

Chapter 13

LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

- Art. I. Licenses, §§ 13-1 --13-29**
- Art. II. Restaurants, §§ 13-30 --13-39**
- Art. III. Automatic Alarm Systems, §§ 13-40 --13-44**
- Art. IV. Rental Business Regulations, §§13-45 - - 13-55**

ARTICLE I. LICENSES¹

Sec. 13-1. Licenses Required.

No person shall engage, or be engaged, in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by any provision of this Code without first obtaining a license from the City in the manner provided for in this chapter.
(Code 1957, § 7.1)

Sec. 13-2. Multiple Businesses.

The granting of a license to any person operating, conducting or carrying on any trade, profession, business or privilege which contains within itself, or is composed of, trades, professions, businesses or privileges which are required by this Code to be licensed, shall not relieve the person to whom such license is granted from the necessity of securing individual licenses for each such trade, profession, business or privilege.
(Code 1957, § 7.2)

Sec. 13-3. State Licensed Businesses.

The fact that a license has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license from the City if such license is required by this Code.
(Code 1957, § 7.3)

Sec. 13-4. Application.

Unless otherwise provided in this Code, every person required to obtain a license from the City to engage in the operation, conduct or carrying on of any trade, profession, business or privilege

¹ **Charter reference**-Licensing power, § 2.2(r).

Cross references-Administration, Ch. 2; license for handbills, § 3-17; license for mechanical and electrical amusement devices, §5-31 et seq.; licensing of dogs, §6-16; license for private garbage collectors, § 12-10; license for peddlers and service vendors, 18-17; license for transient merchants, §18-37; license for transient junk dealers, §19-17; licensing of parking lots, § 22-42; business license for taxicabs, §25-31 et seq.; driver's license for taxicabs, § 25-46 et seq.

shall make application for the license to the Director of Public Service upon forms provided by the Director of Public Service and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such license. Any misstatement by or material omission of the applicant shall be a violation of this Code.

(Code 1957, § 7.4)

Sec. 13-5. Term.

The license year shall begin January first of each year and shall terminate at midnight on December thirty-first of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License renewal applications shall be accepted and licenses issued for a period of fifteen (15) days prior to the annual expiration date. In all cases where the provisions of this Code permit the issuance of licenses for periods of less than one year, the effective date of such licenses shall commence with the date of issuance thereof.

(Code 1957, § 7.5)

Sec. 13-6. Conditions for Issuance.

No license required by this Code shall be issued to any person who is required to have a license from the state, until such person shall submit evidence of such state license and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefore until such applicant has complied with all of the provisions of this Code applicable to the trade, profession, business or privilege for which the application for a license is made.

(Code 1957, § 7.6)

Sec. 13-7. Where Certification Required.

No license shall be granted where the certification of any officer of the City is required prior to the issuance thereof until such certification is made.

(Code 1957, § 7.7)

Sec. 13-8. Health Officer's Certificate.

In all cases where the certification of the Health Officer is required prior to the issuance of any license, such certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he proposes to conduct or is conducting the trade, profession, business or privilege comply with all the sanitary requirements of the state and of the City.

(Code 1957, § 7.8)

Sec. 13-9. Fire Chief's Certificate.

In all cases where the certification of the Fire Chief is required prior to the issuance of any license, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license proposes to conduct or is conducting the

trade, profession, business or privilege comply with all the fire regulations of the state and of the City.

(Code 1957, § 7.9)

Cross reference-Fire protection and prevention. Ch. 10.

Sec. 13-10. Chief of Police's Certificate.

In all cases where the certification of the Chief of Police is required prior to the issuance of any license, such certification shall be based upon a finding that the person making application for such license is of good moral character as defined and applied in Act 381 of 1974 [MCL 338.41 et seq., MSA 18.1208(1) et seq.].

(Code 1957, § 7.10)

Sec. 13-11. Public Service Director's Certificate.

In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefore shall not be issued by the Director of Public Service unless the director shall ascertain that the proposed use is not prohibited by any zoning regulation of the City.

(Code 1957, § 7.11)

Sec. 13-12. Fees and Bonds.

(a) The fee required to be paid and the amount of any bond required to be posted to obtain any license to engage in the operation, conduct, or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of this Code shall be as set from time to time by resolution of the City Council. No license shall be issued to any applicant unless he first pays to the department having charge of the issuance of such license, the fee and posts a bond in the amount required for the type of license desired.

