

VILLAGE OF FAIRGROVE  
TUSCOLA COUNTY, MICHIGAN

**ORDINANCE NO. 62**  
**RENTAL LANDLORD ORDINANCE**

**PURPOSE.**

The purpose of this code is to protect the public health, safety and welfare in buildings intended for human habitation and accessory structures as hereinafter provided by:

- (1) Establishing minimum standards for exterior property areas, exterior structure, interior structure, basic facilities, light and ventilation, occupancy requirements and fire safety.
- (2) Fixing the responsibility as owners, operators and occupants of every building or structure used or intended for commercial or residential use or occupancy, in whole or in part.
- (3) Provide for administration, enforcement and penalties.

The provisions of this chapter shall apply to all existing structures. Any new building construction or additions to existing structures in the village must comply with the requirements of the building code as amended. The minimum standards required under this code are designed to prevent fire hazard, structural deterioration, inadequate light, air and heat, and unsanitary and overcrowded conditions, which constitute a menace to the safety, health and welfare of the occupants or the surrounding area.

This ordinance should **not** be interpreted as a guarantee to the purchaser or tenant that the properties regulated by this ordinance meets all state and local laws.

**DEFINITIONS.**

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

"Full Bathroom" shall contain at least one toilet, sink, and a shower and/or tub.

"Rental Unit" means a non-owner occupied structure, or part of a structure, used as a home, residence, or sleeping unit by a person or household unit, or any grounds or other facilities or area promised for the use of a residential tenant, whether for remuneration or not, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces and single and two-family dwellings. Each unit must have a kitchen and a full bathroom.

"Landlord" means the owner, lessor, or sublessor of the rental unit, or the property of which it is a part and, in addition, means a person authorized to exercise any aspect of the management of the premises, including a person who, directly or indirectly, acts as a rental agent, receives rent, other than as a bona fide purchaser, and who has no obligation to deliver the receipts to another person.

**REQUIRED.**

It is the duty of every landlord to acquire a landlord license from the Village Clerk before allowing any person or persons to occupy a rental unit. A separate registration is required for each rental property. A landlord shall be licensed with the village to be entitled to rent and/or to evict tenants and/or occupants residing and/or located on the premises.

**CERTIFICATION AND RENEWAL.**

Every landlord must annually certify the property as meeting the requirement of state and local ordinances.

**CERTIFICATION FEE.**

Every landlord seeking a license under this division shall make an application to be accompanied by an annual fee, per unit, which shall be established by Council resolution, payable to the village. Such application shall state his/her name and address and identify the number of tenants occupying the property.

**TENANT OCCUPANCY:**

The landlord shall notify the village of the names of tenants, contact information, and date of lease, end date lease, on forms provided by the Village Clerk. The landlord is responsible for administration cost as set by Village Resolution.

#### **ISSUANCE, REVOCATION; APPEAL.**

(A) The Clerk's office shall issue a license if:

- (1) The applicant's property is not in violation of any ordinance of the Village; and
- (2) The applicant provides a full legal description of all parcels of property he or she rents.

(B) The Clerk's office is hereby empowered to revoke a license issued if it is discovered that the applicant has either:

- (1) Misrepresented himself or herself or the state of the property; or
- (2) His or her property is or becomes a violation of any of the ordinances of the village; and the building official has given a 30 day notice to cure to the property owner/tenant, which cure has not been effective after the expiration of the 30 day cure.

#### **TENANT'S APPEAL**

Upon a complaint made by the tenant, the Clerk's office will notify the landlord of the complaint in writing. If the issue(s) are not resolved between the landlord and tenant within 30 days, the village may require an inspection of property, or proceed with enforcement actions as outline within this ordinance.

#### **INSPECTIONS.**

(A) The Clerk's office, or such other persons designated as the agent of the village, is hereby authorized to make inspections of premises licensed under this division:

- (1) Prior to occupation of any premises which have been vacated;
- (2) Upon receiving a complaint;
- (3) As deemed necessary by an official of the village;

(B) An applicant for a license under this division shall consent to such inspections to determine the condition of the apartment building, multiple unit, multiple dwelling, rooming house, dwelling or dwelling units within the village. For the purpose of making such inspections, the Village Clerk or his or her authorized representative is hereby authorized, upon seven days notice, to enter and inspect at all reasonable times all apartment buildings, multiple dwellings, rooming houses and rental dwelling units. The landlord, tenant or person in charge of an apartment building, multiple dwelling, rooming house or rental dwelling units shall give the Village Clerk or his or her designee free access to the premises.

#### **PENALTIES.**

Any persons violating the provisions of this ordinance shall be responsible for a municipal civil infraction and upon a finding of responsibility thereof shall be fined not exceeding \$500, plus costs of prosecution and each day will be deemed a continuing offense.

#### **SEVERABILITY.**

If any section, clause or provision of this ordinance shall be declared to be inconsistent with the constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this ordinance, but the remainder of this ordinance shall stand and be in full force.

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Tom Wassa, President

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Melissa Couture, Clerk