines and minimum standards shall not be construed to relieve the owner from compliance with any other requirements of this Code, including, but not limited to, housing, electrical, building, plumbing, mechanical, fire codes and zoning requirements as necessary due to renovations requiring permits.

*(Ord. of 7-12-2010)*

**Sec. 4-256. Appeal process.**

- (a) If the owner disagrees with a decision, determination, notice, or order of the Building Official as to either the existence of an alleged violation or the period of time that will be reasonably required for the owner to correct the alleged violations as set forth in the notice of violation and order to repair, the owner may appeal to the construction board of appeals provided for in Article III of this Chapter 4, who is hereby designated to hear such appeals. An occupant of a dwelling shall have standing to appeal any notice or order to vacate the dwelling.
- (b) Any owner or occupant requesting such appeal shall file a written request therefore with the Building Official within ten (10) days after the date of the notice of violation or within the time for taking any action indicated on a notice or order, whichever time is shorter, and on any form that may be designated and provided by the Building Official.
- (c) As soon as practicable, the construction board of appeals shall fix a time, date and place for a hearing, and upon completion of the hearing, which may be adjourned from time to time, shall by a majority vote affirm, reverse, or modify the Building Official's decision, determination, notice, or order. The decision of the construction board of appeals shall be binding upon the owner and the Township. *(Ord. of 7-12-2010)*

**Sec. 4-257. Revocation of certification.**

In the event the owner does not correct a violation of any provision of this ordinance, the Building Official shall revoke any existing certification and may bring an action to seek the enforcement of this ordinance by abatement, mandatory injunction to cause correction of a violation, or enjoinder of the violation to prevent an act or violation, or the vacation of the premises by all occupants and

**(CHAPTER 4, ARTICLE IX, SECTION 4-257 cont.)**

its discontinuance as a residential rental building, or such other action as provided for under this ordinance. Any building not in compliance with this ordinance is deemed a nuisance per se.

*(Ord. of 7-12-2010)*

**Sec. 4-258. Violations; Civil infraction.**

- (a) Violation of any provision of this Article by an owner, tenant, or responsible local agent is a civil infraction punishable as provided in Section 1-010(b) of this Code.
- (b) More than one violation of the provisions of this Article may be charged in a single complaint or appearance ticket provided that each violation relates to the same residential rental building or unit.

*(Ord. of 7-12-2010)*

**Sec. 4-259. Vacating and securing buildings.**

The Building Official may declare a residential rental building or residential rental unit to be unsafe, dangerous, and unfit for human occupancy or entry, and may prohibit such occupancy or entry by determinations, notices, orders, and actions pursuant to the Property Maintenance Code adopted in Article V of this Chapter 7.:

*(Ord. of 7-12-2010)*

**Sec. 4-260. Occupancy prohibited.**

No person shall occupy or permit or allow another person to occupy any residential rental building or residential rental unit which the Building Official ordered to be vacated as provided in Section 4-259.

*(Ord. of 7-12-2010)*

**Secs. 4-261 to 4-264 Repealed.**

**Sec. 4-265. Reliance on certification.**

Issuance of a certification shall not constitute a guarantee or warranty of the habitability or complete compliance of the building or structure to code requirements and the occupant of any residential rental building or residential rental unit shall not rely on any certificate as such a guaranty or warranty. The certification shall contain a notice to this effect. The Township shall not assume any liability to any person by reason of the inspections required by this ordinance or issuance of a certification.

*(Ord. of 7-12-2010)*

**Sec. 4-266. Authority of Building Official.**

- (a) This Article shall not impair or diminish the authority of the Building Official or duly authorized representative to employ any alternative action or corrective measure provided for under any other applicable provision in this Code.
- (b) This Article shall not be construed so as to limit the application and enforcement of the Township Zoning Ordinance or other codes adopted by the Township which address the maintenance of properties, residential dwellings, or the health, safety, and welfare of occupants residing in residential dwellings, where applicable.

*(Ord. of 7-12-2010)*

**Sec. 4-267. Severability.**

Should any part, section, clause, or paragraph of this Article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Article as a whole or part thereof other than the part declared to be void.

*(Ord. of 7-12-2010)*

**Secs. 4-268--4-300. Reserved.**