(b) Where the provisions of this Code require that the applicant for any license furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper city officer, or, where the amount thereof is specified in the schedule of fees and bonds adopted by the City Council or elsewhere in this Code, in the amount so required; the form of such bond shall be acceptable to the City Attorney. In lieu of a bond, an applicant for a license may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; any such policies of insurance shall be approved as to substance by the City official issuing the license and as to form by the City Attorney.

(c) The fee required by this Code for any license shall be paid at the office of the issuing authority prescribed in this Code upon or before the granting of the license.

(Code 1957, §§ 7.12, 7.15, 7.31; Ord. No. 80, § 1, 9-15-78)

Sec. 13-13. Late Renewals.

All fees for the renewal of any license which are not paid at the time the fees shall be due, shall be paid as ‘late fees’ at the rate of one hundred and ten (110) percent of the license fee required for such licenses.
(Code 1957, § 7.13)

Sec. 13-14. Right to Issuance.

If the application for any license is approved by the proper officers of the City, as provided in this Code, the license shall be granted and shall serve as a receipt for payment of the fee prescribed for such licenses.
(Code 1957, § 7.14)

Sec. 13-15. Exempt Persons.

No license fee shall be required from any person exempt from such fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The Director of Public Service shall, in all such cases, issue to such persons licenses which are clearly marked as to the exemption and the reason therefore.
(Code 1957, § 7.16)

Sec. 13-16. Exhibition.

(a)No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, the license shall be exhibited at all times in some conspicuous place in his place of business. Every licensee shall produce his license for examination when applying for a renewal thereof or when requested to do so by any city police officer or by any person representing the issuing authority.

(b)No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this Code such tags or stickers as are furnished by the City.

(c)No person shall display any expired license or any license for which a duplicate has been issued.
(Code 1957, §§7.20-7.22)

Sec. 13-17. Transferability; Misuse.

(a)No license issued under the provisions of this Code shall be transferable unless specifically authorized by the provisions of this Code. No licensee shall, unless specifically authorized by the provisions of this Code, transfer or attempt to transfer his license to another nor shall he make any improper use of the same.

(b) In addition to the general penalty provision for violation thereof, any attempt by a licensee to transfer his license to another, unless specifically authorized by the provisions of this Code, or to use the same improperly shall be void and result in the automatic revocation of such license. (Code 1957, §§ 7.23-7.24)

Sec. 13-18. Renewal.

Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application. (Code 1957, § 7.19)

Sec. 13-19. Suspension or Revocation.

(a) Any license issued by the City may be suspended by the City Manager for cause. The licensee shall have the right to a hearing before the Council on any such action of the City Manager, provided a written request therefore is filed with the City Clerk within five (5) days after receipt of the notice of such suspension. The council may confirm such suspension or revoke or reinstate any such license. The action taken by the Council shall be final. Upon suspension or revocation of any license, the fee therefore shall not be refunded.

(b) The term “cause,” as used in this Section, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license is granted under the provisions of this Code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- (1) Contrary to the health, morals, safety or welfare of the public;
- (2) Unlawful, irregular or fraudulent in nature;
- (3) Unauthorized or beyond the scope of the license granted; or
- (4) Forbidden by the provisions of this Code or any duly established rule or regulation of the City applicable to the trade, profession, business or privilege for which the license has been granted.

(Code 1957, §§7.17-7.18)

Secs. 13-20. - - 13-29. Reserved.

ARTICLE II. RESTAURANTS²

Sec. 13-30. Definitions.

As used in this article:

Capacity. The term “capacity” shall mean the maximum number of seating facilities for patrons.

Director. The term “Director” shall mean the city Director of Public Service.

Employee. The term “employee” shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

Health Department. The term “Health Department” shall mean, the Wayne County Health Department.

Health Officer. The term “Health Officer” shall mean the person designated to act as City Health Officer pursuant to Section 2-86 et seq. of this Code.

Itinerant Restaurant. The term “itinerant restaurant” shall mean any restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

Restaurant. The term “restaurant” shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale on the premises or elsewhere.

Utensils. The word “utensils” shall include any kitchenware, tableware, glassware, cutlery, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.

(Ord. No. 96, § 1, 12-1-82)

Cross reference-Functions of department of health to be performed by county, § 2-86.

Sec. 13-31. Licenses Required.

No person shall operate a restaurant in the City, who does not possess an unrevoked license of current issue granted in accordance with Section 13-1 et seq., of this Code. Such license shall be posted in a conspicuous place in the restaurant. Only persons who comply with the requirements

² **Editor’s note-**Sections 1 and 2 of Ord. No. 96 amended Ch. 22, Tit. VI, of the 1957 Code by amending §§ 6.1 and 6.4 and adding § 6.14 thereto. The editor has designated the amendatory provisions as Art. II, § 13-30–13-32 of this Code. Section 3 of said Ord. No. 96 provided for an effective date of Dec. 1, 1982; subsequently, said § 3 was amended by Ord. No. 97, § 1, and Ord. No. 102, § 1, to postpone the effective date until June 1, 1983, and Sept. 1, 1983, respectively.

Cross references-Alcoholic liquor, Ch.4; buildings and building regulations, Ch.6; fire prevention and protection, Ch.10; garbage and refuse, Ch. 12.

of this chapter shall be entitled to receive and retain such a license. A person conducting an itinerant restaurant shall also be required to secure a license.
(Ord. No. 96, § 1, 12-1-82)

Sec. 13-32. Restriction on Hours of Operation.

No restaurant in the City shall remain open for business or serve food or drink to the public at any time between the hours of 2:00 a.m. and 5:00 a.m.
(Ord. No. 96, § 2, 9-1-83)

Secs. 13-33. -- 13-39. Reserved.

ARTICLE III. AUTOMATIC ALARM SYSTEMS³

Sec. 13-40. Definitions

As used in this article, the following words and terms shall have the respective meanings ascribed herein:

Automatic Telephone Alert System (ATAS). An “automatic telephone alert system” is a system arranged to respond to an urgent situation or emergency condition by automatically attempting to establish a telephone connection with the city’s Police or Fire Department.

Groundless Alert. A “groundless alert” occurs when an ATAS establishes a telephone connection with the city’s Police or Fire Department and no urgent situation or emergency condition meriting Police or Fire Department attention exists. The testing of the ATAS when prior notification has been received by the Police Department shall not be considered a groundless alert.
(Ord. No. 121, § 1, 12-1-85; Ord. No. 123, §§ 1-2, 12-1- 85)

Sec. 13-41. Requirements.

No person shall install or operate an ATAS within the City unless:

- (1) The person first obtains a license from the Chief of Police;
- (2) The ATAS is arranged so as to establish a connection with the ATAS response number(s) assigned to that system by the Chief of Police and is not arranged so as to establish a connection with any other municipal department, office or telephone number; and
- (3) That person is in compliance with MCLA § 338.1051 et seq.

(Ord. No. 121, § 1, 12-1-85, Ord. No. 123, §§ 1-2, 12-1-85)

³ **Editor’s note-**Numbering and paragraph divisions for Sec. 13-40 were changed to provide conformity. Subsection 13-40(d) (1) was deleted and the remaining subsections of 13-43 were renumbered consecutively, at the discretion of the editor.

Sec. 13-42. License; Transfer.

An ATAS license, valid for three (3) years from the date of issue, may be obtained by completing an ATAS license application form and paying a nonrefundable fee to the Department of Police, which fee shall be established by resolution of the City Council. Said license shall be transferred to a new occupant or owner of property upon which an ATAS is installed upon application by the new occupant or owner. Said license shall lapse upon change of ownership or occupancy of the property unless an application to transfer the license is received within ninety (90) days of the change of ownership.

(Ord. No. 121, § 1, 12-1-85, Ord. No. 123, §§ 1-2, 12-1- 85)

Sec. 13-43. Groundless Alerts.

(a) If an ATAS causes three (3) groundless alerts in a calendar year, the Chief of Police shall notify the license holder of that fact and of the provisions of Subsections (c) and (d) of this section.

(b) If an ATAS causes four (4) groundless alerts in a calendar year, the Chief of Police shall notify the license holder of that fact and of the provisions of Subsections (c) and (d) of this section.

(c) If an ATAS causes four (4) groundless alerts in a calendar year, the license holder shall, within fifteen (15) days of the receipt of official notification as required in subsection (a) of this section, have the system inspected by a licensed alarm system contractor and report the inspection results in writing to the chief of police. The license holder shall state in this report the probable cause or causes of the groundless alerts and the steps taken to prevent future groundless alerts.

(d) If a person required to make a report under Subsection (c) of this Section makes no report within the prescribed time or if a system causes more than four (4) groundless alerts in a calendar year, the license issued under this Section may be revoked.

Sec. 13-44. Exceptions.

This Section shall not apply to commercial banks subject to regulation under 12 U.S.C. Sections 1881 through 1884.

(Ord. No. 121, § 1, 12-1-85, Ord. No. 123, §§ 1 - 2, 12-1- 85)

ARTICLE IV - RENTAL BUSINESS REGULATIONS⁴

Sec. 13-45. Definitions.

⁴ (Ord. No. 203, §1, 12-6-2013)

The following words, terms and phrases, when used in this Article IV, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Landlord. The word *Landlord* means any person who owns or controls a rental unit and rents such unit, either personally or through a designated agent, to any person.

Owner. The word *Owner* means the legal title holder, whether sole owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of whole or a part of a rental unit or the premises within which the rental unit is situated, with exception of the City of Grosse Pointe Park.

Rental Property. The term *Rental Property* means any residential dwelling unit or structure containing sleeping units or bedrooms, which are rented by the owner or other person in control of such units to any individual(s), whether by day, week, month, year or any other term.

Rental Unit. The term *Rental Unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Responsible Local Agent. The term *Responsible Local Agent* means a person or representative of an individual, a corporation, partnership, firm, joint venture, trust, association, organization or other entity and designated by the Owner as responsible for operating such property in compliance with the City's Code, including this Ordinance, and future ordinances adopted by the City. All official notices of the City may be served on the Responsible Local Agent, and any notice so served shall be deemed to have been served upon the owner of record. The Responsible Local Agent must maintain an office in and/or reside in Wayne, Oakland, or Macomb County, Michigan.
(Ord. No. 203, §1, 12-9-13)

Sec. 13-46. Fees.

Fees for issuance of Landlord Business Licenses and for registration of Rental Properties, inspections and certificates of occupancy shall be as established by resolution of the City Council.
(Ord. No. 203, §1, 12-9-13)

Sec. 13-47. Penalties.

Any person who violates, disobeys, omits, neglects, and/or refuses to comply with or resists the enforcement of this Article IV shall be responsible for a municipal civil infraction as provided in Public Act 231 of 1961, as amended, under Section 1-12 of the City's Code. The first violation of this Article IV shall be a civil infraction with a maximum penalty of a \$150.00, in addition to cost assessments, expenses, and/or damages assessed under the law. Increased civil fines may be imposed for repeated violations, which means a second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. Penalties for a repeat violation of this Article IV shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be \$250.00, in addition to cost assessments, expenses and/or damages assessed under the law;

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be a misdemeanor with a maximum penalty of a \$500.00 fine in addition to cost assessments, expenses, and/or damages assessed under the law, and/or 90 days in jail;

(c) The fines described above shall be in addition to cost assessments, expenses and/or damages assessed under the law, including any unpaid registration fees as described in Section 13-46 of this Code;

(d) Every week that a violation of this Article IV continues shall constitute a separate and distinct offense;

(e) Fines assessed under this Section shall be recoverable from the Owner and shall be a lien on the subject Rental Property; and

(f) The suspension and/or revocation of Landlord Business License or Rental Unit Registration as provided for in Section 13-54 of this Article IV.
(Ord. No. 203, §1, 12-9-13)

Sec. 13-48. Landlord Business License.

(a) **License requirements.**

(1) No person shall lease, rent, let for occupancy, or otherwise allow a residential Rental Unit within the City of Grosse Pointe Park to be occupied without a valid Landlord Business License issued in accordance with this Article IV, and in Chapter 13 of the City's Code.

(2) The Responsible Local Agent shall be responsible for operating the registered Rental Unit in compliance with this Ordinance and shall provide access to the Rental Unit for the purpose of making any and all inspections necessary to ensure compliance with this Ordinance and any other ordinances adopted by the City, and shall accept all legal notices or service of process with respect to the rental unit. The Responsible Local Agent shall maintain a list of names and numbers of occupants of each rental unit for which it/he/she is responsible.

(b) **Application requirements.**

Applications for a Landlord Business License shall be made to the City Manager (or his or her designee) within sixty (60) days of the effective date of this Ordinance. The application requirements to the receipt of a Landlord Business License include:

(1) All requirements in this Article IV and the City's Code pertaining to inspections and certificates of occupancy and use are met;

- (2) All Rental Units of which the applicant is an Owner, in whole or in part, are registered;
- (3) All fees due under this Article IV for the applicant's Rental Unit(s) are paid in full;
- (4) All judgments and/or orders entered by a court of competent jurisdiction in favor of the City and against the applicant (including an Owner and/or the Responsible Local Agent) are paid and/or otherwise satisfied in full;
- (5) The applicant has placed on file with the City Manager (or his or her designee) the name(s), business address(es), telephone number(s) and e-mail addresses of the Owner and the Responsible Local Agent (if different than the Owner) who is responsible for day to day maintenance and management of the registered premises owned in whole or part by the applicant;
- (6) Landlord Business License fees are paid; and
- (7) Completion and submission of an application for Landlord Business Permit in such form and detail as prescribed by the City Manager.

(c) License to Issue.

- (1) If the City Manager (or his or her designee) concludes that the application information requirements have been met, then the City Manager (or his or her designee) shall issue the Landlord Business License within ten (10) business days of the receipt of the applications.
- (2) The City Manager (or his or her designee) shall not issue a Landlord Business License for any Owner who has a Rental Unit that is in violation of any provision of the City's Code, including, but not limited to, the requirements of Chapter 7 of the City's Code regarding a certificate of occupancy and use.

(d) Appeals.

If the City Manager denies an application for a Landlord Business License, the Owner (or, if applicable, the Responsible Legal Agent) may seek a hearing before the Council under Section 13-54 of Article IV of the City's Code. (Ord. No. 203, §1, 12-9-13).

Sec. 13-49. Residential Rental Unit Registration.

(a) Registration Required; Notification of Changes.

No person shall lease, rent, let for occupancy, or otherwise allow a residential Rental Unit in the City of Grosse Pointe Park without first obtaining from the City Manager (or his or

her designee) proper Rental Unit Registration. Rental Property Registration shall not be transferred from one owner to another. Each Owner of a residential Rental Unit (or, if applicable, the Responsible Local Agent) shall register the same with the City Manager (or his or her designee) within 30 days of transfer of title or possession of such property. It shall be the responsibility of the Owner or Responsible Local Agent to inform the City Manager (or his or her designee) of any change in address for purposes of conducting business and communicating with the City Manager (or his or her designee).

(b) Application Requirements.

Application for Rental Unit Registration required by this Article IV shall be made to the City Manager (or his or her designee) in such form and detail as prescribed by the City Manager. In those cases in which the Owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person or entity has an ownership interest, the required information shall be provided for each such Owner. Such applications shall include at least the following information:

- (1) The address of the Rental Property or Rental Unit, as the case may be;
- (2) The names, birth dates, and addresses of all Owners of the Rental Property or Rental Unit;
- (3) The name, address, and telephone number of the person authorized to collect rent from the individuals occupying the Rental Unit;
- (4) The name, local address and telephone number of the Responsible Local Agent, if any;
- (5) The number of Rental Units in each building of a Rental Property, the floor of each such unit, the number of bedrooms of each individual Rental Unit, and the square footage of each individual Rental Unit;
- (6) The authorization appointing a Responsible Local Agent signed by both the Owner and the Responsible Local Agent;
- (7) The name, business address and phone number of the person if any exists, who holds a lien on the rental unit or the real property on which the Rental Property is located; and
- (8) The names and date of birth of each tenant in each Rental Unit, which information shall be updated, within thirty (30) days of any change, when there is a change of tenants in order for the City to manage, among other things, the issuance and termination of passes to the City's parks and to confirm compliance with occupancy requirements of this Ordinance. (Ord. No. 203, §1, 12-9-13).

Sec. 13-50. Inaccurate or incomplete registration information.

It shall be a violation of this Article IV for an Owner or Responsible Local Agent, if any, to provide inaccurate information for the registration of a Rental Unit or to fail to provide information required by the City for such registration.

(a) **Rental Unit Registration to Issue.**

When the Owner has properly completed an application for registration of a Rental Unit, completed all requirements as provided herein and complied with all applicable codes, then Rental Unit Registration shall be issued. Such registration does not indicate that a Rental Property meets the other requirements of the City's Code, including the requirement of a valid certificate of occupancy and use.

(b) **Annual Registration.**

Rental Unit Registration shall be continuing effective for one year, and it shall be the responsibility of the Owner or Responsible Local Agent, if any, to re-register such Rental Unit in January of each year. Registration may not be renewed unless all required fees have been paid in full for all Rental Units of which the applicant is an Owner or the Responsible Local Agent.

(c) **Change of Registration Information upon Transfer of Title.**

The Owner of any Rental Unit shall notify the City Manager, by registered mail, within thirty (30) days of any change in the information required for Rental Unit Registration. If a Rental Unit is sold, assigned, or otherwise transferred, the Rental Unit must be re-registered within thirty (30) days of the transfer of such Rental Unit. The new Owner (or, if applicable, the Responsible Local Agent) shall notify the City Manager of any change in contact information for the Responsible Local Agent, including a change in name, address, e-mail address, telephone number, mobile telephone number, or facsimile number of the Responsible Local Agent within thirty (30) business days of the change. (Ord. No. 203, §1, 12-9-13)

Sec. 13-51. Maximum Occupancy of Rental Units.

(a) No Rental Unit shall be registered unless the following occupancy requirements are met in full:

(1) At the time of application or renewal of the registration of a Rental Unit, a maximum number of occupants by a Rental Unit shall be established by the City Manager (or his or her designee) and shall be stated on the registration for that Rental Unit.

(2) The maximum number of occupants for which a Rental Unit may be registered shall be based upon the size and number of bedrooms as defined by the International Property Maintenance Code, as amended from time to time:

- (i) The minimum area for a one-occupant bedroom shall be 70 square feet;
 - (ii) The minimum area of bedrooms other than a one-occupant bedroom shall be 70 square feet with an additional 50 square feet per additional occupant.
- (3) All Rental Units shall comply with the provisions regarding overcrowding as set forth in the International Property Maintenance Code, as amended from time to time; and
- (4) Owners (or, if applicable, Responsible Local Agents), shall provide to any actual or prospective tenants written notice of the maximum number of occupants. A copy of said notice shall be furnished to the City Manager (or his or her designee) upon written or verbal request.
- (b) Nothing in this Ordinance shall prevent any Owner from establishing maximum occupancy rules that are more restrictive than those contained in the City's Code. (Ord. No. 203, §1, 12-9-13)

Sec. 13-52. Certificate of Occupancy and Use.

- (a) **Requirement.** No person shall own, operate, lease, rent or occupy a Rental Unit unless there is a valid certificate of occupancy and use issued by the City, which certificate of occupancy and use shall be issued in the name of the Owner and issued for each specific Rental Unit. The certificate of occupancy and use issued for a Rental Unit shall be displayed in a conspicuous place in each Rental Unit at all times. The certificate of occupancy and use shall be issued only after both of the following are completed:
 - (1) Registration of the Rental Unit with the City Manager (or his or her designee); and
 - (2) Inspection by the City Manager (or his or her designee) demonstrating compliance with all ordinances adopted by the City and state law.
- (b) **Inspections.** Certificates of occupancy and use shall be issued pursuant to Section 7-10 of Chapter 7 of this Code. The City Manager (or his or her designee) shall, at the time of application for a Landlord Business License, notify all registered Owners of Rental Units of the requirements of this Code with regard to certificates of occupancy and use.
- (c) **Prerequisites for issuance.** The City Manager shall not allow the issuance of a certificate of occupancy and use unless a current Rental Unit Registration is in effect, the Responsible Local Agent is properly designated (if any), any fees for registration plus any penalties are paid in full and inspection as required in Section 7-12, Chapter 7, of this Code has been completed.

- (d) **Posting.** The following information shall be posted in a conspicuous place either within each Rental Unit or in a common area shared by all occupants of a building:
- (1) A copy of the current certificate of occupancy and use; and
 - (2) The name, address and telephone number of the Responsible Local Agent, if any.
- (e) **Expiration.** Upon the expiration of a certificate of occupancy and use, it shall be unlawful for the Rental Unit in question to be occupied unless a new certificate of occupancy has been issued. A Rental Unit which has not been previously certified shall be deemed to have an expiration date on the date the Owner or Responsible Local Agent is notified to register the Rental Unit.
- (f) **Notification of expired certificate of occupancy and use.** Upon the expiration of a certificate of occupancy and use, the City may issue a notice of expired certificate to the Owner and to the occupant of each Rental Unit. The notice shall state that:
- (1) The dwelling does not have a valid certificate of compliance and use, and that it is unlawful for any vacant unit to be reoccupied or rented;
 - (2) Current tenants may be entitled to escrow rent moneys as provided for under state law; and
 - (3) A placard containing this information will be posted at the Rental Unit, and may not be removed until a new certificate of occupancy and use is issued.
(Ord. No. 203, §1, 12-9-13)

Sec. 16-53. Mandatory Tenant Background Checks.

- (a) Landlord Business License holders shall perform a background check on all persons 18 years of age or older who newly occupy a Rental Unit starting on the effective date of this Ordinance, whether or not the person(s) has signed a lease. This requirement shall not apply with regard to persons already occupying a given Rental Unit prior to that date.
- (b) Background checks as referenced here shall include, at a minimum, the following:
- (1) A report from the Federal Bureau of Prisons Inmate locator (www.bop.gov);
 - (2) A report from the Offender Tracking Information System maintained by the Michigan Department of Corrections (www.mdoweb.state.mi); and
 - (3) A report from the Michigan Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice.

Owners are encouraged but not required to obtain additional background information the Owners deems appropriate, including, but not limited to, credit checks.

- (c) Nothing herein shall be construed to indicate any preference or recommendation on the part of the City as to the selection of a tenant.
- (d) Owners and Responsible Local Agents shall produce, for inspection, evidence of the background check upon the verbal or written request of the City Manager (or his or her designee).
(Ord. No. 203, §1, 12-9-13)

Sec. 13-54. Suspension, Revocation or Denial (of Landlord Business License or Rental Property Registration); Right of Appeal; Order of Precedence

- (a) **Suspension, Revocation or Denial of Rental Property Registration or Landlord Business License.**

Using the Order of Precedence outlined in subsection b of this Section 13-54 as a guiding principle for gaining compliance, the City Manager (or his or her designee) may revoke, suspend, deny, or deny renewal of any Rental Unit Registration or Landlord Business License issued under this Article IV where any of the following applies:

- (1) False statements on any application or information or report required by this Article IV to be given by the applicant, registrant, or license holder.
- (2) Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Article IV, the Code, or any City Council Resolution.
- (3) Failure to correct deficiencies within the time frame specified in a Notice of Violation issued pursuant to this Ordinance.
- (4) Failure to comply with the provisions of an approved mitigation/remediation plan by the City Manager (or his or her designee).
- (5) Declaration of status as a nuisance under Chapter 15 of the City's Code.
- (6) Failure to provide proof of a Mandatory Tenant Background Check required by this Ordinance.

- (b) **Order of Precedence for Suspending, Revoking, Denying or Denying Renewal**

- (1) First course of action. A Rental Unit Registration may be suspended, revoked, denied, or not renewed as provided in subsection (a) of this section.

- (2) Second course of action. A Landlord Business License may be revoked, suspended, denied, or not renewed as provided in subsection (a) of this section.

(c) **Right of Appeal**

No Landlord Business Permit or Rental Unit Registration may be denied, suspended, revoked, or the renewal thereof denied unless notice and an opportunity to be heard is given the holder of the License or Registration, or applicant therefor. In any instance where the City Manager (or his or her designee) has denied, revoked, suspended, or not renewed a License or Registration, the holder thereof or applicant therefor may appeal the decision to the City Council by delivering a notice of appeal within ten (10) business days of receipt by the holder or applicant of notice of the adverse decision. The decision of the City Manager (or his or her designee) which is not appealed in accordance with the City's Code shall be deemed a final action.

(Ord. No. 203, §1, 12-9-13)

Sec. 13-55. Notice Upon Offer for Sale.

Every person owning a Rental Unit under this Article IV and offering such property for sale shall inform a prospective buyer of the following:

- (a) Current status of the certificate of occupancy and use;
- (b) Any notice regarding violations of the City's Code, nuisance and zoning codes which are outstanding due to failure to correct violations; and
- (c) Full information regarding any court action presently filed against the Rental Unit along, the Owner, and/or the Responsible Local Agent, with other required disclosure items in accordance with applicable real estate laws.

(Ord. No. 203, §1, 12-9-13)